

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, January 18, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Bill Miners, Roger Persons, Wyatt Wallace, Tom Mullen (Alternate), Steve O'Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Chad Johnston, Joyce Bowlsbey (Ex-Officio), James Dellmyer, Esq., Lloyd Harmon (DEH), Kordell Wilen, (DPW) Eric Sennstrom (P&Z), and Tony Di Giacomo (P&Z).

MINUTES - Motion was made by Mr. Wiggins, seconded by Mr. Wallace and unanimously carried to approve the Monday, November 21, 2016, 6:00 p.m., minutes as mailed.

**SUBDIVISIONS:**

**No subdivision submittals were received for review by the Planning Commission.**

**SPECIAL EXCEPTIONS:**

**FILE: 3798 - APPLICANT:** William F. Riddle.

FOR: Special Exception to operate a paintball business.

PROPERTY LOCATION: 2941, 2943, 2981 Old Telegraph Road, Chesapeake City, MD 21915,  
Election District: 2, Tax Maps: 43 & 44, Parcels: 3, 72 & 87.

PROPERTY OWNER: Lawrence R, Jr. & Nancy M. Carver.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

William Riddle, Esq., Lawrence Carver, Nancy Carver and Brian Barno, appeared and presented an overview of the application. Mr. Riddle explained that Mr. and Mrs. Carver currently have a Special Exception to operate the paintball business from their property. Mr. Carver explained that due to a pending refinancing of the property, the Carver's are selling Brian and Kristy Barno the property. The Barno's will then own the property but the Carver's and Barno's will have equal shares of the paintball business. The Carver's will continue to reside in the home; the Barno's will stay in their current home in New York. Mr. Carver stated that their goal is to get an approval for a lifetime as anything less would make it very difficult to get loans from banks with approvals that have expiration dates.

The purpose of this application is to reflect the Barno's as the property owners, awarding them the Special Exception to operate the paintball business, just as the Carver's had received in the past.

Mr. Wallace asked if this application is a new application or a renewal of the Carver's previous Special Exception. Mr. O'Connor stated that this application is being considered as a new application, separate from the Carver's existing approved Special Exception.

HEALTH DEPARTMENT: Sanitary Permit B8446 was issued in 1996 for an existing mobile home. As proposed by the applicant, water and septic are adequate for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Kim Foster, 54 Wilmon Street, Chesapeake City, MD spoke in opposition of this application as she did when Mr. Carver's application was heard. She feels that this is not an appropriate area for business to be run. She feels that this area should be kept as an agricultural area.

**RECOMMENDATIONS:**

Staff recommended approval, contingent on Brian and Kristy Barno completing the real estate transaction of said property, own the property and operate the business with the hours of operation being between 9:00 am – 4:00 pm, seven (7) days per week.

**ACTION:** Motion to recommend approval for two (2) years contingent on Brian and Kristy Barno completing the real estate transaction of said property, own the property and operate the business with the hours of operation being between 9:00 am – 4:00 pm, seven (7) days per week, was made by Mr. Wallace. Motion seconded by Mr. Wiggins.

**VOTE:** Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with conditions carried.

The next meeting for this application will be January 24, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

None.

The meeting adjourned at 6:17 p.m.

**NEXT PLANNING COMMISSION MEETING:** Wednesday, February 22, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, February 22, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Bill Miners, Roger Persons, Wyatt Wallace, Cameron Brown, Esq., Kordell Wilen, (DPW), Tony Di Giacomo (P&Z), Steve O'Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Chad Johnston, Tom Mullen (Alternate), Joyce Bowsbey (Ex-Officio), Fred von Staden (DEH), Eric Sennstrom (P&Z).

MINUTES - Motion was made by Mr. Wallace, seconded by Mr. Miners and unanimously carried to approve the Wednesday, January 18, 2017, 6:00 p.m., minutes as mailed.

Mr. O'Connor announced that File #2017-001 – Rezoning, Noe Mejia has been postponed until the March Planning Commission meeting.

**SUBDIVISIONS:**

**1. Lands of Beecher M. & Edith A. Rasnake, 1 Lot, Preliminary / Final Plat, East Old Philadelphia Road, American Land Consultants, Inc., Fifth Election District.**

Stan Granger, American Land Consultants, LLC, Beecher Rasnake and Gary Rasnake, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

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

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots or 25 or fewer acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

This proposal was reviewed by the TAC on 12/7/16.

Density: The RM zone permits a density of 2 du/ 1 ac., without community facilities This Preliminary-Final Plat proposes 1 lot + remaining lands on 27.912 acres, for a proposed density of 1/13.965.

This project location is within the 2010 Comprehensive Plan's Employment Mixed Use (EMU) land use district, and, as established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier II area.<sup>1</sup>

Per the Acreage Data Table, the boundary line survey has been completed.

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<sup>1</sup> Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

What is the proposed disposition of the Remaining Lands, and how will they be accessed?<sup>2</sup> Mr. Granger stated that Mr. Rasnake resides on the remaining lands; access is reach via the existing driveway to the east.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>3</sup>

Slopes greater than 25% must be shown on the Preliminary Plat. If this is to be treated as a Preliminary-Final Plat, then the topographic information must be included.

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

As no common open space is required, the C.O.S. sensitive areas thresholds are not an issue.

As the dwelling already exists, staff recommends that §28.5's landscaping requirements be waived.

As cited in General Note # 8, this project is exempt, per §3.2N.

A SWM Plan is not required.

Documentation of the driveway maintenance agreement has been provided to DPW. The County Attorney is currently looking over the agreement. Once the document is agreed upon by all parties, it will need to be recorded prior to the record plat being recorded.

A Landscape Agreement may be required to be executed prior to recordation.

The Master Water and Sewer Plan classifies this site as W2 and S1.

Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

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

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<sup>2</sup> The Remaining Lands, to become a buildable lot(s), must be activated as such via the subdivision process.

<sup>3</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Mr. Wilen, DPW, read the comments of the department:

The Department of Public Works (DPW) has no objection to the approval of the final plat presented here and has no comments. The Private Road Maintenance Agreement has been forwarded to the County Attorney for review. DPW will follow up on this agreement.

Mr. Wiggins read the comments of the Health Department:

Plat is satisfactory with the minor revision of the following added note: "The area is mapped as S- and W-3 in the Cecil County Master Water and Sewer Plan. Use of onsite well and septic system is approved on an interim basis until public utilities become available." Mr. Di Giacomo stated that the first condition of approval will cover this requirement should the project receive approval.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL** conditioned on:

- 1) Health Department requirements' being met;
- 2) DPW requirements' being met;
- 3) §28.5's landscaping requirements be waived; and
- 4) The recordation of the driveway maintenance agreement being recorded prior to the recordation of the record plat.

