

CECIL COUNTY PLANNING COMMISSION WORKSESSION MINUTES
4 January 2010

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; Wallace, Wyatt; Di Giacomo, Tony;

Absent: McDowell, H. Clay; Mortimer, William; Wiggins, Kennard

Call to Order: Vice Chairman Doordan called the meeting to order at 6:05 p.m.

New Business: Vice Chairman Doordan stated that the Planning Commission did not have a set agenda for this evening and that any member with a topic to discuss could put the item forward.

Wyatt Wallace questioned the action to change the area east of Little Egypt Road and north of MD 273 to the Low Density Residential designation from Rural Conservation that was taken at the 21 December 2009 worksession. Following discussion, which included the facts that the area in question is largely already developed, but not serviced by water and sewer infrastructure, Wyatt Wallace made a motion to change the area east of Little Egypt Road and north of MD 273 back to its Rural Conservation designation. The motion was seconded by Guy Edwards. Edwards, Janusz and Wallace voted in favor of the motion. Motion carried 3 to 0.

Adjournment: There being no further business for discussion or action, Vice Chairman Doordan adjourned the meeting at 6:18 p.m.

NEXT MEETING: Public Hearing; 7:00 p.m., Wednesday, 13 January 2010, Elk Room, County Administration Building, Elkton, MD.

Respectfully Submitted:

Anthony J Di Giacomo, AICP
Principal Planner

**CECIL COUNTY PLANNING COMMISSION PUBLIC HEARING
DRAFT COMPREHENSIVE PLAN
13 JANUARY 2010**

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; McDowell, H. Clay; Mortimer, William; Wallace, Wyatt; Wiggins, Kennard; Demmler, Rebecca, Ex-officio; Bayer, Michael – ERM; Di Giacomo, Tony; Sennstrom, Eric

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

Chairman Mortimer welcomed the audience to the hearing, introduced the Planning Commission, County staff and consultants, and explained how the agenda will flow for the meeting. Chairman Mortimer asked Director Sennstrom to provide a history of the project to date and explain where we are headed.

Director Sennstrom noted that this process commenced in October 2007 with the appointment of the Comprehensive Plan Citizen Oversight Committee (COC). This 41 member committee was created by the Board of County Commissioners in accordance with the provisions of Article XVI, Part I, Section 296.1 of the Zoning Ordinance. The membership of the COC was an intentional representation of the diversity of opinion regarding land use matters in the County. The COC culminated its appointed duties in October 2009 and formally handed the draft document to the Planning Commission on 19 October 2009. Pursuant to the requirements of Section 3.07 of Article 66B of the Annotated Code of Maryland, the draft Comprehensive Plan was sent to all eight municipalities, to the State Clearinghouse, and to the surrounding counties of Harford and Kent in Maryland, Chester and Lancaster in Pennsylvania, and New Castle in Delaware. The County received comments back from the Towns of Charlestown, Chesapeake City, North East and Port Deposit. Comments were received from Chester, Harford, Lancaster, and New Castle Counties as well as the Maryland Department of Planning. All the comments received were predominately laudatory in nature. Director Sennstrom noted that while the draft Plan was being reviewed by the above named entities, the Planning Commission was holding work sessions to review the document. The work sessions were held from October 2009 through January 2010. The result of the Planning Commission's efforts in reviewing the document was the compendium of changes that Tony Di Giacomo will present on tonight's agenda. He continued to explain that tonight's meeting satisfies the requirement of Section 3.07 of Article 66B that a public hearing be held by the Planning Commission prior to a recommendation being made. Director Sennstrom noted that the Planning Commission is scheduled to make a recommendation to the Board of County commissioners at their meeting of 20 January 2010 and that the Board of County Commissioners will hold a public meeting and decide the document's fate in February 2010.

Chairman Mortimer thanked Director Sennstrom and asked Michael Bayer to present an overview of the contents of the draft Comprehensive Plan. Michael Bayer proceeded to provide a description of the document by listing the elements contained therein, the land use map, the projections of future growth, and the basis of decision making employed throughout the two year process. Mr. Bayer noted some of

the documents highlights which included the new land use districts ranging from high to low, the mixed use districts pertaining to both residential and employment, the encouragement of transit friendly scenarios, the natural resource protections, the Water Resources Element, the future infrastructure needs, and the transportation analysis and modeling.

Chairman Mortimer thanked Michael Bayer and asked Tony Di Giacomo to present the Compendium of Changes. Tony Di Giacomo noted that the Compendium contained the changes to the draft document that resulted from the Planning Commission's work sessions over the last several months. The contents of the Compendium were as follows:

Chapter 1

- Page 1-2: REWORD **§1.2** to read: "Cecil County contains the incorporated towns of Cecilton, Charlestown, Chesapeake City, Elkton, North East, Perryville, Port Deposit and Rising Sun. Under state law, the towns have their own planning authority and adopt their own comprehensive plans. In that sense the County Plan does not apply to the towns. However, interjurisdictional coordination is important, and the County coordinated the development of the Plan with the towns, most of which have been updating their own comprehensive plans concurrent with the County Plan. Once adopted, the county should continue to work closely with the towns on all issues that affect county objectives as set forth in the County Plan. This will help insure the success of the County Plan, particularly in regards to residential and business growth, infrastructure, and transportation. Changes to this plan or to any of the town's plans need to be seriously coordinated between all appropriate parties."

Chapter 2

- Page 2-6: REWORD the first paragraph under **§2.5.1**, Plans Incorporated by Reference, to read: "In addition to the plans above, two others are particularly important, because they were adopted specifically to be adjuncts to the County's comprehensive planning program."
- Page 2-6: REWORD the second paragraph under **§2.5.1**, Plans Incorporated by Reference, to read: "The LPPRP and the Lower Susquehanna Heritage Greenway Management Plan are appended by reference onto this 2010 Comprehensive Plan."

Chapter 3

- Page 3-8: On Map 3.3, Future Land Use, CHANGE the designation for the Low Density residential area north of Elkton, south of MD 273, and east of Appleton Road to Medium Density.

- Page 3-8: On Map 3.3, Future Land Use, CHANGE the designation for the Medium High Density residential area south of Elkton and Frenchtown Road, and east of MD 213 to Low Density residential.
- Page 3-8: On Map 3.3, Future Land Use, CHANGE the designations for the areas north and south of Chesapeake City consistent with the changes requested by the Town in their 14 December 2009 Cecil County Comprehensive Plan comment letter.
- Page 3-9: DELETE the 7th bullet point under **§3.3.1**: [~~The villages of Bay View, Cherry Hill, and Leslie/Marysville are in the Designated Growth Area and are not designated as villages.~~]
- Page 3-9: DELETE, under **§3.4**, the Growth Areas section: [~~Growth Areas are designated on the Future Land Use Map as High, Medium-High, Medium, Low, Mixed Use, Employment, and Town. These are the areas where the County wishes to encourage and attract growth and development. They are currently served by public water and sewer or could be served in the future.~~]

~~Mineral Extraction Areas shown on Map 3.4 are future growth areas that are part of the Designated Growth Area.]~~

- Page 3-10: REWORD, under **§3.4**, the Designated Growth Areas section: “Designated Growth Areas comprise all areas where the County wishes to encourage and attract growth and development. The Designated Growth Areas are centered in the central part of the County, but also include the associated growth areas around the towns of Cecilton, Chesapeake City, and Rising Sun.

Designated Growth Areas are indicated on the Future Land Use Map as High, Medium-High, Medium, Low, Mixed Use, Employment, and Town. They are currently served by public water and sewer or could be served in the future.

Mineral Extraction Areas shown on Map 3.4 are future growth areas that are part of the Designated Growth Area.”

- Page 3-13: DELETE, under **§3.5.1**, the Growth Areas, Low section, last sentence second paragraph, following “Designated Growth Area”: [~~although most likely not during this Comprehensive Plan’s 2030 horizon~~].
- Page 3-16: ADD, under **§3.5.2**, the Rural Areas section, end of 3rd paragraph: “The County will work to maintain its Agricultural Certification.”

- Page 3-16: DELETE, under **§3.5.2**, the Rural Areas section, end of 4th paragraph, after “overall county development: [~~—most likely in the range of no more than 10 to 20 percent~~].

Chapter 4

- Page 4-9: REWORD the second sentence of the first full paragraph on the page, to read: “In 2001, Cecil County adopted the Lower Susquehanna Heritage Greenway Management Plan and it is appended by reference onto this 2010 Comprehensive Plan.”

Chapter 5

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Chapter 6

- Page 6-28: REWORD second paragraph of **§6.6.3**, Septic Denitrification subsection, to read: “The County does not currently require denitrification units for new or replacement septic systems, but should consider their recommendation in other areas, such as near perennial waterways or in watersheds that are impaired by nitrogen. In addition to the State’s Critical Area requirements, this Plan encourages all new septic systems to use nitrogen removal at the discretion of the owner. The County should also encourage denitrification retrofits for existing septic systems – including obtaining nonpoint-to-point source nutrient credits for such retrofits, if applicable under forthcoming nutrient trading guidance (see Section 6.5.3).”
- Page 6-33: REWORD third bullet point under **§6.8.2** to read: “Outside the Critical Area, all new development that is not connected to public sewer systems to use best available pollution reducing technologies for controlling pollutants, as defined by MDE, at the discretion of the owners. Elsewhere, consider requiring nutrient credits (similar to those established under the state Nutrient Cap Management and Trading policy) for subdivisions built using septic systems.”

Chapter 7

- Page 7-4: DELETE, under **§7.2.3**, Wetlands, the second sentence of the 5th paragraph: [~~This Comprehensive Plan recommends expanding the 25-foot setback to a buffer of 75 feet outside the growth areas (see below under issues)~~].

- Page 7-8: ADD, under **§7.2.6**, the Agricultural and Forest land Rural Areas section, end of last paragraph, just prior to **§7.2.7**: “The County will work to maintain its Agricultural Certification.”
- Page 7-14: INSERT, under **§7.3.3**, Green Infrastructure: A Green Infrastructure Concept Map.
- Page 7-15: REWORD first paragraph of **§7.3.4**, Wetlands, to read: “As noted above (section 7.2.3) the County Zoning Ordinance currently requires a 25-foot setback from non-tidal wetlands. This Comprehensive Plan recommends the continuance of that protective buffer.”
- Page 7-15: DELETE fourth paragraph of **§7.3.4**, Wetlands: [~~Non-tidal wetlands are extensive in Cecil County, and a larger wetland buffer (75 feet versus 25 feet) could discourage and be a disincentive to growth in growth areas, which is where the County wants growth to occur. Therefore the Plan recommends the larger buffer outside growth areas where development densities are lower, and the larger buffer would not result in loss of development yield.~~]
- Page 7-17: DELETE item # 8, under 'Other': [~~Expand the required non-tidal wetland buffer outside of growth areas from 25 feet to 75 feet.~~]

Chapter 8

- Page 8-5: DELETE the last sentence in last paragraph in Facility Needs section: [~~All schools should be built in the Designated Growth Area to be consistent with the Comprehensive Plan’s land use policies.~~]
- Page 8-8: REWORD **§8.6** Title to read: “Fire, Rescue, and Emergency Medical Services”.
- Page 8-8: REWORD first paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Fire and rescue services in Cecil County are provided through nine volunteer fire companies and one career company (Map 8.2). Cecilton, Chesapeake City, Elkton (Singerly), North East, Charlestown, Perryville, Port Deposit (Water Witch), Rising Sun (Community Fire Company), and Hack’s Point have volunteer fire companies. The only career fire company is at the Perry Point VA Medical center in Perryville.”
- Page 8-8: REWORD second paragraph under **§8.6.1**, Existing Services and Staffing section to read: “The volunteer companies operate 18 stations throughout the County. Each fire company has a defined first response area. Extensive mutual aid agreements among the companies and fire companies in adjacent counties and states provide additional resources when an incident exceeds local capabilities.”