A motion for approval with staff's conditions was made by Mr. Wallace.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

**REZONING:**

**FILE: 2017-01-** APPLICANT: Noe V. Mejia.

REQUEST: Request to rezone 7.017 acres from Residential Mixed Use (RMU) to Business General, (BG).

PROPERTY LOCATION: 791 West Pulaski Hwy., Elkton, MD 21921, Election District: 3  
Tax Map: 26, Parcel: 661.

PROPERTY OWNER: Noe V. Mejia.

PRESENTLY ZONED: Residential Mixed Use, (RMU).

**POSTPONED UNTIL THE MARCH PLANNING COMMISSION MEETING.**

**SPECIAL EXCEPTION:**

**FILE: 3800** - APPLICANT: Tanya Beresh d/b/a Softech Communications, Inc.  
FOR: Special Exception to operate an in-home business.  
PROPERTY LOCATION: 4 East Rosemont Drive, Elkton, MD 21921, Election District: 4, Tax  
Maps: 7, Parcel: 159, Section 1, Lot 16.  
PROPERTY OWNER: Ken & Tanya Beresh.  
PRESENTLY ZONED: Low Density Residential, (LDR).

Tanya and Ken Beresh appeared and presented an overview of the application. Mrs. Beresh explained that she conducts an Information Technology business from her home. She explained that no deliveries or extra traffic will be generated from this business. Also, she does not advertise her business.

**HEALTH DEPARTMENT:**

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

**COMMENTS IN SUPPORT:** Mr. O'Connor stated that the office of Planning & Zoning received eight (8) letters in support of Mr. and Mrs. Beresh's application. See file for letters.

**COMMENTS IN OPPOSITION:** None.

**RECOMMENDATIONS:**

Staff recommended approval, for two (2) years.

**ACTION:** Motion to recommend approval for as long as the applicants own the property and operate the business, was made by Mr. Wallace.

Motion seconded by Mr. Miners.

**VOTE:** Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be February 28, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

None.

The meeting adjourned at 6:19 p.m.

**NEXT PLANNING COMMISSION MEETING:** Monday, March 20, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, March 20, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Bill Miners, Wyatt Wallace, Chad Johnston, Tom Mullen (Alternate), Joyce Bowlsbey (Ex-Officio), Aaron Harding, (DPW), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Roger Persons, Cameron Brown, Esq., Lloyd Harmon (DEH) and Steve O'Connor (P&Z).

MINUTES - Motion was made by Mr. Miners, seconded by Mr. Wiggins and unanimously carried to approve the Wednesday, February 22, 2017, 6:00 p.m., minutes as mailed.

**CECIL COUNTY ZONING ORDINANCE – TEXT AMENDMENTS**

- **Amend language in Section 101 (Campgrounds and Recreational Vehicle Parks (5.05.000)) to include the addition of language pertaining to periods of operation.**

Eric Sennstrom, Director of Planning & Zoning presented an overview of the proposed text amendment. Mr. Sennstrom explained that the language in Article V, Part V, Section 101 currently states that “No camp patron shall be permitted to maintain and/or use the camping site or facilities of any camp permitted under this Ordinance for a period longer than one hundred (100) days in succession or for a total of more than 150 days within any one (1) calendar year.” The proposed amendment would replace this language with the following: “Campgrounds permitted under this ordinance shall be closed from November 1<sup>st</sup> through March 31<sup>st</sup> (the “Closure Period”) each year. No camp patron shall use a campground or a campground’s facilities during the Closure Period.”

Mr. Sennstrom stated that this amendment was a directive from the County Executive on the suggestion of the County Attorney to increase the efficiency of the County’s efforts to ensure compliance with the County’s regulations regarding temporary use of campsites.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Sennstrom stated that a letter of opposition was received from John Balmer. A copy of the letter was distributed to the Planning Commission members. See file for letter.

RECOMMENDATION: Staff recommended approval.

ACTION: Motion to recommend approval was made by Mr. Wallace.  
Motion seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be April 4, 2017 before the County Council.

**SUBDIVISIONS:**

**No subdivision submittals were received for review by the Planning Commission.**

**REZONING:**

**FILE: 2017-01- APPLICANT:** Noe V. Mejia.

**REQUEST:** Request to rezone 7.017 acres from Residential Mixed Use (RMU) to Business General, (BG).

**PROPERTY LOCATION:** 791 West Pulaski Hwy., Elkton, MD 21921, Election District: 3  
Tax Map: 26, Parcel: 661.

**PROPERTY OWNER:** Noe V. Mejia.

**PRESENTLY ZONED:** Residential Mixed Use, (RMU).

David Beste, Esq., and Noe V. Mejia, owner, appeared and presented an overview of the application. Mr. Beste explained that a translator was present for the benefit of Mr. Mejia. Mr. Beste stated that his client feels that there was both a mistake in the 2011 Comprehensive Rezoning as well as a change in the character of the neighborhood. He explained that there are several surrounding properties that have commercial businesses in operation. He feels that a mistake was made when this property was not designated as a commercially zoned parcel. In regard to a change in the character of the neighborhood, Mr. Beste explained that prior to the subdivision of this property that took place in 2014, this parcel stretched from Nottingham Road in the rear to Route 40 in the front. Now that his property no longer is located on Nottingham Road to the north, there is no longer a danger of a commercial business being run off of Nottingham Road. His belief is that this constitutes a substantial change in the character of the neighborhood. Mr. Mejia would like to have an auto repair business conducted on this property.

Mr. Beste gave copies of several letters of support to the Planning Commission. See file for letters.

**HEALTH DEPARTMENT:**

The Health Department has no objection to proposed rezoning. Specific development proposals will need to be reviewed for water supply and sewage disposal needs.

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** Joe Krukosky, 833 West Pulaski Hwy, Elkton, MD, spoke in opposition of this application. Mr. Krukosky feels that a commercial operation will affect the aesthetics of his property as well as have ill effects on his well.

**RECOMMENDATION:**

Staff recommended approval, based on a mistake in the 2011 Comprehensive Rezoning.

**ACTION:** Motion to recommend approval based on a mistake in the 2011 Comprehensive Rezoning, was made by Mr. Wallace.

Motion seconded by Mr. Miners.

**VOTE:** Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be April 4, 2017 before the County Council.



**SPECIAL EXCEPTION:**

**FILE: 3801** - APPLICANT: David & Sonja Larason.

FOR: Special Exception to operate an in-home business.

PROPERTY LOCATION: 7 Woods Road, Elkton, MD 21921, Election District: 4, Tax Map: 7, Parcel: 20, Lot 33.

PROPERTY OWNER: David & Sonja Larason.

PRESENTLY ZONED: Low Density Residential, (LDR).

David and Sonja Larason appeared and presented an overview of their application. Mr. Larason explained that Sonja would like to receive this Special Exception to operate a cleaning business out of their home. They do not anticipate any additional traffic, parking needs or employees coming to or from the residence. He does not believe this will cause any issues with the surrounding neighbors. Mr. Larason explained that he has also contacted the Clerk's Office in regard to obtaining a business license; he was told that a business license from the Clerk's Office is not required.

**HEALTH DEPARTMENT:**

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

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** None.

Mr. Larason stated that he had received multiple letters in support of his application.

**RECOMMENDATION:**

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

**ACTION:** Motion to recommend approval for as long as the applicants own the property and operate the business, was made by Mr. Miners.

Motion seconded by Mr. Wiggins.

**VOTE:** Members voted unanimously in favor of the motion.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be March 28, 2017 before the Board of Appeals.

**FILE: 3803** - APPLICANT: Barbara J. Baynes.

FOR: Special Exception Renewal to operate an in-home business.

PROPERTY LOCATION: 533 Goosemar Road, Rising Sun, MD 21911, Election District: 5, Tax Map: 24, Parcel: 43.

PROPERTY OWNER: Barbara J. Baynes.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Barbara Baynes appeared and presented an overview of the application. Ms. Baynes explained that she runs an office for a trucking company out of her home. She stated that no trucks are kept on the Goosemar Road property as they are all stored at a location in Middle River, Maryland. She requested a renewal of the previously granted Special Exception.

**HEALTH DEPARTMENT:**

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

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** None.

**RECOMMENDATION:**

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

**ACTION:** Motion to recommend approval for as long as the applicant owns the property and operates the business, was made by Mr. Wallace.

Motion seconded by Mr. Mullen.

**VOTE:** Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with conditions carried.

The next meeting for this application will be March 28, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

- **INFORMATION ITEM ONLY - Chesapeake Cove, Lots 9 & 11, Revised Final Plat, Oldfield Point Road, Morris & Ritchie Associates, Inc., Third Election District.**

Amy DiPietro, Morris & Ritchie Associates and Richard Morris, Oldfield Point Investments, appeared and presented an overview of their proposal. Mr. DiPietro explained that several homes have already been built in this subdivision. As a part of selling the lots, the developers have come across some issues with Lots 9 and 11 as far as access. Some of the homeowners have expressed not wanting to have shared driveways and Lot 11 has a particularly long driveway to get back to the home site. Ms. DiPietro explained that what they are proposing to do is move the house site on Lot 11 closer to Oldfield Point Road. This would require less impervious surface, clearing of existing trees, less driveway construction and less force main. Access would be off of Oldfield Point Road. The neighbor that would share a driveway with Lot 9 sent a letter expressing the support of this change.

At the request of DPW, a Site Distance Analysis was submitted to show that safe access can be gained from both driveways off of Oldfield Point Road.

Mr. Morris added that ideally, they would like to have Lot 11 have access off of Scotland Point Road but due to issues with shared maintenance of the road, the current users of Scotland Point Road did not respond to requests to enter into a road maintenance agreement with Lot 11. This in turn would leave all road maintenance to the owners of Lot 11, creating a potential burden.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is for general discussion/ information only. No formal Planning Commission action is requested; therefore, no formal recommendation is hereby rendered.

**Background/Density:** The Concept Plat, proposing 10 lots (2-11)<sup>1</sup> on 99.96 acres<sup>2</sup>, for a proposed density of 1/9.99, was approved on 9/17/07, conditioned on:

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<sup>1</sup> Lot 1 was previously approved via the minor subdivision process.

<sup>2</sup> The **SR** zone permits a density of 1 du/ 1 ac.

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Variance for the driveway on proposed Lot 5 being obtained prior to the Planning Commission's review of the Preliminary Plat; and
- 4) The wetlands/tributary stream issue being resolved prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat<sup>3</sup> was approved on 5/19/08<sup>4</sup>, conditioned on:

- 1) The pending Critical Area issues being resolved prior to the Planning Commission's review of the Final Plat;
- 2) Health Department requirements being met;
- 3) DPW requirements being met;
- 4) The FCP, Landscape Plan & EA being approved prior to Final Plat review by the Planning Commission;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 6) Based upon the 5/12/08 site meeting, all FIDS issues being resolved prior to Final Plat review by the Planning Commission; and
- 7) All "common open space" being consistently labeled and referenced as such.

The Final Plat that was approved on 9/15/08 changed the access for Lot 11 to Scotland Point Road for environmental reasons. The Final Plat approval was conditioned on:

- 1) The Record Plat's being signed only after the CBCAC's 10/9/07 sanctions prohibiting Final Plat approvals in the Critical Area have been lifted;
- 2) Health Department requirements being met;
- 3) DPW requirements being met;
- 4) The Landscape Agreement being executed prior to Recordation;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) For the Critical Area portion of the project, per §197.12.b (3), all mitigation sites being permanently protected through conservation easement(s) or other legal mechanism(s) (as specified in Appendix F of A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, dated June, 2000) being recorded prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's distinguishing between reforestation areas and forest retention areas;
- 9) The Record Plat's reflecting Lot 11's access off of Scotland Point Road; and
- 10) All access agreements for Lot 11 being recorded prior to recordation.

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<sup>3</sup> The Concept Plat's depicted protective zones around 2 Bald Eagle's nests were removed, but the Preliminary Plat was otherwise **consistent** with the approved Concept Plat.

<sup>4</sup> At the 2/20/08 Preliminary Plat review, staff recommended tabling because 2 issues were unresolved:

- 1) Some areas depicted as wetlands, could have been tributary intermittent streams – which would entail significantly increasing the buffers<sup>4</sup>. Subsequently, a 2<sup>nd</sup> field site visit was conducted on 2/8/08 with an expert from MDE, and his determination has been agreed to and is reflected on the plat.<sup>4</sup>
- 2) There remained CBCAC issues regarding the FIDS survey (~~the most recent guidance being used~~), so a subsequent site visit was conducted on 5/12/08. Resolution was understood having been reached.

Considerations:

- Only the Planning Commission, per §7.2.F.1, has the power to approve the relocation of a subdivision entrance.
- §2.4.1 was adopted to reduce the number of entrances onto County roads.
- §7.2.E.5 stipulates that “Roadways intersecting opposite sides of another roadway shall be laid out either directly opposite one another or with a minimum of one hundred twenty-five (125) feet between their centerlines.” The proposed Lot 11 entrance would offset from River Mist Drive by only 48’.
- All changes proposed are outside the Critical Area.
- If approved, then the FCP would require modification.
- If approved, then the Deed Restrictions may require modification.