- Pages 8-8 & 8-9: REWORD third paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Emergency Medical services (EMS) are provided through a partnership between the volunteer fire companies and Cecil County Department of Emergency Services (CCDES, formerly known as Emergency Management and Civil Defense). CCDES is the agency responsible for 911 PSAP, the emergency medical services system, emergency management, hazardous material response, electronic services, and training and education. CCDES personnel are responsible for training, coordination, and response of all County emergency operations center staff. The director of emergency services serves as the sworn emergency manager and staffs the division with a full time emergency readiness manager and a part-time emergency planner.”
- Page 8-9: REWORD fourth paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Each of the volunteer companies provides EMS services for their first response areas, while CCDES operates three paramedic stations. Some volunteer companies estimate a ratio of one EMS call for every 10 residents, and EMS calls account for more than 75 percent of all calls for most volunteer companies. The majority of these calls occur in the daytime, when volunteer availability is at its lowest.”
- Page 8-9: REWORD fifth paragraph under **§8.6.1**, Existing Services and Staffing section to read: “CCDES has established three strategically located paramedic stations near Rising Sun, between Elkton and North East, and near Chesapeake City. A CCDES paramedic unit is dispatched on every EMS call in the county. Depending upon the situation, the paramedic unit may be cancelled if the volunteer ambulance is closer and fully staffed. The unit may respond to the scene to provide assistance, or the paramedic unit may supplement the volunteer ambulance crew.”
- Page 8-9: REWORD sixth paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Staffing needs vary significantly among the nine volunteer companies because of different first response area populations and call volumes. Volunteers have significant training requirement. Two volunteer companies have hired personnel to supplement volunteers. The others continue to operate with volunteers only, but increasing daytime incidents strain their ability to respond promptly.”
- Page 8-9: REWORD first sentence of seventh paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Areas without water service rely on tanker trucks from volunteer companies for suppression in place where holding tanks and dry hydrants have not been installed.”
- Page 8-10: REVISE Map 8.2, Community Facilities, to include Port Deposit Police and Maryland State Police Barrack M.

- Page 8-11: REWORD first sentence of first paragraph under **§8.6.2**, 'Funding' section to read: "The costs of providing fire, rescue, and emergency medical services are significant."
- Page 8-11: REWORD last sentence of second paragraph under **§8.6.2**, Funding section to read: "Equipment due to be replaced or schedules for replacement in fiscal year 2010, for example, exceeded funding by 150 percent."
- Page 8-11: RETITLE **§8.6.4** to read: "Emergency Services."
- Page 8-18: REWORD **§8.12.12**, under "Public Safety/Fire/EMS" to read: "Expand the EMS infrastructure by adding a station in the Perryville area; replacing the Colora station; and a larger, more efficient headquarters facility with an expanded 911 call center to accommodate increased call volume and activity."
- Page 8-18: REWORD **§8.12.13**, under "Public Safety/Fire/EMS" to read: "Encourage the placement of holding tanks and dry hydrants for all new residential subdivisions in rural areas not served by community water systems or within one mile of a reasonably available water source."
- Page 8-18: REWORD **§8.12.17**, under "Public Safety/Fire/EMS" to read: "Develop a comprehensive Public Safety Master Plan, led by CCDES and a committee to be determined."

Chapter 9

- Page 9-8: REWORD **§9.7.3** to read: "Create incentives to encourage transit and mobility-friendly design in new communities, especially those containing workforce housing. Create incentives in support of architectural and design flexibility to allow more affordable and workforce housing to be developed."
- Page 9-9: REWORD **§9.7.7** to read: "Encourage energy efficiency standards for new residential development."
- Page 9-9: ADD **§9.7.8** to read: "Prepare county-wide sets of community architectural standards, consistent with respective community character."

Chapter 10

- Page 10-4: REWORD **§10.4.5** to read: "Continue to determine the future use of the Mineral Extraction areas after extraction is complete. Use the Comprehensive Plan as guidance for

potential future uses including, for example, use of minded land for water resource uses, reservoirs or tertiary treatment wetlands, as discussed in Chapter 6.”

Chapter 11

- Page 11-8: REWORD **§11.4.2** to read: “Determine the degree to which the plan's recommendations are fiscally achievable. Prioritize plan recommendations for implementation as may be constrained by periodic fiscal conditions. Examine the feasibility of impact fees, excise taxes, special taxing districts, and/or other means to help keep the plan fiscally achievable.”
- Page 11-8: REWORD **§11.4.6** to read: “In collaboration with the Towns and the State, identify and then collect measures and indicators data to meet the State’s Smart, Green and Growing Act requirements for annual reports, beginning in 2011, establishing a goal and documenting the amount of growth occurring inside and outside the Priority Funding Areas.”

Chairman Mortimer stated that the Planning Commission will now take public comment. He asked everyone desiring to speak to print their name on the sign in sheet. Each individual was given five minutes to convey their thoughts.

Sharon Weygand & Bill Miners – Ms. Weygand and Mr. Miners stated that they were attending the meeting to convey the comments of the Town of Chesapeake City. They were particularly interested in making sure that the Town’s growth areas were accurately represented on the County’s land use map and that there was symmetry between the two documents’ text.

John Bolinski – Mr. Bolinski expressed consternation at the inclusion of the language relative to greenways and was incensed by the alignment of the Elk Neck Greenway. He was exercised by the trampling of his constitutional rights and urged a re-thinking of the document.

Eric Gehman – Mr. Gehman stated that he was attending the meeting to represent the interests of Haines and Kibblehouse. Mr. Gehman noted that not all of the H&K’s holdings were included in the land use map’s mineral extraction district. He requested that the map be amended to include both of their parcels in the mineral Extraction District as they plan on mining the property during the life of the draft plan.

Nancy Valentine – Ms. Valentine expressed concerns with the elimination of capping rural growth, not expanding non-tidal wetland buffers, and eliminating the requirement for de-nitrifying septic systems.

Sue Fuhrman – Ms. Fuhrman expressed angst at the perceived desire of the Planning Commission to urbanize the northeastern portion of the County. She is opposed to growth near Fair Hill and was appalled at the entire process. Vehement objection to the County being described as no longer rural was conveyed.

Ron Hamlen – Mr. Hamlen agreed with Ms. Fuhrman. He also stated that the draft plan would encourage sprawl and consume farmland. He is of the opinion that leaving the non-tidal wetland buffer at 25 feet will destroy the environment.

George Kaplan – Mr. Kaplan concurred with the previous comments. He also found the lack of an adequate fiscal analysis to be most disconcerting. He was flummoxed by the debt burden that the draft plan would foist upon the County.

John Lee, Jr. – Dr. Lee announced that he was present to represent the views of the agricultural committee of the Economic Development commission. He extended congratulations for the concern for agriculture expressed in the document. Dr. Lee wanted to make sure that the impacts of TMDL's were properly understood and that effects of runoff were accurately understood.

Ed Cairns – Mr. Cairns was vexed by the land use district change north of Elkton. He is convinced that this will lead to uncontrolled growth and become an extension of Newark, DE. Cost of services will increase and the transportation system will be overwhelmed.

Russ Holland – Mr. Holland objected to the density change north of Elkton and found the anticipation of water and sewer service to the area to be premature due to regulatory approvals that are still outstanding.

Jill Burke – Ms. Burke objected to the proposed loop road around Elkton and opined that if built, would result in mayhem on Nottingham and Marley Roads as pedestrians, cyclists and farm equipment would be routinely run of the road.

Susan Peterson – Ms. Peterson was opposed to any changes of the land use map north of Elkton. She also insisted on retaining the proposed 75 non-tidal wetland buffer in the rural areas.

Ron Hartman – Mr. Hartman was opposed to land use map changes north of Elkton and was concerned that increased density in the Christina River watershed would negatively impact the Chesapeake Bay. Mr. Hartman was also concerned that the Seneca Point wastewater treatment plant will not have adequate capacity to be able to serve the growth area.

Harlan Williams – Mr. Williams was dismayed by the lack of logic employed by the previous speakers regarding the area north of Elkton. He thanked the COC for their efforts over the last 2 years and noted that two groups of people served. Those that were concerned for the overall good of the County and those more selfishly motivated. Mr. Williams noted that the draft plan does not promote clustering as strongly as the 1990 plan does and urged a strengthening of clustering language to protect farmland and preserve rural character.

Julia Belknap – Ms. Belknap thanked the COC and the Planning Commission for their efforts. She noted that growth could change the County for better or worse and requested that the Planning Commission do what is right. Ms. Belknap does not want to see the COC's draft plan weakened.

Rupert Rossetti – Mr. Rossetti left a list of suggestions for the Planning Commission to consider. He requested that the Planning Commission go beyond state guidelines and require the expanded non-tidal wetland buffer and the de-nitrifying septic systems.

Kascie Herron – Ms. Herron urged the Planning Commission to rethink the non-tidal wetland buffer reduction and the de-nitrifying septic system recommendations. She doesn't understand the desire to change these items and expressed a fear for the County's future.

Eileen Butler – Ms. Butler observed that the Planning Commission changes to the draft Plan eviscerate the document. The non-tidal wetland buffer must be 75 feet in the rural areas and de-nitrifying septic systems must be required. She urged the Planning Commission to not let private property rights trump environmental concerns.

Owen Thorne – Mr. Thorne expressed trepidation at the land use map changes north of Elkton. He noted that increased density in the area will eliminate it as a buffer near Fair Hill and will overwhelm the County with costs associated with a demand for more services. Mr. Thorne expressed a longing for 75 foot non-tidal wetland buffers, a limit of 10-20% development cap for rural areas, and for de-nitrifying septic systems to survive Planning Commission review.

Jane Schaefer – Ms. Schaefer agreed with Mr. Thorne.

Donna Hollifield-Main – Ms. Hollifield-Main did not wish to speak as her topics had already been covered.

John Bennett – Mr. Bennett expressed disappointment in the dilution of environmental protection by the Planning Commission. He would like to see the County stay ahead of the curve rather than playing catch up to ever changing state regulations. Mr. Bennett wanted to see the rural growth cap retained as well as the expanded non-tidal buffer and de-nitrifying septic systems.

Hattie Warwick-Smith – Ms. Warwick-Smith noted that the County has two jewels in the Fair Hill preserve and the Chesapeake Bay. The changes proposed to the land use map north of Elkton are not compatible with protecting either.

Bill Stritzinger – Mr. Stritzinger is pleased with the Planning Commission's proposed changes. He noted that the Aston Pointe development is in the growth area and low density doesn't make sense for an area that will shortly have water and sewer service available. Mr. Stritzinger is opposed to the expansion of the non-tidal wetland buffer and noted that he placed the golf course at the corner of his project to intentionally buffer Fair Hill.

Eva Walker – Ms. Walker expressed opposition to the Planning Commission’s changes.

Joe Janusz noted that he believes in a transparent process and he was of the opinion that voting on the 20th was too soon based on all the comment the Planning Commission had heard. Therefore, Mr. Janusz made a motion to delay the vote on making a recommendation to the Board of County Commissioners to their 16 February 2010 meeting. The motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

Adjourn: Chairman Mortimer adjourned the meeting at 9:29 p.m.

Respectfully submitted:

Eric S. Sennstrom, AICP

PLANNING COMMISSION MEETING

January 20, 2010

7:00 p.m.

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

ABSENT: McDowell, (Alternate) and Demmler, (Ex-Officio).

APPROVAL OF MINUTES – Motion made by Janusz, seconded by Doordan and unanimously carried to approve the Monday, December 21, 2009, 7:00 p.m. minutes as mailed.

ZONING ORDINANCE TEXT AMENDMENT:

Amend Article V, Part 11, Section 67; Amend Article V, Part XII, Section 153; Amend Article V, Part X11, Section 154; and Article XI, Part 1, Section 197.7 to delete language relative to the placement of coal combustion byproducts.

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment to delete language relative to the placement of coal combustion byproducts. Director Sennstrom stated the proposed language to be deleted is on the following items: Mineral Extraction, Rubble Landfill, Sanitary Landfill and General Regulation for Development and Land Use within the Critical Area District. The Board of County Commissioners amended into the Zoning Ordinance in June 2008. Legal challenge filed in the Circuit Court of Cecil County challenging the new language the County Commissioners adopted in June 2008. The Court case was adopted in November 2009 when Judge Thompson invalidated the action by Cecil County and stated; “The State specifically (The Maryland Department of the Environment) adopted new regulations, which preempted any County regulation at the local level.”

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTION:

FILE: 3502 - APPLICANT: Sonya Cathryn Sapp.

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

PROPERTY LOCATION: 427 New Bridge Road, Rising Sun, MD 21911, Election District: 8, Tax Map: 2, Parcel: 167.

PROPERTY OWNER: Sonya Cathryn Sapp.

PRESENTLY ZONED: Rural Residential, (RR).

Sonya Cathryn Sapp, 427 New Bridge Road, Rising Sun, MD would like to renew her special exception to retain a singlewide manufactured home for hardship purposes. Ms. Sapp stated her parents are both older and her mother had leukemia (in remission) and her father is close to 70 years old. There is a hedgerow between her

property and her neighbor so you cannot see the manufactured home from the road or neighbors. There have been no complaints by any adjacent property owners.

Health Department Report – Permit 200901577 issued to upgrade septic system and drill new well for special exception mobile home. The Health Department has no objection to the renewal of the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT; Cecil County.

FOR: Zoning Ordinance Text Amendment, Amend Article V, Part 11, Section 67; Amend Article V, Part XII, Section 153; Amend Article V, Part X11, Section 154; and Article XI, Part 1, Section 197.7 to delete language relative to the placement of coal combustion byproducts.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTION:

APPLICANT: Sonya Cathryn Sapp.

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

Staff recommended approval for as long as the Sapp's own the property and their parents reside in the manufactured home.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 7:18 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday, February 16, 2010, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION WORKSESSION MINUTES
25 January 2010

Present: Doordan, B. Patrick; McDowell, H. Clay; Mortimer, William; Janusz, Joe; Wallace, Wyatt; Wiggins, Kennard; Di Giacomo, Tony (OPZ staff)

Absent: Edwards, Guy

Call to Order: Chairman Mortimer called the meeting to order at 6:00 p.m.

New Business: Chairman Mortimer stated that the items on the agenda needed to be prioritized to establish the order of their consideration. After deliberation, it was determined that the order of topics to be considered would be as follows:

- 1) Residential density in the northeastern area of the County;
- 2) Pollution control (denitrification) of septic systems;
- 3) 75' vs. 25' non-tidal wetland buffers outside the designated growth area;
- 4) Rural growth cap percentages;
- 5) Height restrictions in the growth corridor;
- 6) Homeowners' Associations (HOA's);
- 7) Multiple submissions (Concept & Preliminary or Preliminary/Final) to the Planning Commission for consecutive reviews;
- 8) Architectural standards in County areas;
- 9) Clustering in the NAR & SAR zones, per the Harlan Williams comments; and
- 10) Minor/Major subdivisions in the NAR & SAR zones.

It was determined that there would be no votes on the items considered at this meeting; therefore, no public comments would be accepted. Such voting would take place at the 1 February 2010 worksession.

It was also resolved that the Planning Commission would revisit the HOA issue (prioritized Agenda Item # 6) at its next regular meeting on 16 February 2010, at which time Mr. Whittie, from the Department of Public Works, could provide a detailed estimate of the amount of money required for the escrow deposit per lot for subdivisions and why it is needed. It was also resolved that Mr. Williams should be invited to the next regularly-scheduled Planning Commission meeting on 16 February 2010, at which time clustering development in the NAR & SAR zones (prioritized Agenda Item # 9) would be considered.

Agenda Item # 1

There was considerable debate on the merits of changing the proposed residential density for the area bounded by Appleton Road (on the west), MD 273 (on the north), the Delaware state line (on the east), and Barksdale Road (on the south) from medium density (2-6 du's/acre) back to low density (0-2 du's/acre), as was recommended by the Citizens' Oversight Committee (COC). It was acknowledged that the COC's preference for the low density designation represented a lowering of proposed density from the current Comprehensive Plan's Suburban District and associated Suburban Residential zoning, while a designation of medium density would, in fact, represent an increase.

While it was recognized that the future zoning to be associated with the proposed comprehensive plan's residential medium density designation, could possibly be structured in such a way as cap the permitted density in this area to 4:1, Mr. Janusz proposed a simpler compromise approach comprising the following details:

- 1) The area bounded by Appleton Road (on the west), the Pennsylvania state line (on the north), the Delaware state line (on the east), and MD 273 (on the south) would be designated Rural Conservation;
- 2) The area bounded by Appleton Road (on the west), Jackson Hall School Road (on the north), the Cat Swamp Road (on the east), and Barksdale Road (on the south) would be designated Residential Low Density;
- 3) The area bounded by Appleton Road (on the west), MD 273 (on the north), the Delaware state line (on the east), and Jackson Hall School Road (on the south) would be designated Residential Low Density; and
- 4) The area bounded by Cat Swamp Road (on the west), Jackson Hall School Road (on the north), the Delaware state line (on the east), and Barksdale Road (on the south) would be designated Residential Medium Density.

Mr. Janusz pointed out that this proposed designation scheme would provide a smooth density and land use transition from urbanized Newark westward to the County's Rural Conservation area.

Agenda Item # 2

The members present discussed the modification already made by which the plan would recommend the use of pollution reducing technologies (not just denitrification) for septic systems and agreed that there should be no change to that language. As to the County's requiring denitrification and/or pollution reducing technologies for septic systems outside the Critical Area, where the state now requires denitrification systems, it was felt that the timing was not right for a mandatory requirement by the County given ongoing state research on those technologies. Further, the proposed recommendation was seen as demonstrable policy support by the County for the state and federal efforts to ameliorate and protect the water quality of the Bay.

Agenda Item # 3

Deliberation regarding the proposed 75' vs. the existing 25' non-tidal wetland buffer outside the draft Comprehensive Plan's Designated Growth Area served to clarify the different nature of the protections afforded by stream buffers as opposed to those provided by non-tidal wetland buffers. However, there was concern voiced regarding what actually constituted non-tidal wetlands and which ought to be protected, and to what extent they ought to be protected.

By way of review, Mr. Di Giacomo pointed out that stream buffers are treated differently than non-tidal wetland buffers. As to stream buffers, perennial streams now require a minimum **110'** buffer, expandable to 160'. Intermittent streams require a 25' buffer, unless in a Forest Retention Area (50') or the Critical Area (min. 110'). Insofar as wetland buffers are concerned, non-tidal wetlands currently require a 25' wetlands buffer, whereas, for tidal wetlands, a minimum 110' Buffer is required, except for the RCA overlay zone in the Critical Area, wherein it's 200'. In the, a 110' Buffer is required except for new development in the RCA, which requires a 200' Buffer (per HB 1253). The same minimum 110' Buffer is required for perennial and tributary intermittent streams and tidal wetlands in the Critical Area.

Discussion ensued covering the types of wildlife for which an expanded non-tidal wetland buffer could provide, references to scientific literature relating to the efficacy of various buffer depths, and the possibility of requiring a minimum non-tidal wetland area to be protected with a 75' non-tidal wetland buffer or possibly requiring a 75' non-tidal wetland buffer only within the Priority Preservation Areas.

Agenda Item # 4

The issue of enforcing a limit, or cap, of 10-20% development in the Rural Conservation and Resource Protection areas was discussed. Particular attention was given to precisely how such a policy would be implemented and what possible ramifications such implementation could possibly have.

Adjournment: Further business for discussion being deferred until the 1 February 2010 worksession, Chairman Mortimer adjourned the meeting at 8:00 p.m.

NEXT MEETING: Worksession; 6:00 p.m., Monday, 1 February 2010, Elk Room, County Administration Building, Elkton, MD.

Respectfully Submitted:

Anthony J Di Giacomo, AICP
Principal Planner

CECIL COUNTY PLANNING COMMISSION WORKSESSION Minutes

1 February 2010

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; McDowell, H. Clay; Mortimer, William; Wallace, Wyatt; Wiggins, Kennard; Di Giacomo, Tony (OPZ staff)

Absent: None

Call to Order: Chairman Mortimer called the meeting to order at 6:05 p.m.

Old Business Action Items:

Agenda Item # 1: Residential density in the northeastern area of the County

Mr. Mortimer recounted that there were three alternatives. First, the Planning Commission could accept the densities for the area as recommended by the Citizens' Oversight Committee (COC) in the draft Comprehensive Plan document. Second, the Planning Commission could change only the area bounded by Appleton Road on the west, MD 273 on the north, the Delaware state line on the east, and Barksdale Road on the south to medium density residential. Third, the Planning Commission could accept the four-part proposal of Mr. Janusz from the previous, 25 January 2010, worksession, as follows:

- 1) The area bounded by Appleton Road (on the west), the Pennsylvania state line (on the north), the Delaware state line (on the east), and MD 273 (on the south) would be designated Rural Conservation;
- 2) The area bounded by Appleton Road (on the west), Jackson Hall School Road (on the north), the Cat Swamp Road (on the east), and Barksdale Road (on the south) would be designated Residential Low Density;
- 3) The area bounded by Appleton Road (on the west), MD 273 (on the north), the Delaware state line (on the east), and Jackson Hall School Road (on the south) would be designated Residential Low Density; and
- 4) The area bounded by Cat Swamp Road (on the west), Jackson Hall School Road (on the north), the Delaware state line (on the east), and Barksdale Road (on the south) would be designated Residential Medium Density.

Mr. Wiggins made a motion, seconded by Mr. Edwards, to accept the first alternative, to accept the densities for the area as recommended by the Citizens' Oversight Committee (COC) in the draft

Comprehensive Plan document. The vote on the motion ended in a 3-3 tie, with Mr. McDowell, the Alternate, not voting.

Mr. Janusz then made a motion, seconded by Mr. Wallace, to accept a density pattern, revised as follows:

- 1) The area bounded by Appleton Road (on the west), the Pennsylvania state line (on the north), the Delaware state line (on the east), and MD 273 (on the south) would be designated Rural Conservation;
- 2) The area bounded by Appleton Road (on the west), Jackson Hall School Road (on the north), the Cat Swamp Road (on the east), and Barksdale Road (on the south) would be designated Residential Low Density;
- 3) The area bounded by Appleton Road (on the west), MD 273 (on the north), the Delaware state line (on the east), and Jackson Hall School Road (on the south) would be designated Residential Low Density; and
- 4) The area bounded by a line parallel to and 1,200' east of Cat Swamp Road (on the west), a line parallel to and 1,200' south of Jackson Hall School Road (on the north), the Delaware state line (on the east), and Barksdale Road (on the south), would be designated Residential Medium Density. The two 1,200' 'buffers' would serve as low density transition zones.

The motion passed 4-1, with Edwards, Janusz, Wallace, and Wiggins voting in favor, Doordan opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Agenda Item # 2: Pollution control (denitrification) of septic systems

A motion was tendered by Doordan, seconded by Janusz, to retain the amended Chapter 6 language, as follows:

- 1) Page 6-28: REWORD second paragraph of **§6.6.3**, Septic Denitrification subsection, to read: "The County does not currently require denitrification units for new or replacement septic systems, but should consider their recommendation in other areas, such as near perennial waterways or in watersheds that are impaired by nitrogen. In addition to the State's Critical Area requirements, this Plan encourages all new septic systems to use nitrogen removal at the discretion of the owner. The County should also encourage denitrification retrofits for existing septic systems – including obtaining nonpoint-to-point source nutrient credits for such retrofits, if applicable under forthcoming nutrient trading guidance (see Section 6.5.3)."
- 2) Page 6-33: REWORD third bullet point under **§6.8.2** to read: "Outside the Critical Area, all new development that is not connected to public sewer systems to use best available pollution reducing technologies for controlling pollutants, as defined by MDE, at the

discretion of the owners. Elsewhere, consider requiring nutrient credits (similar to those established under the state Nutrient Cap Management and Trading policy) for subdivisions built using septic systems.”

The motion passed 3-2, with Doordan, Edwards, and Janusz, voting in favor, with Wallace, and Wiggins opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Agenda Item # 3: 75’ vs. 25’ non-tidal wetland buffers outside the designated growth area

A motion was made by Wallace, seconded by Wiggins, to accept the proposed 75’ non-tidal wetland buffer requirement outside the designated growth area as recommended by the COC in the draft Comprehensive Plan document. The vote ended in 3-3 tie.

Mr. Doordan introduced a compromise motion, seconded by Mr. Janusz, to recommend requiring a 75’ non-tidal wetland buffer only in Priority Preservation Areas (PPAs) and only for those non-tidal wetlands great than 10,000 ft² in size; otherwise, all non-tidal wetlands would continue to require a 25’ non-disturbance buffer. The motion passed 3-2, with Doordan, Edwards, and Janusz in favor, and Wallace and Wiggins opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Agenda Item # 4: Rural growth cap percentages

Janusz introduced a motion, seconded by Doordan, to retain the amended Chapter 3 language as follows:

Page 3-16: DELETE, under **§3.5.2**, the Rural Areas section, end of 4th paragraph, after “overall county development: [~~—most likely in the range of no more than 10 to 20 percent~~].

Ensuing discussion centered on the difficulty of measurement, monitoring and enforcement, as well as possible unintended consequences. The merits of the additional, percentage language were discussed, particularly with regard to whether the attaching of specific percentage goals would actually change the intended policy tenor of the draft plan. Mr. Wallace suggested a specified limited of 20%, rather than a range of 10-20%.

The motion passed 4-1, with Doordan, Edwards, Janusz, and Wallace voting in favor, Wiggins opposed, and McDowell (Alternate) and Mortimer (Chairman) not voting.