Mr. Harding, DPW, read the comments of the department:

The Department of Public Works (DPW) has no objection to the Revised Final Plat presented here. Final Lot Grading Plans must be submitted to show that the revised layout satisfies the approved storm water management plans.

The developer should be aware that Chesapeake Cove storm water management approval will expire on May 4, 2017. Any development proposed after that date must submit storm water management plans in accordance with the current storm water management code.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to the revised plat.

Discussion ensued regarding the hazards of having inadequate distance between all the proposed access points on Oldfield Point Road.

Mr. Johnston stated that, should this plat come before the Planning Commission for action, he would be in support of the proposed change. Mr. Miners and Chairman Doordan agreed.

- Mr. Wallace asked for discussion regarding the need for Special Exceptions on home based businesses that are conducted off site or are non-intrusive to the surrounding properties. The other members agreed with the need for discussion.

The meeting adjourned at 6:53 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 17, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, April 17, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Bill Miners, Wyatt Wallace, Chad Johnston, Roger Persons, Cameron Brown, Esq., Joyce Bowlsbey (Ex-Officio), Steve O'Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Tom Mullen (Alternate), Lloyd Harmon (DEH) Aaron Harding, (DPW), Eric Sennstrom (P&Z), and Tony Di Giacomo (P&Z).

MINUTES - Motion was made by Mr. Miners, seconded by Mr. Wiggins and unanimously carried to approve the Monday, March 20, 2017, 6:00 p.m., minutes as mailed.

**SUBDIVISIONS:**

- 1. Minor Subdivision #4019 – James E. Waters, III and James Bryan Waters, Robert V. Jones, P.A., Critical Area Intra- family subdivision, transfer of property located at 100 Cameron Lane, North East, 21901.**

Robert Jones, P.A., James Waters and James Brian Waters, appeared and presented an overview of the project. Mr. Jones explained that Mr. Waters and his wife had subdivided this land in 2015 to create a lot (2A) for their son. Due to the conditions of the subdivision, Lot 2A could only be occupied by a family member. In late March 2016, Mr. Waters's wife passed away. Due to her passing and increasing debt that Mr. Waters was incurring, he felt he needed to sell the property. He found a buyer for the property but the buyer would only purchase the property if they could also acquire Lot 2A, essentially at no extra cost. Mr. Waters agreed to this purchase therefore, the buyer bought his lot with the home as well as the unimproved, Lot 2A. According to Article XI, Part I, Section 193.4 (b) 5 of the Zoning Ordinance, the Planning Commission can permit the transfer of a lot created under the intra family transfer provision to a third party if the Planning Commission determines "A change in circumstances has occurred since the original transfer, not of the owner's own doing, that would warrant permitting a subsequent transfer, when such circumstances are consistent with the warrants and exceptions contained herein". Mr. Jones stated that his clients are looking to have this transfer to the new owners approved due to the stated circumstances.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this minor subdivision.

COMMENTS IN SUPPORT: Peter Kirsh, 112 East Cecil Ave., North East, MD, spoke as the attorney for the buyers of this land. He explained that currently, his clients have no plans to develop Lot 2A.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding the possibility of placing conditions on an approval for the current owners of this property to coincide with the Critical Area Commissions' previous conditions.

RECOMMENDATION: Staff recommended approval.

ACTION: Motion to recommend approval was made by Mr. Miners.  
Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

**AGRICULTURAL PRESERVATION DISTRICT:**

**FILE CE-17-01 -APPLICANT:** George Balog – Appledale Farm.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 134 Warburton Road, North East, MD 21901, Election District: 5, Tax Map; 19, Grid: 15, Parcels: 61 & 487.

ACREAGE: 94.594.

PROPERTY OWNERS: George & Barbara Balog.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Steve O'Connor, Planning & Zoning, presented an overview of the request. The proposed district property is located at 134 Warburton Rd. North East, Maryland 21901; and further identified as Tax Map 19, Grid 15 Parcels 61 & 487. Zoned NAR, the property is located in the 5th Election District, and contains 94.594 acres. The entire property will be located within the district. The proposed district is located outside of Master Water & Sewer Plan service areas. Chapter A385-3 of the Code of Cecil County set the regulatory Criteria for the establishment of an Agricultural Preservation District. Subsection C of Chapter A385-3 requires that all Districts consist of a minimum of 50 contiguous acres. This proposed District contains 94.594 acres and does meet this requirement. Subsection D of Chapter A385-3 requires that all districts consist of "a minimum of 50% of USDA soil capability classes I, II, & III; and if the property is wooded than at least 50% of the soils shall be woodland groups 1 and 2. This proposed district contains a total of 86.5 acres of class I, II, and III soils, and the proposed district contains a total of 23.5 acres of woodland groups 1 and 2 soils.

The Cecil County Agricultural Preservation Advisory Board has recommended approval of this application.

**HEALTH DEPARTMENT:** The Cecil County Health Department has no objection to this Agricultural Preservation Plan.

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** None.

**RECOMMENDATION:**

Staff recommended approval.

**ACTION:** Motion to recommend approval was made by Mr. Wallace.

Motion seconded by Mr. Wiggins.

**VOTE:** Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be May 2, 2017 before the County Council.

**REZONING:**

**FILE: 2017-02-** APPLICANT: Penntex Ventures, LLC c/o Dwight Thomey.

REQUEST: Request to rezone 1.2 acres from High Density Residential (RM) to Business General, (BG).

PROPERTY LOCATION: Singerly Road at Leeds Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcels: 440, 694 & 864.

PROPERTY OWNER: Augustus C. & Emily Cupeto.

PRESENTLY ZONED: High Density Residential, (RM).

Dwight Thomey, Esq., Ted Donald and Ashley Weinman, Penntex Ventures, LLC and Charles Cupeto, owner, appeared and presented an overview of the application. Mr. Thomey stated that the owners of parcels, 440, 694 and 864, Mr. & Mrs. Cupeto, have owned these parcels since 1986. Mr. Cupeto stated that he has had no success in trying to sell these lots due to the lack of access to water. Mr. Thomey asked Mr. Cupeto if he has had any success since water lines have recently been installed to this area. Mr. Cupeto said that he is has not had any further success even with the water lines being installed. Mr. Thomey explained that his clients feel that due to a mistake in the 2011 Comprehensive Rezoning, this property should have been given a Business General zoning designation. He stated that there are other commercially zoned properties in close proximity to these parcels. Mr. Thomey explained that due to the location being next to and across from commercial operations, this would not be a good location for residential housing. Additionally, he cited several passages from the Comprehensive Plan regarding commercial uses in Village land use areas. Ultimately, the developers would like to place a Dollar General store at this location.

Mr. Donald provided the Commission with a handout showing what the developer plans on building should these parcels be rezoned to a Business General designation. See file for handout.

Mr. Wiggins and Mr. Wallace both commented that they would welcome this type of business being placed on this property.

Mr. Wallace stated that he feels that Parcel 863 to the east of this property would need some sort of screening for aesthetic purposes. Mr. Donald stated that historically, when a store of this kind is built, a fence is installed around the perimeter of the property and completed with landscaping on the side of the neighboring property.

Discussion ensued regarding the possible entrances should a commercial operation be placed on this property.

HEALTH DEPARTMENT: The Health Department has no objection to proposed rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Herbert Lusby, 315 Cherry Hill Road, Elkton, MD spoke in opposition of this application. Mr. Lusby feels that this location is dangerous due to the traffic circle's close proximity. He also feels that this will cause pedestrian traffic to increase through the properties that border this property. Mr. O'Connor noted that there was a letter in the file that echoed the same concerns.

**RECOMMENDATION:**

Staff recommended approval, based on a mistake in the 2011 Comprehensive Rezoning.

**ACTION:** Motion to recommend approval based on a mistake in the 2011 Comprehensive Rezoning, was made by Mr. Wallace.

Motion seconded by Mr. Miners.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be May 2, 2017 before the County Council.

**SPECIAL EXCEPTION:**

**FILE: 3804** - APPLICANT: Wahab R. Hussin.

FOR: Special Exception to operate a small restaurant.

PROPERTY LOCATION: Little Egypt Road, Elkton, MD 21921, Election District: 4, Tax Map: 7, Parcel: 13, Lot: 4.

PROPERTY OWNER: Wahab R. Hussin.

PRESENTLY ZONED: Rural Residential, (RR).

Wahab Hussin appeared and presented an overview of the application. Mr. Hussin explained that he is looking to open a small pizza shop in the area. He feels that there is a need in this area for this kind of service.

Discussion ensued regarding where the possible entrance would be for this shop.

HEALTH DEPARTMENT: See the Health Department regarding plans for food services, water and sewage plans to serve property/business.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: John Langhauser, 815 Little Egypt Road, Elkton, MD; Patty Paulus, 1357 Fair Hill Lane, Elkton, MD; Allan Snyder, 720 Little Egypt Road, Elkton, MD; April Schmitt, 17 Laeticia Lane, Landenberg, PA and Frank Hughes, 711 Little Egypt Road, Elkton, MD spoke in opposition of this application. Collectively, they all felt that a small restaurant in this area would create unsafe traffic condition as well as cause an undue disturbance to the sounding properties. They all believe that an establishment as such is not needed in the area as there are many already in operation in close proximity as well as some that have failed and have been left empty. The opposition feels that a commercial operation in this area would not blend well with the character of the surrounding areas.

Mr. O'Connor stated that two (2) letters in opposition had been received by the Office of Planning & Zoning. Chairman Doordan asked for those letters to be placed in the file.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years with the requirement of a Site Plan being approved by the Office of Planning & Zoning.

ACTION: Motion to recommend disapproval, was made by Mr. Wiggins.  
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of disapproval carried.

The next meeting for this application will be April 25, 2017 before the Board of Appeals.



**FILE: 3805** - APPLICANT: Deinna Anderson.

FOR: Special Exception to hold special events.

PROPERTY LOCATION: 140 McKeown Road, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 612, Lot: 2.

PROPERTY OWNER: Ronald & Deinna Anderson.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ronald and Deinna Anderson appeared and presented an overview of the application. Mrs. Anderson explained that she would like to hold special events, i.e. weddings, small gatherings, on her property. They are looking to hold less than 12 per year, between the months of April and October. Mrs. Anderson explained that any food would be catered, portable toilets would be brought in for each event and parking would be provided on the property. She feels this operation would not cause a disturbance to any surrounding properties.

HEALTH DEPARTMENT: The Health Department accepts plan presented to the Planning Commission for both events under Section 102 in the Zoning Ordinance.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval for two (2) years, was made by Mr. Miners. Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with conditions carried.

The next meeting for this application will be April 25, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

None.

The meeting adjourned at 7:20 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 15, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, May 15, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins (Vice Chair), Bill Miners, Wyatt Wallace, Roger Persons, Chad Johnston, Joyce Bowlsbey (Ex-Officio), Eric Sennstrom (LUDS), Steve O'Connor (LUDS) and Jennifer Bakeoven (LUDS).

ABSENT: Tom Mullen (Alternate), Cameron Brown, Esq., Lloyd Harmon (DEH) Aaron Harding, (LUDS), Tony Di Giacomo (LUDS).

MINUTES - Motion was made by Mr. Wallace, seconded by Mr. Wiggins and unanimously carried to approve the Monday April 17, 2017, 6:00 p.m., minutes as mailed.

Mr. O'Connor explained that File 2017-03 – Rezoning, has been withdrawn from the agenda.

**MASTER WATER & SEWER PLAN –**

- **Conowingo Mobile Home Park, Table Amendment – Appendix B - Revisions to Table 8 (Private Community Sewerage Systems), Table 9 (Single Lot Sewerage Systems), and Table 11 (Active or Pending NPDES Discharge Permits).**
- **Map Amendment - Appendix C – Revisions to Map - 2014 Master Sewer Plan – Existing Sewer Features – Mount Zoar.**

Eric Sennstrom, Director, Land Use & Development Services, presented an overview of the amendments presented. He explained that the proposed text and map amendments concern the Conowingo Mobile Home Park. Several years ago there was a proposal to address sewage disposal issues by combining Conowingo Mobile Home Park and Mabel Manor Mobile home park. Subsequent to those amendments being approved by Maryland Department of the Environment, plans have changed with the Conowingo Mobile Home Park moving forward alone without the Mabel Manor Mobile Home Park. The tabular information and maps will reflect that no longer will the project be linked, with Conowingo Mobile Home Park moving forward alone to address the issues with the on-site system that is there now and the discussions they have had with Maryland Department of the Environment to correct the shortcomings and come into compliance. If this amendment receives a favorable recommendation by the Planning Commission, it will be forwarded to the County Council for action then transmitted the Maryland Department of the Environment for final disposal by that entity who has final approval power. The Department has 90 days to review the amendment. If they need additional time they are permitted by State law an additional 90 days prior to rendering a final decision.

Discussion ensued regarding why the amendments are required.