Old Business Discussion Items:

Agenda Item # 5: Height restrictions in the growth corridor

After discussion, on a motion by Wallace, seconded by Edwards, and unanimously approved, it was decided to combine the 5th and 8th agenda items into a more comprehensive set of community character attributes and to recommend to the Board of County Commissioners that a study be undertaken to define salient elements of community character for each land use district.

Agenda Item # 6: Homeowners' Associations (HOA's)

It was the sense of the Commission that Mr. Whittie, Cecil County Department of Public Works, should make a presentation at the 16 February 2010 Planning Commission meeting detailing costs associated with various aspects of properly maintaining stormwater management facilities. It was the consensus that no action would be taken until after a thorough review has been made of the findings and recommendations of the HOA committee that was chaired by Joyce Bowsbey.

Agenda Item # 7: Multiple submissions (Concept & Preliminary or Preliminary/Final) to the Planning Commission for consecutive reviews

Discussion on this issue did not result in any specific action. The consensus was that the issue would be pursued at future meetings and/or worksessions. Concern was expressed about Preliminary/Final Plats when no Concept Plat is required. Staff was asked to prepare a draft change to §4.0.1 to the effect that only projects between 1 and 5 lots and less than 25 acres could avoid submitting a Concept Plat, in keeping with §2.0's 1-to-5 lot permitted lot number range for combined Preliminary-Final Plats.

Agenda Item # 8: Architectural standards in County areas

After discussion, on a motion by Wallace, seconded by Edwards, and unanimously approved, it was decided to combine the 5th and 8th agenda items into a more comprehensive set of community character attributes and to recommend to the Board of County Commissioners that a study be undertaken to define salient elements of community character for each land use district.

Agenda Item # 9: Clustering in the NAR & SAR zones, per the Harlan Williams comments

The issue of clustering in the NAR and SAR zones was discussed, particularly with respect to whether clustering in any way was counterproductive to the use of TDRs. It was pointed out that the clustering,

defined as limiting development to no more than 40% of the gross project area, is now required in the NAR and SAR zones, with no 'bonus' density being awarded for such clustering. Smaller lots and tighter clustering could be achieved with community facilities. Staff will request that Mr. Harlan Williams testify on this issue at the 15 March 2010 Planning Commission meeting and present the findings of any previous deliberations or studies that dealt with the issue of clustering in the rural areas of the County.

Agenda Item # 10: Minor/Major subdivisions in the NAR & SAR zones

Mr. Di Giacomo explained how minor subdivision eligibility was determined. After discussion, which included the fact that when minor subdivisions are taken into account, the respective NAR and SAR effective densities are higher than 1:10 and 1:20, no action was taken. Further discussion was deferred until future meetings and/or worksessions.

New Business

The comments of Ms. Sue Furman at the 13 January 2010 public hearing were broached regarding the language on page 11-1 of the draft Comprehensive Plan document, regarding Cecil County's being 'no longer a small, rural county.'" Based on the discussion, staff will work on more acceptable language.

Adjournment: Chairman Mortimer adjourned the meeting at 7:50 p.m.

NEXT MEETING: Regular Meeting; 12:00 noon, Tuesday, 16 February 2010, Elk Room, County Administration Building, Elkton, MD.

Respectfully Submitted:

Anthony J Di Giacomo, AICP
Principal Planner

PLANNING COMMISSION MEETING

February 16, 2010

7:00 p.m.

PRESENT: Doordan, (Vice-Chairman), Janusz, Wallace, Wiggins, Edwards, McDowell, (Alternate), Sennstrom, Black and Dempsey.

ABSENT: Mortimer, (Chairman), Houston, (Zoning Administrator) and Demmler, (Ex-Officio).

APPROVAL OF MINUTES – Wednesday, January 20, 2010 meeting by Janusz, seconded by Wallace as mailed.

TEXT AMENDMENT – Subdivision Regulations

Article IV, Section 4.2.6; Article IV, Section 4.2.15

Summary – Revise existing language to provide for the use of Subdivision Agreements

TEXT AMENDMENT – Zoning Ordinance

Article IX, Section 180

Summary – Revise existing language to provide for the use of Subdivision Agreements

Eric Sennstrom, Director of Planning and Zoning presented these two (2) Text Amendments revising the language of the Subdivision Regulations and Zoning ordinance. See attachment and file for reference.

Health Department Report – no comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – Master Water & Sewer Plan

Amend Section 4.1.9.B to add language relative to the construction of a denied access force main as part of the Carpenters Point Sewer Collection System.

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment amending the Master Water and Sewer Plan to add language relative to the construction of a denied access force main as part of the Carpenters Point Sewer Collection System.

Health Department Report – The Health Department supports the proposed amendment. Connection of existing houses in the Critical Area has positive public health and environmental effects.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE:2010-01APPLICANT: Cynthia Monger.

PROPERTY LOCATION: Corner of Little Egypt Rd. & New London Rd., Elkton, MD 21921.

ELECTION DISTRICT: 4, TAX MAP: 7, PARCELS: 298, 299 & 300.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 3.5781 Acres from Suburban Residential, (SR) to Business General, (BG).

PROPERTY OWNER: Cynthia L. Monger and Eric Sennstrom.

Keith A. Baynes, Esquire, 210 East Main Street, Elkton, MD representing Cindy Monger and Eric Sennstrom owners of these three (3) parcels located on the Corner of Little Egypt Road and New London Road, Elkton, MD. These three (3) parcels total 3.5781 Acres and are part of Minor Subdivision #3482. Mr. Baynes presented there was a mistake in the 1993 Comprehensive Rezoning. Mistake based upon inadequate planning for future uses, specifically commercial uses. The Maryland State Highway Administration did their most recent traffic count in 2008 they found there was an average of 8,451 on 896 into Maryland each day. There would not be any gas pumps at this location if this rezoning were approved.

David Black, (filling in for the Zoning Administrator), explained to the Board other parcels and how they were zoned in retrospect to the three (3) parcels in question.

Health Department Report – Parcels were created by Minor Subdivision #3482. If parcels are rezoned to BG, at the time of development a written proposal for use must be submitted to determine adequacy of the defined sewage area. Separate Groundwater Appropriation Permit Exemptions must also be requested at the time.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION:

William Riddle, Esquire, 204 East Main Street, Elkton, MD representing several of the adjoining property owners that are in opposition. Mr. Riddle's clients feel there has not been a mistake made in the Comprehensive Rezoning. There are 30 Acres that have been set aside on Little Egypt Road for commercial development per the Comprehensive Plan. This area is all residential homes and there is no public water or sewer near the site and no infrastructure in this area. The traffic pattern is terrible, site distance, many accidents, no shoulders on two lane roads. This would decrease property values on the adjoining property owner's homes. There is also a conflict of interest since Mr. Sennstrom is the Director of Planning and Zoning. This property is also historical, The Mason Dixon Line. The applicant has not submitted the burden of proof. Photographs of parcels in file and attached for reference.

The following people spoke in opposition for the reasons that Mr. Riddle presented.

1. Cliff Peterson, 538 Biddle Street, Chesapeake City, MD
2. Scott Shannon, 1014 New London Road, Newark, DE
3. Ron Hamlen, 9 Lochcarron Drive, Elkton, MD
4. Larry Huntz, formerly known as Larry Monger, 1104 New London Road, Elkton, MD
5. Sue Fuhrann, 9 Lochcarron Drive, Elkton, MD
6. Earl Loeemis, 106 West Park Lane, Former President of Glenn Farms Civic Association, Elkton, MD
7. Steve Scharr, 122 Sharpless Drive, Elkton, MD
8. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD
9. Janet Fallon, 104 Black Oak Drive, Elkton, MD
10. John Shaw, 106 Black Oak Drive, Elkton, MD
11. Stephen Drake, 11 East Parkway, Elkton, MD

12. Ginny Baldwin, 1042 New London Road, Elkton, MD
13. Lois Drake, 11 East Parkway, Elkton, MD
14. Ginny Baldwin, 1042 New London Road, Newark, DE
15. Russell Holland, 20 East Parkway, Elkton, MD
16. Toby Ackerman, 27 Hillwood Road, Elkton, MD
17. Owen Thorne, 20 Hillwood Road, Elkton, MD

David Black submitted into the minutes numerous letters and e-mails, in file and attached for reference.

SPECIAL EXCEPTIONS:

FILE: 3497 - APPLICANT: North East Adventure Paintball, c/o Charles P. Narvel, Jr.
FOR: Renewal of a Special Exception to operate a paint ball business.
PROPERTY LOCATION: 2235 West Pulaski Highway, North East, MD 21901, Election District: 5, Tax Map: 25, Parcel: 774.
PROPERTY OWNER: Charles P. & Retta L. Narvel, Jr.
PRESENTLY ZONED: Business General, (BG).

Charles Narvel, 2235 West Pulaski Highway, North East, MD and his son would like to renew their paintball business. Mr. Narvel stated his business has been a good success and he has had no complaints from any of his adjacent property owners. The Narvel's have youth group organizations, local football teams, soccer teams and birthday parties that play paintball at his establishment. They are very strict with safety with the paint ball.

Health Department Report – Proposal filed in F9503 for paintball business is satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3503 - APPLICANT: Philip L. Meck.
FOR: Special Exception to operate a dog kennel.
PROPERTY LOCATION: 4731 Augustine Herman Highway, Earleville, MD 21919, Election District: 1, Tax Map: 52, Parcel: 18.
PROPERTY OWNER: E. David Meck.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Philip Meck, 4731 Augustine Herman Highway, Earleville, MD stated the farm is an old farm, which is remodeled. The kennel's current location is 26 Old Crystal Beach Road, Earleville, MD on a dairy farm and Mr. Meck would like to move it out to his current address. This is an ongoing operation at a different location. There are 20 to 30 dogs at the kennel and they market them to the public, sell them retail, this would be a hobby for Mr. Meck. All the puppies are breed, raised and sold at the location. Mr. Meck and his brother own the dairy farm together and they would like to move the kennel portion of their business to the property located at 4731 Augustine Herman Highway and close the other location. This property is 222 acres and he cannot see any other properties from his.

Health Department Report –Submit a written proposal describing water usage and waste handling for the proposed kennel. A Groundwater Appropriation Permit or Exemption will be required. Contact the Health Department for more details.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION:

Nancy Schertzler, Bluff Road, Earleville, MD, Board Vice President of the SPCA, and a Earleville waterfront property owner who could be negatively impacted by this proposal. Ms. Schertzler read her statement to the Commission. The Planning Commission should reject this application for multiple reasons, see attached and file for reference.

Marty Poe, 3280 Augustine Herman Highway, Chesapeake City, MD finished the written statement Ms. Schertzler started, see attached and file for reference.

Jeff Bruette, 4676 Augustine Herman Highway, Earleville, MD spoke on behalf of his father. His father has several concerns as follows:

1. This property is not zoned properly for retail sales; if wholesale, you have to be USDA certified.
2. No indication of the proposed kennels whether they are fenced in areas or complete building structures.
3. Impact to the neighbors and environment and the welfare of the animals being breed and sold.
4. Puppy mill, noise, odors and the standard care for the animals.
5. Environmental impact to Scottsman's Creek and the Bohemia River for the zoning code.

Peter Kline, 59 Park Lane, Hacks Point, Earleville, MD representing the Bohemia River Association. They are specifically concerned about the handling of waste at this facility since it is close to the Bohemia River.

Jean Deeming, Executive Director of the Cecil County SPCA and she also is a resident on Bohemia Church Road, Warwick, MD. Ms. Deeming has concerns that this kennel will become a puppy mill. The Meck's had received approval for a special exception in 2006 that has expired and never been renewed. At the SPCA they received numerous complaints from people that had purchased animals from the Meck's and the conditions at the kennel are appalling.

Eric Sennstrom, Director of Planning and Zoning stated the office received two (2) letters in opposition, Bohemia River Association and Russell and Paula Dunn, in file and attached for reference.

RECOMMENDATIONS:

TEXT AMENDMENTS:

APPLICANT: Cecil County - Subdivision Regulations.

FOR: Revise existing language to provide for the use of Subdivision Agreements.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County – Zoning Ordinance.

FOR: Revise existing language to provide for the use of Subdivision Agreements.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County - Master Water & Sewer Plan.

FOR: Amend Section 4.1.9.B to add language relative to the construction of a denied access force main as part of the Carpenters Point Sewer Collection System.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Cynthia Monger.

FOR: Request to rezone 3.5781 Acres from Suburban Residential, (SR) to Business General, (BG).