**HEALTH DEPARTMENT:**

- **Conowingo Mobile Home Park** – Upgrades at Conowingo MHP is required for public health.
- **Map Amendment, Appendix C, Revisions to Map 2014 Master Sewer Plan** – Cecil County Health Department has no objection to this project.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

- **Conowingo Mobile Home Park, Table Amendment – Appendix B - Revisions to Table 8 (Private Community Sewerage Systems), Table 9 (Single Lot Sewerage Systems), and Table 11 (Active or Pending NPDES Discharge Permits).**

Staff recommended approval, the text amendment is found to be consistent with the 2011 Comprehensive Plan.

- **Map Amendment - Appendix C – Revisions to Map - 2014 Master Sewer Plan – Existing Sewer Features – Mount Zoar.**

Staff recommended approval, the map amendment is found to be consistent with the 2011 Comprehensive Plan.

ACTION:

- **Conowingo Mobile Home Park, Table Amendment – Appendix B - Revisions to Table 8 (Private Community Sewerage Systems), Table 9 (Single Lot Sewerage Systems), and Table 11 (Active or Pending NPDES Discharge Permits).**

Motion to recommend approval, the text amendment is found to be consistent with the 2011 Comprehensive Plan was made by Mr. Wallace.

Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval, carried.

- **Map Amendment - Appendix C – Revisions to Map - 2014 Master Sewer Plan – Existing Sewer Features – Mount Zoar.**

Motion to recommend approval, the map amendment is found to be consistent with the 2011 Comprehensive Plan was made by Mr. Wiggins.

Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval, carried.

The next meeting for this application will be May 16, 2017 before the County Council.

- **Text Amendment – Section 3.2.9 – Rising Sun - Existing System.**

Calvin Bonenberger, Jr., Town Administrator – Rising Sun, MD, Debra Pfeil, KCI Technologies and Ryan Flickinger, KCI Technologies, appeared and presented an overview of the amendments. Mr. Bonenberger explained that the Town of Rising Sun has been in a water and sewer moratorium for approximately 11 years.

This has had a negative impact on the town. In 2012, the construction of a new wastewater treatment plan began with the project being completed in August 2015. The Town is looking to drill new wells as well as reaching out to the surrounding towns to see about obtaining access to water. The most economically way to accomplish this was to run a water line from the Chester Water Authority in Chester County, Pennsylvania. This is currently solving the water issue in the Town of Rising Sun. The amendment presented tonight represents the deviation of the original route of the water lines to be installed.

Mr. Pfeil explained that the request includes the addition of 6 parcels which total 48 acres to the plan.

HEALTH DEPARTMENT:

- Text Amendment, Section 3.2.9 – Rising Sun, Existing System – Cecil County Health Department has no objection to this project.
- Map Amendment, Appendix D, Water System Maps, Rising Sun – Cecil County Health Department has no objection to this project.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

- **Text Amendment – Section 3.2.9 – Rising Sun - Existing System.**

Staff recommended approval, the text amendment is found to be consistent with the 2011 Comprehensive Plan.

- **Map Amendment - Appendix D - Water System Maps – Ridge Road, Rising Sun.**

Staff recommended approval, the map amendment is found to be consistent with the 2011 Comprehensive Plan.

ACTION:

- **Text Amendment – Section 3.2.9 – Rising Sun - Existing System.**

Motion to recommend approval, the text amendment is found to be consistent with the 2011 Comprehensive Plan was made by Mr. Wallace.

Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval, carried.

- **Map Amendment - Appendix D - Water System Maps – Ridge Road, Rising Sun.**

Motion to recommend approval, the map amendment is found to be consistent with the 2011 Comprehensive Plan was made by Mr. Wiggins.

Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval, carried.

The next meeting for this application will be May 16, 2017 before the County Council

**SUBDIVISIONS:**

**No subdivision submittals were received for review by the Planning Commission.**

**REZONING:**

**FILE: 2017-03-** APPLICANT: Gregory F. Birney, Esq. – **WITHDRAWN**

REQUEST: Request to rezone 44.72 acres from Urbanized Residential (UR) to Northern Agricultural Residential, (NAR).

PROPERTY LOCATION: 80 Ricketts Mill Road, Elkton, MD 21921, Election District: 3, Tax Map: 302, Parcel: 10.

PROPERTY OWNER: Morris & Janet Zwick.

PRESENTLY ZONED: Urbanized Residential, (UR).

**SPECIAL EXCEPTIONS:**

**FILE: 3806 -** APPLICANT: Jeannie M. Slayman.

FOR: Special Exception to operate an in-home occupation.

PROPERTY LOCATION: 463 West Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 211.

PROPERTY OWNER: Jeannie M. Slayman.

PRESENTLY ZONED: High Density Residential, (RM).

Jeannie Slayman appeared and presented an overview of the application. Ms. Slayman explained that she is looking to operate a home décor business out of her home. She specializes in wreaths, pictures, flower, etc. Ms. Slayman would like to conduct online and on-site sales.

HEALTH DEPARTMENT: Contact the Health Department regarding type of in-home occupation to determine if there are any additional sewage flow that may impact the sewage system.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval for two (2) years was made by Mr. Miners. Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be May 23, 2017 before the Board of Appeals.

**FILE: 3807** - APPLICANT: Rick Biddle.

FOR: Special Exception to operate a conference center.

PROPERTY LOCATION: 80 Ricketts Mill, Elkton, MD 21921, Election District: 3,

Tax Map: 302, Parcel: 10.

PROPERTY OWNER: Morris & Janet Zwick.

PRESENTLY ZONED: Urbanized Residential, (UR).

Ronnie Carpenter, Carpenter Engineering and Rick Biddle, Applicant, appeared and presented an overview of the application. Mr. Carpenter explained that his client is looking to operate a conference center out of the existing barn on the property. Mr. Biddle is looking at holding weddings, Christmas parties, etc., on the property. Mr. Carpenter explained that they are proposing a new access point to the property off of MD Route 213. Through previous conversations regarding a proposed access from this area, State Highway Administration felt favorable with the plans.

HEALTH DEPARTMENT: Contact the Health Department with plans.

COMMENTS IN SUPPORT: None.

Donald Hicks, 1315 Singerly Road, Elkton, MD, spoke neither in favor or in opposition of this application. Mr. Hicks explained that he had questions regarding the future use of the vineyard, the potential impacts on the water table for the surrounding properties.

COMMENTS IN OPPOSITION: Jeff Troyan, 21 Wedgemont Drive and David Boyer, 195 Wedgemont Drive, both of Elkton, MD spoke in opposition of the application. Mr. Troyan voiced concerns regarding the potential increase in traffic, noise, lighting, as well as negative impacts on the surrounding wells. Mr. Boyer asked what the projected occupancy would be as well as how much parking spaces would be required and how many events would be held indoors versus being held outdoors.