Staff Recommended disapproval, no demonstrated mistake in the 1993 Comprehensive Rezoning.

ACTION: Motion made to disapprove with staff recommendations by Janusz, seconded by Wallace.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: North East Adventure Paintball, c/o Charles P. Narvel, Jr.

FOR: Renewal of a Special Exception to operate a paint ball business.

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

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

VOTE: All in favor, motion carried.

APPLICANT: Philip L. Meck.

FOR: Special Exception to operate a dog kennel.

Staff recommended disapproval, more detrimental at this location than elsewhere.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 8:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 15, 2010, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
15 March 2010

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

Absent: Mortimer, William; Houston, Clifford; Dempsey, Gale

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

Approval of Minutes: Motion was made by Guy Edwards to approve the February meeting minutes. Motion was seconded by Joe Janusz. All members present voted in favor of motion. Motion carried.

2009 Annual Report: Director Sennstrom appeared to present the Planning Commission's Annual Report for calendar year 2009. Director Sennstrom summarized the contents of the document and provided an overview of its format. He indicated the Planning Commission is required by Section 3.09 of Article 66B of the Annotated Code of Maryland to prepare an annual report, file it with the local legislative body, and to send a copy to the Maryland Department of Planning.

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

Staff recommended approval of the 2009 Annual Report.

Motion was made by Kennard Wiggins to approve the 2009 Annual Report. Motion was seconded by Joe Janusz. All members present voted in favor of the motion. Motion carried.

Text Amendment – Master Water & Sewer Plan –Chesapeake City: Director Sennstrom appeared to present a request from the Town of Chesapeake City to amend the County's Master Water & Sewer Plan to include the extension of an 8" Town water line and a 3" Town sewer line to the Bohemia Manor School complex.

Vice Chairman Doordan asked if anyone desired to speak in favor or in opposition to the amendment. Sharon Weygand, Town Administrator for Chesapeake City, appeared to speak in favor of the amendment and to urge the Planning Commission to recommend approval. She also indicated that Mayor Frank Hill and Town Commissioner Ron Francis were also in attendance.

No one spoke in opposition.

Staff recommended approval of the proposed text amendment.

Motion was made by Joe Janusz to recommend approval of the text amendment to the Master Water & Sewer Plan. Motion was seconded by Guy Edwards. All members present voted in favor of the motion. Motion carried.

Text Amendment – Master Water & Sewer Plan – Maple Hill Mobile Home Park: Director Sennstrom appeared to present the request from Maple Hill Mobile Home Park to amend the County's Master Water & Sewer Plan to reflect the upgrades to their discharge permit. He indicated the tabular information in tables 8, 10, and 11 were affected by this amendment.

Vice Chairman Doordan asked if anyone desired to speak in favor or in opposition to the amendment. John Benjamin rose to speak in favor. No one spoke in opposition.

Staff recommended approval of the proposed text amendment.

Motion was made by Wyatt Wallace to recommend approval of the text amendment. Motion was seconded by Joe Janusz. All members present voted in favor of the motion. Motion carried.

Adjournment: Vice Chairman Doordan adjourned the meeting at 7:13 p.m.

Next Meeting: Monday, 19 April 2010

Respectfully submitted:

Eric S. Sennstrom, AICP
Director – Planning & Zoning

PLANNING COMMISSION MEETING

April 19, 2010

7:00 p.m.

PRESENT: Doordan (Vice Chairman), Janusz, Wiggins, Edwards, McDowell, (Alternate), Demmler, (Ex-officio), Sennstrom, Houston, and Dempsey.

ABSENT: Mortimer (Chairman) and Wallace.

MINUTES- Motion made by Janusz, seconded by Wiggins and unanimously carried to approve the Monday, March 15, 2010, 7:00 p.m., minutes as mailed.

PROGRAM OPEN SPACE:

Annual Program for FY 2011: Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Clyde VanDyke, Director of Parks and Recreation presented the Annual Program for FY 2011. There are two (2) County programs submitted for the County Commissioners approval this evening. The first project is Conowingo Park located on Rte. 222 in Conowingo and the second project is The Cecil Sports Complex on Bard Cameron Road. There are eight visions for each project, listed below:

1. development is concentrated in suitable areas;
2. sensitive areas are protected;
3. in rural areas, growth is directed to existing population centers and resource areas are protected;
4. stewardship of the Chesapeake Bay and the land is a universal ethic;
5. conservation of resources, including a reduction in resource consumption, is practiced;
6. to assure economic growth is encouraged and regulatory mechanisms are streamlined;
7. adequate public facilities and infrastructure under control of the county or municipal corporation area are available or planned in areas where growth is to occur; and
8. funding mechanisms are addressed to achieve the visions.

Additional funding will be needed to complete the park and the sports complex facilities. See file and attached for reference of the FY 2011 Annual Program.

Health Department Report – Contact the Health Department prior to any development requiring on-site water supply, sewage disposal or food service.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE:2010-02APPLICANT: Agent Manor Road Lots, LLC, c/o Dwight E. Thomey, Agent.

PROPERTY LOCATION: Near intersection of Belle Hill Road & Appleton Road, Elkton, MD 21921.

ELECTION DISTRICT: 3, TAX MAP: 303, PARCELS: 1131 & 1132, LOTS: 4 & 5.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 8.127+/- Acres from Development Residential, (DR) to Multifamily Residential, (RM).

PROPERTY OWNER: Kings Way Ninety-Five, Inc., c/o H. Barry Montgomery.

Dwight Thomey, Esquire, 153 East Main Street, Elkton, MD representing the applicant (Agent Manor Road Lots, LLC) along with Ray Jackson and Steven Moore from Stavrou Associates, Inc., Annapolis, MD. They are requesting to rezone 8.127+- Acres from Development Residential (DR) to Multifamily Residential (RM) for proposed development.

Steve Moore, Vice President explained they are the developer, owner and do all their own construction. Stavrou Associates take pride in their work and are concerned how their projects will look ten to fifteen years after completion.

Dwight Thomey stated the purpose of this application is to allow for greater density. This property is in the Development District of Cecil County. Mr. Thomey stated there is a mistake in the 1993 Comprehensive Rezoning and there is a change in the character of the neighborhood. There has been two (2) other rezoning's around this neighborhood. Cecil County has entered into an agreement with Artesian Water Company to have public water and sewer available to this property.

Health Department Report – Property is currently mapped as W-2 and S-2 in the Cecil County Master Water and Sewer Plan. Any intensive development would be dependant on public water and sewer being available.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

GENERAL COMMENTS: Michael Radcliff, owns the adjacent property (Parcel 258) where the Stavrou Associates are trying to develop and Mr. Radcliff would be interested in selling his lot if they would like to purchase it.

SPECIAL EXCEPTIONS:

FILE: 3504 - APPLICANT: Robert D. Powell.

FOR: 1,039 ft. extension of runway and special exception for airport.

PROPERTY LOCATION: Old Elk Neck Road, Elkton, MD 21921, Election District: 3, Tax Map: 32, Parcel: 321.

PROPERTY OWNER: Raintree Northwest Property Preservation & Management, LLC, c/o Robert D. Powell.

PRESENTLY ZONED: Suburban Residential, (SR).

Karl Fockler, Esquire, 205 East Main Street, Elkton, MD representing Robert Powell, 166 Raintree Lane, Elkton, MD asking for a 1,039 ft. extension of runway for Cecil County Airport. Mr. Powell has been working diligently with the MAA and the FAA for this runway extension. This extension will let larger planes (small jets) take off and land at this airport. Mr. Powell has been approved for a grant by the State of Maryland for this extension of the runway. This airport has satisfactory air space and is a non-towered airport.

Health Department Report – The Health Department has no objection to the request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Deborah Badgett, 2616 Old Elk Neck Road, Elkton, MD does not object to the airport but she is concerned about the wildlife near by. Ms. Badgett asked if there could be sound barriers with the larger jets.

Mr. Powell stated there would be a tree buffer around the property and some fencing to keep deer off the runway. The largest airplane that would be able to take off and land at this site would be 12,500 pounds. This runway extension is to accommodate the customers with larger planes to make it safer.

Charles Walker, 72 Poore Lane, Elkton, MD has a problem with the sound now and if larger jets fly over his home it will take away his peace and tranquility. This will also decrease his property value. Mr. Walker feels this is a bad idea.

See Exhibit "A" letter from Governor O'Malley, Governor of Maryland in support, in file and attached for reference.

FILE: 3505 - APPLICANT: Victoria L. Kinsley.

FOR: Renewal of a special exception to operate a group daycare.

PROPERTY LOCATION: 406 East Cecil Ave., North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 372.

PROPERTY OWNER: Victoria L. Kinsley.

PRESENTLY ZONED: Development Residential, (DR).

Jason Allison, Esquire, 157 East Main Street, Elkton, MD representing Victoria Kinsley in her renewal of her special exception to operate a group daycare center. Ms. Kinsley's daycare has been in operation for nine (9) years. Currently there are twelve (12) children enrolled and range in age from infant to eight years old. Ms. Kinsley would like to extend her operation to watch twenty-two (22) children instead of twelve (12). Her husband passed away in 2009 from Cancer and she needs extra income since his passing. There have been no traffic or parking problems in the past and she is licensed by the State of Maryland. Currently she has one employee.

Health Department Report – The Health Department Report has no objection to the request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3506 - APPLICANT: Timothy G. Granger.

FOR: Renewal of a special exception to operate a private airport.

PROPERTY LOCATION: 1831 North East Road, North East, MD 21901, Election District: 9, Tax Map: 19, Parcel: 661, Lot: 3.

PROPERTY OWNER: Timothy G. Granger.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Tim Granger, 1831 North East Road, North East, MD would like to renew his special exception to operate a private grass airstrip. This is a permitted use in the Northern Agricultural Residential, (NAR) zone. All the requirements have been met with the FAA and MAA. Mr. Granger would like to request this special exception be permanent. Certificate of registration from Maryland Aviation in file and attached for reference.

Health Department Report – The Health Department has no objection to the request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3508 - APPLICANT: William Martin, LLC.

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

PROPERTY LOCATION: 4899 Pulaski Highway, Perryville, MD 21903, Election District: 7, Tax Map: 29, Parcel: 406.

PROPERTY OWNER: William and Mary Martin.

PRESENTLY ZONED: Business General, (BG).

Mary Martin, 4899 Pulaski Highway, Perryville, MD would like to locate a singlewide manufactured home for security purposes for her Post Card Shop. In the past year, Ms. Martin has put a lot of money into her business. With the improvements she has made in the past year, she had eight (8) burglaries. Ms. Martin would like to put a new manufactured home that will sit a few hundred feet back off the road. There will be trees for screening planted.

Health Department Report – F7335 was issued in 1999 for commercial stores on this property. Applicant should contact the Health Department to discuss sewage issues for the proposed security trailer.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Cathy Collette, 4905 Pulaski Highway, Perryville, MD stated she is opposed to this because in 2003 she bought the property next to Ms. Martin and were given a list of items that needed to be completed by the Department of Planning and Zoning in order to install her doublewide manufactured home for security purposes. Ms. Martin has removed all the trees from her property and Ms. Collette stated they were not to remove any trees. Ms. Collette would like to know why she had to follow the rules and purchase \$8,000.00 worth of trees and Ms. Martin can take down as many trees as she wants. She does not comply with the rules and regulations. Ms. Collette wishes the Planning Commission deny this request for this special exception until Planning and Zoning has time to check on the trees that have been removed.

Cliff Houston, Zoning Administrator read into the minutes a letter from the Chesapeake Home Owners Association in opposition of this Special Exception for a singlewide, in file and attached for reference.

David Collette, 4905 Pulaski Highway, Perryville, MD stated he would like to know why he had to install a doublewide instead of a singlewide. The Planning and Zoning Office told him he had to install a doublewide and Ms. Martin is permitted to install a singlewide. There is a water run-off problem since Ms. Martin has done paving for a parking lot.

FILE: 3509 - APPLICANT: York Building Products Co., Inc. c/o Corridor Land Services, Inc., Michael Pugh.
FOR: Special exception renewal, special exception file #3399 for an additional 12 month period for mining.

PROPERTY LOCATION: 347 Principio Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 23, Parcel: 311.

PROPERTY OWNER: Principio Iron Co., L.P.

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

Mike Pugh, Corridor Land Services, 117 North Street, Elkton, MD along with Jim Gothrop, 10 Bragg Hill Road, West Chester, PA would like an extension for Special Exception #3399 for an additional 12 months. The Board of Appeals approved this project in 2008 for a mining project (Stevens Property) and they need an extension of time due to economical conditions.

Jim Gothrop presented the mining project (2008) to the Planning Commission previously approved by the Board of Appeals.

Map, pictures and previous conditions set from the Board of Appeals, in file and attached for reference.

Health Department Report – The Health Department has no objection to the request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Jean Whitsell, 372 Principio Road, Port Deposit, MD asked when are the residents in the area going to get a break from the mining. Ms. Whitsell feels they do not need an extension, they are wasting time, and how many extensions are they going to receive?

Eleanor Bockner, 362 Principio Road, Port Deposit, MD stated the property values are going down due to the mining. Ms. Bockner stated that the mining company was true to what they said to help the neighborhood look as natural as it could be.

FILE: 3510 - APPLICANT: Jay C. Emery, III.

FOR: Special exception for a home occupation to operate a welding business.

PROPERTY LOCATION: 385 Mount Zoar Road, Conowingo, MD 21918, Election District: 8, Tax Map: 8, Parcels: 284 & 259.

PROPERTY OWNER: William & Loretta Sumner and Jack & Lana Brewer.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jay Emery, Esquire, 153 East Main Street, Elkton, MD represented William and Loretta Sumner, 385 Mt. Zoar Road, Conowingo, MD and Jack and Lana Brewer, 377Mt. Zoar Road, Conowingo, MD. The Sumner's would like to operate a welding business. The business would be solely conducted from the Sumner's residential dwelling. They also own eleven (11) trucks and several buildings in which the trucks are stored. The buildings are on the Brewer's property and Mrs. Brewer is Mr. Sumner's mother. Mrs. Sumner answers the phone for the business and the work orders are taken over the phone, there is no welding done on the residential site.

Health Department Report – The Health Department has no objection to the request.

COMMENTS IN SUPPORT: Banni Jones, On-site Manager of Cinnamon Woods, (55 & Older Community) directly across the street from the Sumner's property. There is no traffic coming in and out and the Sumner's residence is the cleanest and well kept residence on Mt. Zoar Road. You would not know there is any type of in-home business operating.

Charles Reilly, 2120 Deer Trail Lane, Conowingo, MD stated when you pass this residence you would never know there is any type of business. The residence is neat and clean all the time.

RECOMMENDATIONS:

PROGRAM OPEN SPACE:

APPLICANT: Cecil County Parks and Recreation.

FOR: Annual Program for FY 2011: Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Agent Manor Road Lots, LLC, c/o Dwight E. Thomey, Agent.

FOR: Request to rezone 8.127+/- Acres from Development Residential, (DR) to Multifamily Residential, (RM).

Staff recommended approval based upon a mistake in the 1993 Comprehensive Rezoning and a significant change in the character of the neighborhood.

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Robert D. Powell.

FOR: 1,039 ft. extension of runway and special exception for airport.

Staff recommended approval with length of runway limited to 3,719 linear feet.

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

VOTE: All in favor, motion carried.

APPLICANT: Victoria L. Kinsley.

FOR: Renewal of a special exception to operate a group daycare.

Staff recommended approval for as long as Victoria Kinsley owns the property and operates the daycare.

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

VOTE: All in favor, motion carried.

APPLICANT: Timothy G. Granger.

FOR: Renewal of a special exception to operate a private airport.

Staff recommended approval for as long as Timothy Granger owns the property and operates the airport.

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

VOTE: All in favor, motion carried.

APPLICANT: William Martin, LLC.

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

Staff recommended approval for two (2) years.

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

VOTE: Three to one to approve, motion carried.

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

FOR: Special exception renewal, special exception file #3399 for an additional 12 month period for mining.

Staff recommended approval for a one (1) year extension to mine the property with reclamation to occur within six (6) months thereafter, (with previous conditions).

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

VOTE: All in favor, motion carried.

APPLICANT: Jay C. Emery, III.

FOR: Special exception for a home occupation to operate a welding business.

Staff recommended approval for two (2) years with all vehicles stored inside the existing buildings.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: Harlan Williams appeared to present his thoughts on clustering.

The meeting adjourned at 8:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 17, 2010, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

May 17, 2010

7:00 p.m.

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

ABSENT: Janusz, McDowell, (Alternate) and Houston, (Zoning Administrator).

APPROVAL OF MINUTES: Motion made by Edwards, seconded by Doordan and unanimously carried to approve the Monday, April 19, 2010, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3513 - APPLICANT: Donna Marie Trodglen.

FOR: Special Exception to hold a charity event.

PROPERTY LOCATION: 46 Shadow Brook Road, Conowingo, MD 21918, Election District: 8, Tax Map: 8, Parcel: 179.

PROPERTY OWNER: Girl Scouts/Camp Conowingo.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Coleen Reynolds, 2000 Challedon Court, Jarrettsville, MD, Sandra Theiss, 105 Chesley Ave., Baltimore, MD, Timothy Reynolds, 2000 Challedon Court, Jarrettsville, MD presented this special exception to hold a charity event. They are planning a Maryland Trauma Teddy Bear, Wine and Music Festival. The goal is to raise money for police and firefighters to hand out teddy bears to children that have had traumatic experiences in their lives; they carry these teddy bears in their emergency vehicles. They are also supporting the Girl Scouts of Central Maryland this year. This family event is for three days, Friday, Saturday and Sunday, approximately 1,900 people will attend, and a security company has been hired for crowd control; the liquor license is pending pursuant to special exception approval.

Health Department Report – The proposed event requires on Outdoor Music Festival Permit to comply with COMAR 10.16.05. The applicant has met with the Health Department and is working to address requirements for the permit.

COMMENTS IN SUPPORT: Citizens listed below feel this is a worthwhile cause and are in support of this event.

Clifford Henry, Joppa, MD

Rebecca Shubler, Dundalk, MD

Vicki Cook, Joppa, MD

Mark Hyatt, Essex, MD

COMMENTS IN OPPOSITION: None.

FILE: 3514 - APPLICANT: Chesapeake Inn (Gianmarco Martuscelli).

FOR: Special Exception to have a fireworks display.

PROPERTY LOCATION: w/s Augustine Herman Highway, Chesapeake City, MD 21915, Election District: 2, Tax Map: 43, Parcel: 1.

PROPERTY OWNER: Sister Dorothy Ann Busowski (Property Care Manager).

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mike Estes, Chesapeake City Fire Department, Courtney Drive, Elkton, MD presented this special exception in behalf of the Fire Company, Chesapeake Inn and Sister Dorothy Ann Busowski. The fire company is requesting to hold a fireworks display on Friday, July 2, 2010. The Chesapeake Inn is sponsoring and funding this event. The company that is being hired to launch the fireworks display will assume all the liability and insurance issues related to this event and the shooting of the fireworks from the 140 acre property. The Army Corp. of Engineers will be responsible for the parking along the levy. The event will start at dusk and run approximately 20 to 22 minutes. Mr. Estes feels the event will bring in revenue for the Town of Chesapeake City merchants and a fundraiser for the Fire Department from the parking.

Health Department Report – The Health Department has no objection to the proposed special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

COMMENTS: Robert Loller, 412 Lock Street, Chesapeake City, MD lives adjacent to the property and has safety concerns only; he is not opposing this event, just concerned. Mr. Loller is also concerned about the large Church and Cemetery near the property.

FILE: 3515 - APPLICANT: Ann S. Jackson.

FOR: Special Exception for Class "C" Office Building.

PROPERTY LOCATION: 311 St. Marks Road, Perryville, MD 21903, Election District: 7, Tax Map: 29, Parcel: 354.

PROPERTY OWNER: Sandra Anderson, P.O.A. Dorothy Hinkson.

PRESENTLY ZONED: Development Residential, (DR).

Ann Jackson, Agent, Harlan C. Williams Company, 105 West Branch Circle, North East, MD on behalf of Dorothy Hinkson, (Owner) and representing the perspective buyer of the property, currently under contract. The buyer is proposing to make this dwelling a Dental Office if the special exception for a Class "C" Office Building is approved. Ms. Jackson's client has an established business with three (3) chairs presently at another location and would like to purchase this property for his home and office together. There is amply space for parking and a 3 square foot sign. Ms. Jackson presented a booklet to the Planning Commission with her proposal and the listing for the property, in file for reference.

Health Department Report – The Health Department has received no application for water and sewer approval for this site. Submit a written proposal detailing the proposed usage of the site for evaluation.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Donna Marie Trodglan.

FOR: Special Exception to hold a charity event.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Chesapeake Inn (Gianmarco Martuscelli).
FOR: Special Exception to have a fireworks display.

Staff recommended approval.

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

APPLICANT: Ann S. Jackson.
FOR: Special Exception for Class "C" Office Building.

Staff recommended approval.

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

GENERAL DISCUSSION: None.

The meeting adjourned at 7:50 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 21, 2010, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
21 June 2010**

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; Mortimer, William; Wallace, Wyatt; Wiggins, Kennard; Demmler, Rebecca – Ex Officio; Houston, Clifford; Sennstrom, Eric

Absent: 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 May meeting minutes. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

MASTER WATER & SEWER PLAN AMENDMENTS

Amendment to Cecil County Master Water & Sewer Plan – Section 3.2.9 Port Deposit

Director Sennstrom appeared to present the proposed text changes to Section 3.2.9 of the County's Master Water & Sewer Plan. He explained that the changes are being made to reflect the transfer of the Town of Port Deposit's water treatment plant and distribution system to Artesian Water Maryland, Inc. The text change will permit reviewing agencies at the State level to find consistency for the transfer of permits and future modifications to the system.

No one appeared in favor or in opposition to the proposed text amendment.

Staff recommended approval of the text amendment.

Motion was made by Guy Edwards to recommend approval of the text amendment. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

Amendment to the Master Water & Sewer Plan – Section 3.2.11 Artesian Water Maryland, Inc.

Director Sennstrom appeared to present the proposed text changes to Section 3.2.11 of the County's Master Water & Sewer Plan. He explained that the changes were the direct result of meetings between the private utility, the Maryland Department of the Environment, and Cecil County Government relative to Artesian Water Company's water sources and methods of conveyance from those sources to their distribution system. The proposed amendment contains textual, tabular, and mapping data that are intended to mollify MDE's trepidation in this matter.

Chairman Mortimer inquired about the ongoing litigation relative to the Elkton West franchise. Director Sennstrom replied that the Court of Appeals heard oral arguments on 2 June 2010. Based on the content of those arguments, a ruling in the County's favor is expected within 60 to 90 days of the hearing.

No one appeared to speak in favor or in opposition to the text changes.

Staff recommended approval of the amendment to the Master Water & Sewer Plan.

Motion was made by B. Patrick Doordan to recommend approval of the amendment. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

REZONINGS

File 2010-03 – Elk Point LLC.

John Gessner, Doug Kopec, and Mike Novak appeared to present the application. Mr. Gessner provided an introduction of the individuals present on behalf of the application and summarized their argument. He stated that the request change 27.995 acres from Maritime Business (MB) to Suburban Residential (SR) was based on both a substantial change in the character of the neighborhood since the last comprehensive rezoning and on a mistake in that comprehensive rezoning. Mr. Gessner stated that due to unknown changes to State and federal regulation regarding marinas and dredging since 1993, it was a mistake for the Board of County Commissioners to designate this portion of the property as MB. He continued that the Board of County Commissioners could not have taken those trends into account as they were not foreseen and therefore a mistake was made.

Doug Kopec presented an overview of the entirety of the property and summarized the present plans in relation to the last proposal for the property. He indicated the Chesapeake Bay Critical area encumbrances as well as the buffers and provided a conceptual layout of the proposed design for the property's development.

Mr. Gessner summarized the applicant's reasons for requesting the zoning change which included that the property is no longer viable for a marina, the Board of County Commissioners could not have known that the marina would not continue, that the population of the census tract in which this property is situated has increased, that the BRAC process has accelerated the need for residential development, that a new Comprehensive Plan has been adopted and that this request is compatible with that document, and that the MB designation is no longer appropriate for the property.

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 appeared in opposition:

Ron Hartman
George Kaplan
Kevin Laird

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

Motion was made by B. Patrick Doordan to recommend approval based on a substantial change in the character of the neighborhood since the last comprehensive rezoning and a mistake in the last comprehensive rezoning. Motion was seconded by Guy Edwards. All members present voted in opposition to the motion. Motion failed.

Motion was made by B. Patrick Doordan to recommend approval 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 the motion. Motion carried.