Ms. Bowlsbey noted that the existing barn is 4500 sq. ft.

Mr. Wiggins asked the applicant how many events he would like to hold per month/year. Mr. Biddle said he would like to offer this services all year round and daily operations.

Mr. Carpenter offered clarification to some of the concerns that Mr. Hicks, Mr. Troyan and Mr. Boyer had touched on. He explained that the maximum capacity will be 250 people per event. The guests would only be utilizing bathroom services as all food will be catered off-site. Therefore, they are estimating only 750 gallons per day in use. In regard to lighting, Mr. Biddle is proposing to have all LED lighting with screening as to not bother the surrounding properties. Mr. Carpenter explained that there would be no increased traffic on Ricketts Mill Road as guests will only gain access to the property from MD Route 213. As far as how many events will be held indoors versus outdoors, Mr. Carpenter stated that he is unable to answer that question as it will depend on what the contracted party wishes to do as well as the weather forecast for the day of the event.

**RECOMMENDATION:**

Staff recommended approval, for three (3) years with a minor site plan being submitted for review and approval by the Division of Planning & Zoning.

**ACTION:** Motion to recommend approval for three (3) years with a minor site plan being submitted for review and approval by the Division of Planning & Zoning, was made by Mr. Wallace.

Motion seconded by Mr. Miners.

**VOTE:** Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with conditions carried.

The next meeting for this application will be May 23, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

The meeting adjourned at 6:53 p.m.

**NEXT PLANNING COMMISSION MEETING:** Monday, June 19, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, June 19, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Bill Miners, Wyatt Wallace, Roger Persons, Chad Johnston, Tom Mullen (Alternate), Joyce Bowsbey (Ex-Officio), Eric Sennstrom (LUDS), and Jennifer Bakeoven (LUDS).

ABSENT: Ken Wiggins (Vice Chair), Cameron Brown, Esq., Lloyd Harmon (DEH) Aaron Harding, (LUDS), Tony Di Giacomo (LUDS) and Steve O'Connor (LUDS).

MINUTES - Motion was made by Mr. Wallace, seconded by Mr. Johnson and unanimously carried to approve the Monday May 15, 2017, 6:00 p.m., minutes as mailed.

**ANNUAL REPORT - 2016**

Eric Sennstrom, Director – Land Use & Development Services, appeared and gave an overview of the 2016 Annual Report.

The Land Use Article of the Annotated Code of Maryland requires the Planning Commission to adopt an Annual Report and file it with the local legislative body by July 1st of each year. Mr. Sennstrom summarized the content of the report which includes various data concerning Major / Minor Subdivisions, Site Plans, Historic District applications, Rezoning, Agricultural Preservation, Special Exceptions, Variances, Appeals, Building Permits and Zoning Violations.

The 2016 Annual Report also contains the roster for the several commissions and boards that are associated with the Department of Planning & Zoning such as Planning Commission, Board of Appeals, Ag. Preservation Advisory Board, Historic District Commission, Ag. Reconciliation Committee and the staff of Planning & Zoning.

The next section contains the Appendixes which includes, maps highlighting each Election District 1-9, and the development activity that occurred within those districts, greater specificity provided as far as Major / Minor subdivision activity, Land Preservation, building permit, Site Plan for Commercial/ Industrial/ Institutional, Zoning enforcement and complaint, Special Exception / Variance / Appeals activities that has occurred within the county. Various maps are also included in the document.

The report shows that the County has still not made a full recovery to the pre-2008 levels due to the most recent recession. There is slight improvement but not quite what it once was in past decades.

Department of Planning & Zoning, Department of Public Works and the Health Department offered no comments.

A motion for the adoption of the 2016 Annual Report was made by Mr. Johnston. The motion was seconded by Mr. Mullen.

All approve. Motion carried.

With the adoption of the 2016 Annual Report, the report will be filed with the County Council of County.



**SUBDIVISIONS:**

**No subdivision submittals were received for review by the Planning Commission.**

**REZONING:**

**FILE: 2017-04-** APPLICANT: PennTex Ventures, LLC, c/o Dwight E. Thomey.

REQUEST: Request to rezone 1 acre from Business Local (BL) to Business General, (BG).

PROPERTY LOCATION: 2825 North East Road, North East, MD 21901, Election District: 9  
Tax Map: 11, Parcel: 319.

PROPERTY OWNER: Deverell Commercial Realty, LLC.

PRESENTLY ZONED: Business Local, (BL).

Dwight Thomey, Esq., Ted Donald, PennTex, Betty Tustin, The Traffic Group and Leonard Deverell, owner, appeared and presented an overview of the application. Mr. Thomey explained that the current zoning of the property is Business Local (BL). Under the BL zoning designation, the structure needs to be less than 5000 sq. ft. in size. The current building on this property is over 5000 sq. ft. Also, 3 of the 4 surrounding properties of this parcel are currently zoned Business General (BG). Due to both the current oversized building on this BL lot, as well as the surrounding areas having a BG designation, the applicants believe a mistake was demonstrated when zoning this lot during the 2011 Comprehensive Rezoning. Betty Tustin testified that traffic studies were completed for this parcel, with the assumption that a Dollar General store would be placed on it should the zoning change request be granted. She believes that the majority of the traffic that a Dollar General store at this site would not create more traffic; the majority of their business will come from traffic that is already traveling on North East Road. In her opinion, she does not believe that any undue hardship will be put upon the roadway for this site.

HEALTH DEPARTMENT: – The Health Department has no objection to proposed rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion to recommend approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning was made by Mr. Miners.

Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval, carried.

The next meeting for this application will be July 11, 2017 before the County Council.

**SPECIAL EXCEPTIONS:**

**FILE: 3811 - APPLICANT:** Thomas Cochran.

**FOR:** Special Exception to hold festivals or events.

**PROPERTY LOCATION:** 680 Cherry Grove Road, Earleville, MD 21919, Election District: 1, Tax Map: 51, Parcel: 3.

**PROPERTY OWNER:** Thomas & Nancy Cochran.

**PRESENTLY ZONED:** Southern Agricultural Residential, (SAR).

Dwight Thomey, Esq., Thomas and Nancy Diane Cochran, owners appeared and presented an overview of the application. Mr. Cochran stated that he is looking to hold non-profit events on this property. In the past, events such as gatherings for veterans, Ducks Unlimited groups as well as weddings have been held at this property. He stated that all non-family gatherings will have an off-duty officer helping with traffic. Bathroom services will be provided via port-o-pots for any event on the property. Mr. Cochran explained that there is a full-time caretaker at the property to help with the upkeep. All trash will be disposed of properly after each event. He is looking to have 5-6 events with the maximum of up to 10-12 events per year. Mr. Cochran read a letter of support that he had received from Matthew Bartsch. Mr. Bartsch is a neighbor of Mr. & Mrs. Cochrans.