File 2010-04 Charlestown Crossing LLC

Rick Bechtel, Sean Davis, and Fred Shekells appeared to present the request. Mr. Bechtel presented an introduction of the individuals present to present the application. Mr. Bechtel explained that the applicant is requesting to rezone 6.7 acres of Light Industrial (M1) and 14.1 acres of Suburban Residential (SR) to Multi-Family Residential (RM). He continued by explaining that there has been both a mistake in the last comprehensive rezoning and that there has been a substantial change in the character of the neighborhood since the last comprehensive rezoning.

Fred Shekells indicated that Charlestown Crossing is an attractive development due to its mixed use character. Changes have been made to Phase I to make it a more aesthetically pleasing design. The M1 area proposed for rezoning is no longer needed since the critical mass needed for an office park is lacking. Since the majority of recent purchases have been BRAC related, the project is focusing on this segment of the market.

Sean Davis presented arguments justifying the request to change 20.8 acres of M1 and SR to RM. Mr. Davis noted that the higher density should be along U.S. Route 40 with a transition to lesser density as you move into the interior of the property. This is not the case with the present zoning. He noted that the placement of RM along U.S. Route 40 makes sense from a transportation perspective and it would be more appropriate from a BRAC purchaser's desire. Mr. Davis also indicated that BRAC could not have been foreseen in 1993 and therefore it was a mistake by the Board of County Commissioners to not anticipate the need for residential zoning. The property has both water and sewer service available to it and it would be appropriate to have higher density to take advantage of infrastructure. He also indicated that there is too much M1 in the vicinity of Principio Business Park and Ritchie Bros. who are in close proximity on the north side of U.S. Route 40 and that the annexation of Cool Springs by Charlestown also justifies their request.

Rick Bechtel noted that the request for zoning change qualifies under both the change and the mistake standards as they are two sides of the same coin.

Mrs. Demmler noted that BRAC means jobs as well as residents. Discussion ensued on the residential break-even point, lack of business recruitment, and the inventory of undeveloped commercial and industrial land.

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

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

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

Adjournment: Chairman Mortimer adjourned the meeting at 8:31 p.m.

Next Meeting: 19 July 2010

Respectfully Submitted:

Eric S. Sennstrom, AICP
Director – Planning & Zoning

PLANNING COMMISSION MEETING

July 19, 2010

7:00 p.m.

PRESENT: Doordan, (Vice-Chairman), Edwards, Wiggins, McDowell, (Alternate), Demmler, (Ex-officio), Sennstrom, and Houston.

ABSENT: Mortimer, (Chairman), Janusz, Wallace and Dempsey.

MINUTES- Motion made by Wiggins, seconded by McDowell and unanimously carried to approve the Monday, June 21, 2010, 7:00 p.m., minutes as mailed.

AMENDMENT – MASTER WATER & SEWER PLAN

Amend the Master Water and Sewer Plan's Sewer Service Area Map to reflect the changes resulting from the Carpenters Point Sanitary Sewer Project.

Eric Sennstrom, Director of Planning and Zoning presented the Master Water and Sewer Plan Map Amendment to amend the Master Sewer Area map to reflect the changes that have been going on for the last several years by the Department of Public Works to install a public sanitary sewer system in the Carpenters Point vicinity to correct failing septic systems. This will revise the existing map.

Health Department Report – No objections to the proposed amendment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Amend the Master Water & Sewer Plan to reflect improvements to the Town of Rising Sun's Water and Wastewater Facilities.

Eric Sennstrom, Director of Planning and Zoning presented this amendment to request to have the County's Master Water and Sewer Plan amended to reflect construction of a new 500,000 gpd sewer plant and the construction of a new water supply line that will originate in Pennsylvania. The town is currently finalizing the various negotiations associated with these two (2) projects and hope to be executing agreements for their construction in the next few months.

Calvin A. Bonenberger, Jr., CBI, Town Administrator for The Town of Rising Sun, 1 East Main Street, Rising Sun, MD presented three (3) maps of the Town of Rising Sun proposed water supply connection to Chester Water Authority, (CWA). The town has found it very difficult to address their problems because of financial resources. The town has a Lagoon Treatment Plant and this is not popular with MDE, so this is why the request to upgrade. The Town of Rising Sun has approximately 2,100 residents and that constitutes roughly 1,200 sewer connections.

Health Department Report – No objections to the proposed amendment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Amend the Master Water & Sewer Plan and Water Service Area Map to reflect the installation of 11,000 linear feet of waterline from the Town of Rising Sun to Wilson Road to service twenty (20) properties with contaminated wells.

WITHDRAWN, per e-mail from Jim Wright on 6/30/10.

SPECIAL EXCEPTIONS:

FILE: 3518 - APPLICANT: Cecelia Bullock.

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

PROPERTY LOCATION: 1642 Liberty Grove Road, Conowingo, MD 21918, Election District: 6, Tax Map: 16, Parcel: 321.

PROPERTY OWNER: Cecelia Bullock.

PRESENTLY ZONED: Rural Residential, (RR).

Cecelia and Ronald Bullock, 1642 Liberty Grove Road, Conowingo, MD stated she is working in a salon now and her mother is getting on in age, has health problems, and has two (2) grandchildren she babysits, so she would like to have the salon in her home so she can be more flexible. Ms. Bullock stated she has a large parking area for the customers. The Bullock's neighbors are not objecting to the salon being in her home.

Health Department Report – Permit R2650 was issued for a repair of the septic system at the existing dwelling in 2001. This septic system is designed for a 3-bedroom home only. Additional soil evaluations and expansion of the septic system are required. Contact the Health Department.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3519 – APPLICANT: Daniel Carter.

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

PROPERTY LOCATION: 433 McGrady Road, Rising Sun, MD 21911, Election District: 5, Tax Map: 18, Parcel: 187.

PROPERTY OWNER: Daniel Carter.

PRESENTLY ZONED: Rural Residential, (RR).

Daniel Carter, 433 McGrady Road, Rising Sun, MD would like to renew his special exception for a singlewide manufactured home. The trailer has been there for the last two (2) years with no complaints. This is a hardship for his mother since she is getting up in age, this way she would be close to him if there were any problems.

Health Department Report – Sanitary Permit H5908 was issued in 2008 for the existing mobile home. The Health Department has no objection to renewal of the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

AMENDMENT – MASTER WATER & SEWER PLAN

APPLICANT: Cecil County – Carpenters Point Sanitary.

FOR: Amend the Master Water and Sewer Plan’s Sewer Service Area Map to reflect the changes resulting from the Carpenters Point Sanitary Sewer Project.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Town of Rising Sun.

FOR: Amend the Master Water & Sewer Plan to reflect improvements to the Town of Rising Sun’s Water and Wastewater Facilities.

Staff recommended approval.

ACTION: Motion made to approve by Edwards, seconded by Wiggins

VOTE: All in favor, motion carried.

APPLICANT: Cecelia Bullock.

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

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

APPLICANT: Daniel Carter.

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

Staff recommended approval for as long as Daniel Carter owns the property and Mother resides in the manufactured home.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:35 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 16, 2010, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
16 August 2010

Present: Doordan, B. Patrick; McDowell, H. Clay; Mortimer, William; Taylor, Randall; Wiggins, Kennard; Houston, Clifford; Sennstrom, Eric

Absent: Janusz, Joe; Wallace, Wyatt; Dempsey, Gale; Demmler, Rebecca

Call to Order: Chairman Mortimer called the meeting to order at 7:08 p.m.

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

Special Exceptions

File 3521 – Christine Wertsch

Christine Wertsch appeared to present her application to renew a special exception for a home occupation for a handyperson business. Ms. Wertsch testified that she is the sole employee of the business and that no customers come to her home. Her focus is on painting, trim work, drywall repair with 95% of the activities taking place at the customer's location.

Vice Chairman Doordan read the comments of the Department of Environmental Health.

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

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

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

File 3522 – April L. Foster

April L. Foster appeared to present her application to establish an antique shop in an existing detached garage. Ms. Foster testified that the retail operation would mostly involve small antiques such as pictures and knick knacks with very little furniture. Ms. Foster stated that the antiques shop would be open from 10:00 a.m. to 6:00 p.m. on Saturdays and Sundays. Her husband and she would be the only employees.

Vice Chairman Doordan read the comments from the Department of Environmental Health.

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

Staff recommended approval for 2 years.

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

Adjournment: Chairman Mortimer adjourned the meeting at 7:16 p.m.

Next Meeting: 20 September 2010

Respectfully submitted:

Eric S. Sennstrom, Director – Planning & Zoning

PLANNING COMMISSION MEETING
September 20, 2010
7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wiggins, Taylor, McDowell, (Alternate), Demmler, (Ex-officio), Sennstrom, Houston, and Dempsey.

ABSENT: Janusz, Wallace.

MINUTES- Motion made by Doordan, seconded by McDowell and unanimously carried to approve the Monday, August 16, 2010, 7:00 p.m., minutes as mailed.

AMENDMENTS – Master Water & Sewer Plan

Amend Chapter 3, Section 3.2.2 – CECO Utilities; Chapter 4, Section 4.1.2 – CECO Utilities; the Water Service Area Map and the Sewer Service Area Map to show TM 21 Parcels 90, 102, 244 and 559 as W-2 and S-2 service areas.

Amend Chapter 3, Section 3.2.4 – Chesapeake City; Amend Chapter 4, Section 4.1.4 – Chesapeake City.

Eric Sennstrom, Director of Planning and Zoning presented the first amendment a request from CECO Utilities to amend the text in Sections 3.2.2 and 4.1.2 regarding the extension of water and sewer lines to their system and to the W.L. Gore Plant, Kenmore Elementary School, Cherry Hill Middle School, Cecil Manor Elementary School, the Village of Cherry Hill and Parcels: 90, 102, 244 and 559 on Tax Map: 21. Revise Water Service Area Map and Sewer Service Area Map to show parcels 90, 102, 244 and 559 as W-2 and S-2 service areas.

Health Department Report – The Health Department has no objection to the proposed amendment.

COMMENTS IN SUPPORT: Letter from Michael Pugh, Corridor Land Services, Representative of Eastern States Development Company with some suggestions to the text proposed, see file and attached for reference.

Bob Coleman, representing W.L. Gore, Cherry Hill, Elkton, MD stated they are in favor of this amendment.

COMMENTS IN OPPOSITION: None.

Amend Chapter 3, Section 3.2.4 – Chesapeake City; Amend Chapter 4, Section 4.1.4 – Chesapeake City.

Eric Sennstrom, Director of Planning and Zoning presented the second amendment, a request from the Town of Chesapeake City to revise the text in Sections 3.2.4 and 4.1.4 regarding the extension of water and sewer lines from the Town to the Bohemia Manor School complex.

Health Department Report – The Health Department has no objection to the proposed amendment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3523 - APPLICANT: Lauria Gosnay Brewer.

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

PROPERTY LOCATION: 825 Bohemia Church Road, Warwick, MD 21912, Election District: 1, Tax Map: 58, Parcel: 19.

PROPERTY OWNER: Lauria Gosnay Brewer.

RESENTLY ZONED: Southern Agricultural Residential, (SAR).

Karl Fockler, Attorney at Law, 205 East Main Street, Elkton, MD representing Lauria Brewer, 825 Bohemia Church Road, Warwick, MD in the renewal of a special exception for a singlewide manufactured home for farm help. Ms. Brewer is the daughter of Lauria Gosnay, (Mother-Deceased), property transferred to daughter. This property is approximately 20 acres off Bohemia Church Road. This special exception expired upon the death of Mrs. Brewers mother, thus needs a new special exception for farm help, as her primary residence is in Vail, CO. The existing singlewide has screening and a fence and cannot be seen from the road or adjacent properties. Ms. Brewer plans to upgrade the mobile home for a caretaker to reside for security and farm help since her primary residence is in Colorado.

Health Department Report – Sanitary Permit D4606 was issued in 1992 for the mobile home. The Health Department has no objection to retaining the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3525- APPLICANT: Oakridge Holding, LLC.

FOR: Single Wide Manufactured Home for security purposes.

PROPERTY LOCATION: 625 W. Pulaski Hwy., Elkton, MD 21921, Election District: 3, Tax Map: 309, Parcel: 262.

PROPERTY OWNER: Oakridge Holding, LLC.

PRESENTLY ZONED: Business General, (BG).

Ann Yaiser, 357 Cat Swamp Road, Elkton, MD stated she owns the property at 625 W. Pulaski Highway, Elkton, MD. Ms. Yaiser would like to ask permission to have a singlewide on the property for the purpose of security. The mobile home was for a guard to stay full time, since in the last 8-months there have been tools and equipment stolen. On occasion, tools and equipment were taken; Ms. Yaiser notified and filed reports with the police. The mobile home is not on a permanent foundation. Letter from Patricia Wertz, (tenant) in file and attached for reference.

Health Department Report – The property was tested and disapproved for an on-site sewage disposal system to serve a security mobile home in 1989. The Health Department could not approve a security mobile home on this property served by an on-site sewage disposal system. Property is mapped as S-3 in the Master Water and Sewer Plan; however, public sewerage is not currently available.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

AMENDMENTS – Master Water & Sewer Plan

APPLICANT: CECO Utilities.

FOR: Amend Chapter 3, Section 3.2.2 – CECO Utilities; Chapter 4, Section 4.1.2 – CECO Utilities; the Water Service Area Map and the Sewer Service Area Map to show TM 21 Parcels 90, 102, 244 and 559 as W-2 and S-2 service areas.

Staff recommended approval, with proposed changes requested by Corridor Land Services.

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

VOTE: All in favor, motion carried.

APPLICANT: Town of Chesapeake City.

FOR: Amend Chapter 3, Section 3.2.4 – Chesapeake City; Amend Chapter 4, Section 4.1.4 – Chesapeake City.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Lauria Gosnay Brewer.

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

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

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

VOTE: All in favor, motion carried.

APPLICANT: Oakridge Holding, LLC.

FOR: Single Wide Manufactured Home for security purposes.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve for two (2) years based upon compliance with the Health Department standards by Doordan, seconded by McDowell.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: Planning Commission members voted on Chairman and Vice-Chairman. Bill Mortimer voted as Chairman and Patrick Doordan voted as Vice-Chairman.

The meeting adjourned at 7:35 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 18, 2010, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

October 18, 2010

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wiggins, Taylor, Wallace, McDowell, (Alternate), Sennstrom, Houston and Dempsey.

ABSENT: Janusz and Demmler, (Ex-officio).

MINUTES- Motion made by Doordan, seconded by Wallace and unanimously carried to approve the Monday, September 20, 2010, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3526 - APPLICANT: Barbara F. DeMascio.

FOR: Special Exception for a home occupation to operate a dog training school.

PROPERTY LOCATION: 312 Middle Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 386.

PROPERTY OWNER: Samuel D. Pierson.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Barbara DeMascio, 2 Wren Road, Gilbertsville, PA stated she would like to purchase a piece of property at 312 Middle Road, Elkton, MD for her and her daughter to operate a dog training school. Ms. DeMascio and her daughter are looking for a place to train their own dogs as well as teach classes and seminars to the owners. The owners and dogs would be trained at the same time and there would not be more than six (6) dogs at a time. The training would be held at various times, some weekends, nights and days. There will be fencing around the property and a building built for training. No dogs will be kenneled outside. The property is 15 Acres but she would only need 8 to 9 Acres for training.

Health Department Report – No application has been received for water and sewage approval for the proposed use. Submit a written proposal detailing the maximum number of students per day, restroom facilities for students and how dog waste will be managed. A Groundwater Appropriation Permit Exemption is required. Percolation testing is required; much of the property is mapped as needing seasonal testing. Contact the Cecil County Health Department.

COMMENTS IN SUPPORT: Willard Smith, 363 Middle Road, Elkton, MD owns the property across the road from this property and is in support of Ms. DeMascio operating a dog training facility. Mr. Smith stated there is adequate room for parking and the building would be set back far enough from the road.

COMMENTS IN OPPOSITION: None.

FILE: 3529 - APPLICANT: Jacob Van Wingerden.

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

PROPERTY LOCATION: 55 Knight Island Road, Earleville, MD 21919, Election District: 1, Tax Map: 62, Parcel: 122.

PROPERTY OWNER: Phillip and Ruth Nissen.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Phillip Nissen, 55 Knights Island Road, Earleville, MD and his wife are owners of the property in which Jacob Van Wingerden, 65 Knights Island Road, Earleville, MD would like to purchase. He would like to keep the existing singlewide manufactured home for agricultural help and security purposes. Mr. Van Wingerden operates a commercial Wholesale Greenhouse on his property currently with fifteen (15) full time employees and would like to purchase Mr. Nissen's property to connect with his. Originally, this singlewide manufactured home was placed on the property for eleven (11) years so Mr. Nissen's daughter could live there for hardship purposes, she moved out in spring of 2010.

Health Department Report – No application has been received for water and sewage approval for the proposed use. Seasonal percolation testing and soils evaluations are required to define 10,000 square feet of sewage area for each dwelling unit on the property. Contact the Cecil County Health Department after January 1, 2011 to apply.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3530 - APPLICANT: Paul Leon Hickman, Sr.
FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.
PROPERTY LOCATION: 125 Carter Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 586.
PROPERTY OWNER: John W. Hickman, Sr.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John Hickman, Sr., and Barbara Hickman, 125 Carter Road, Elkton, MD representing Paul Hickman in this special exception. Barbara Hickman presented a notarized letter in behalf of Paul Hickman to the Board.

Bill Mortimer, (Chairman) read letter for the record.

Ms. Hickman stated Paul Hickman is 82 years old and has lived by himself for twenty (20) years in Pennsylvania and is unable to live on his own. Mr. Hickman does not want to live in The Hickman's home, he wants to be independent and live in this singlewide close to them. Currently there is a manufactured home on the property used for storage. There is a privacy fence behind the manufactured home.

Health Department Report – Sanitary Permit R753-87 was issued for installation of a septic system for the existing dwelling. Contact the Health Department to discuss required upgrades to the sewage disposal system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: James Baker, 110 Carter Road, Elkton, MD presented a petition to the Board with twenty-three (23) homeowner's signatures in opposition. This manufactured home does not meet the Northern Agricultural Residential, (NAR) requirements. Residents of Carter Road and Calvery Road are in opposition to this manufactured home, as it is not in character of the neighborhood and would set a precedent for others. Mr. Baker stated the diagram shown with the application is backwards. The residents are also concerned about the septic system; the odors are terrible from over-use.

Deaver Day, 90 Carter Road, Elkton, MD stated he has lived on this property for forty-six (46) years and this is a nice neighborhood with nice homes. Mr. Day does not want to see any trailers brought in; actually, this trailer was brought in the spring 2010. Mr. Day stated it is a travel trailer not a singlewide.

RECOMMENDATIONS:

APPLICANT: Barbara F. DeMascio.

FOR: Special Exception for a home occupation to operate a dog training school.

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.

APPLICANT: Jacob Van Wingerden.

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

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

APPLICANT: Paul Leon Hickman, Sr.

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

Staff recommended approval for two (2) years or as long as applicant resides in manufactured home and owners own the property whichever shall sooner occur.

ACTION: Motion made to disapprove, the proposed use at the proposed location would be more detrimental than anywhere else in the NAR zone by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

The meeting adjourned at 7:35 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 15, 2010, at 7:00 p.m. located in The Perryville Room.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION

MEETING MINUTES

15 November 2010

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

Absent: Mortimer, William; Taylor, Randall; Dempsey, Gale; Houston, Clifford

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

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

File: 2010-05: Edward D.E. Rollins, III appeared to present his application to designate a portion of his property (TM 35 Parcel 467) as buffer modification area. Mr. Rollins proceeded to provide a history of the property's ownership as well as an orientation as to the property's geographic setting in the context of the larger farm surrounding it. Mr. Rollins reminded the Planning Commission that a variance was approved by the Board of Appeals for this property in 2009 which was subsequently appealed by the Chesapeake Bay Critical Area Commission (CBCAC). After meeting with the CBCAC, Mr. Rollins was advised that if he could obtain buffer modification area designation by the County for a 30' by 50' portion of his property, the CBCAC would not oppose the action. Mr. Rollins provided rationale as to why his property meets the requirements of Section 203.3.b of the Zoning Ordinance to be designated as buffer modification. The purpose of this request is to permit Mr. Rollins to install a swimming pool on the property.

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

Staff recommended approval of the request.

Motion was made by Joe Janusz to recommend approval of the request. Motion was seconded by H. Clay McDowell. All members present voted in favor of the motion. Motion carried.

File: 2010-06: Charles Roosa appeared to present the application to rezone parcels 998, 1216, 1296, 1297 and 1298 on tax map 31 to Business General (BG) from Suburban Residential (SR). Mr. Roosa stated that he is listing the properties for sale and that their location adjacent to Maryland Route 267, the Northeast Corridor Railroad, and a bar does not make residential development an ideal use for the properties. He is of the opinion that they should be commercially zoned. Mr. Roosa stated that there is no specific commercial use in mind presently but that the location could be used for a restaurant, insurance sales, or strip commercial. He noted that the BG uses as well as the BL uses would fit on the properties. The Planning Commission perused the zoning map to ascertain the subject properties location vis-à-vis the surrounding zoning districts.

Vice Chairman Doordan asked if anyone desired to speak in favor of the request. No one appeared.

Vice Chairman Doordan asked if anyone desired to speak in opposition to the request. The following appeared: Ken Simmers, Mary Morgenstern, Mike Hamlin, and Robert Jones.

Staff recommended disapproval of the request as the applicant failed to demonstrate either a mistake in the last comprehensive rezoning or a substantial change in the character of the neighborhood since the last comprehensive rezoning.

Motion was made by H. Clay McDowell to recommend disapproval of the request due to the failure to demonstrate a mistake in the last comprehensive rezoning or a substantial change in the character of the neighborhood since the last comprehensive rezoning. Motion was seconded by Kennard Wiggins. All members present voted in favor of the motion. Motion carried.

File: 3532: Nancy Ewing Trego and Jan Drane appeared to present the application to renew a special exception to retain a single wide manufactured home on the property for agricultural purposes. Ms. Trego indicated that this is the third appearance for this manufactured home after it was initially approved for 1 year and then renewed for 2 years. They would like to have a renewal on a permanent basis. She noted that the greenhouse operation and agricultural operation are still occurring on the property. Ms. Trego also noted that the vegetative plantings required by the first approval effectively screen the manufactured home from view.

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

Staff recommended approval for as long as Ms. Trego owns the property and Ms. Drane resides in the manufactured home.

Motion was made by Wyatt Wallace to recommend approval for as long as Ms. Trego owns the property and Ms. Drane resides in the manufactured home. Motion was seconded by Joe Janusz. All members present voted in favor of the motion. Motion carried.

Adjournment: Vice Chairman Doordan adjourned the meeting at 7:42 p.m.

Next Meeting: Monday, 20 December 2010, 7:00 p.m., Elk Room, County Administration Building

Respectfully submitted:

Eric S. Sennstrom, Director – Planning & Zoning

PLANNING COMMISSION MEETING

December 20, 2010

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wiggins, Taylor, Wallace, Broomell, (Ex-officio), Sennstrom and Houston.

ABSENT: Janusz, McDowell, (Alternate) and Dempsey.

MINUTES- Motion made by Doordan, seconded by Wiggins and unanimously carried to approve the Monday, November 15, 2010, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3535 - APPLICANT: James D. Buckland.

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

PROPERTY LOCATION: 1178 Glebe Road, Earleville, MD 21919, Election District: 1, Tax Map: 52, Parcel: 469, Lot: 2.

PROPERTY OWNER: James D. Buckland.

PRESENTLY ZONED: Rural Residential, (RR).

James Buckland, 1178 Glebe Road, Earleville, MD stated a year ago he constructed a doublewide manufactured home on his farm for purposes of housing his in-laws for hardship purposes. The manufactured home has all the landscaping completed and a wheel chair ramp installed.

Health Department Report – Sanitary Permit H6608 was issued in 2009 for placement of a special exception mobile home. The Health Department has no objection to extension of the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3536 - APPLICANT: Rosalind Cunningham.

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

PROPERTY LOCATION: 165 Pond Neck Road, Earleville, MD 21919, Election District: 1, Tax Map: 56, Parcel: 165.

PROPERTY OWNER: Timothy and Sherri Cunningham.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Tim Cunningham, 165 Pond Neck Road, Earleville, MD stated five years ago his father passed away and his mother (Rosalind Cunningham) does not drive and had knee replacement surgery, he would like the renewal of his special exception extended as long as his mother resides in the manufactured home.

Health Department Report – Sanitary Permit H1290 was issued in 2006 for placement of a special exception mobile home. The Health Department has no objection to extension of the special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: James D. Buckland.

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

Staff recommended approval for as long as the Buckland's own the property and in-laws reside in the manufactured home.

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

VOTE: All in favor, motion carried.

APPLICANT: Rosalind Cunningham.

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

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

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

VOTE: All in favor, motion carried.

The meeting adjourned at 7:15 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, January 19, 2011, at 7:00 p.m.

Respectfully submitted:

Gale L. Dempsey, Administrative Assistant
Office of Planning and Zoning