Discussion ensued regarding the ability to set conditions on requests such as this.

**HEALTH DEPARTMENT:** Contact the Cecil County Health Department regarding removal or treatment of sewage created at these festivals and events, potable water supply and how food will be supplied.

**COMMENTS IN SUPPORT:** William Jeanes, Jr., 1000 Cherry Grove Road and Phillip Pierce, 725 Cherry Grove Road, both of Earleville, spoke in favor of the application. Both gentlemen feel that the Cochran's have invested money and time into improving the property and that the activities that they are planning to hold will not have an adverse effect on the surrounding properties.

**COMMENTS IN OPPOSITION:** The following people spoke in opposition of this application: Bill Hamel, 15 Battery Point Road, Roy Dietz (presented commission with photos of Cherry Grove Road), 532 Stoney Battery Road; C.N. Agnew, Representative of 412 Stoney Battery Road; Brian Clark, 319 Veazey Cove Road; Susan Proud, 281 Stoney Battery Road; Allen Fidler, 389 Stoney Battery Road; Herb Bollman, 371 Stoney Battery Road; Steve Preston, 307 Stoney Battery Road; Alan Lynam, 335 Veazey Cove Road; Robert Kinnamon, 363 Veazey Cove Road; John Miller, 501 Stoney Battery Road; John Morgan, 313 Veazey Cove Road; Joy Lynam, 335 Veazey Cove Road; and Laura Preston, 307 Stoney Battery Road. Collectively, the speakers voiced concerns regarding increased traffic, noise and lighting pollution, the possibility of property values decreasing, possible long term effects to the river and shoreline, personal safety issues and trash that may come from large events.

Councilwoman Bowsbey stated that she had received a call from a constituent, Ed deGarbolewski, regarding this application. Mr. deGarbolewski had many of the same concerns as the individuals whom spoke in opposition already.

Mr. Sennstrom explained that Alexandra DeWeese, Critical Area Commission sent comments neither for or against this application. The letter consists of a request for additional information and suggestions for taking into account the Critical Area concerns, concerning the property. See file. Mr. Sennstrom stated that the office also received a letter of support from Phillip Pierce and letters of opposition from Tom Ziegenhorn and David Williamson, III. See file for letters.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

**ACTION:** Motion to recommend disapproval was made by Mr. Wallace, citing the 2012 application for Special Exception that was disapproved. He feels that many of the same reasons for disapproval of that application still apply to this application with emphasis on the surrounding property owners concerns with noise. Motion died for a lack of a second.

Discussion ensued regarding possible conditions being placed on an approval.

**ACTION:** Motion to recommend approval, for two (2) years, was made by Mr. Miners. Motion seconded by Mr. Mullen.

Discussion ensued regarding the 2012 application for a Special Exception on this property.

**VOTE:** Members whom voted in favor of the motion include: Miners, Mullen and Persons.  
Members whom voted in opposition of the motion include: Wallace and Johnston.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be June 27, 2017 before the Board of Appeals.

**FILE: 3813 - APPLICANT:** Dominic Nicosia.

**FOR:** Special Exception to allow alcohol beverage sales / liquor store.

**PROPERTY LOCATION:** 15 Grandview Ave., North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 111.

**PROPERTY OWNER:** Galahad Marine Properties, LLC c/o Dominic Nicosia.

**PRESENTLY ZONED:** Maritime Business, (MB)

Chairman Doordan announced that he has a boat docked at this location. He feels he can vote fairly and unbiased, therefore, he will not recuse himself from this application.

Dominic Nicosia, appeared and presented an overview of the application. Mr. Nicosia stated that he purchased the marina located at 15 Grandview Ave., North East, MD in July 2016. He would like to receive a Light Wine and Beer license (packaged goods only) to allow for sales of wine / beer at said marina. In conjunction with the required liquor licenses, Mr. Nicosia needs to obtain a Special Exception.

**HEALTH DEPARTMENT:** The Health Department has no objection to the request of Special Exception.

**COMMENTS IN SUPPORT:** Scott Holland, 100 Watson Way, North East, MD and Bob Palsgrove, 347 Casparus Way, Elkton, spoke in favor of this application. Both gentleman feel that this service will provide a great convenience for the boaters that come into the marina. They believe that Mr. Nicosia has put a great deal of work into the marina; they feel this application is justified.

**COMMENTS IN OPPOSITION:** Individuals who spoke in opposition of this application included: Ronald Roecker, 89 Riverside Drive; Gene Steger, 105 & 107 Riverside Drive; Dottie Dhamer (presented letter of opposition from Peggy O'Donnell & Ned Donoghue), 32 Shelter Cove Road; Don Green, 28 Riverside Drive; Karen Zeto, 199 Riverside Drive; Lynn Abel, 219 Riverside Drive; and Jane Bonley, Hances Point Resident all of North East, MD. Collectively, the speakers felt that granting this Special Exception would impact the surrounding properties with an increase in crime, drunk driving, speeding violations, a burden on nearby roadways and an ill effect on their quality of life. They also feel that there are enough packaging stores in close proximity to this area. Comments were also brought forth regarding deed restrictions on the property and applicable liquor license restrictions.

Mr. Nicosia explained that he feels that obtaining this Special Exception would not increase traffic due to the boaters at the marina no longer having the need to leave the marina for their packaged goods.

**RECOMMENDATION:**

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

**ACTION:** Motion to recommend disapproval was made by Mr. Wallace.

Motion seconded by Mr. Mullen.

**VOTE:** Members who voted in favor of the motion include: Wallace, Mullen and Johnston.

Members who voted in opposition of the motion include: Miners and Persons.

Motion for the recommendation of disapproval carried.

The next meeting for this application will be June 27, 2017 before the Board of Appeals.

Mr. Nicosia stated that all the comments heard in opposition of this application were by residents of the area where File 3814 is located.

**FILE: 3814 - APPLICANT:** Dominic Nicosia.

FOR: Special Exception to allow alcohol beverage sales / liquor store.

PROPERTY LOCATION: 230 Riverside Drive, North East, MD 21901, Election District: 5, Tax Map: 36, Parcel: 243.

PROPERTY OWNER: Galahad Marine Properties, LLC c/o Dominic Nicosia.

PRESENTLY ZONED: Maritime Business, (MB)

Dominic Nicosia, appeared and presented an overview of the application. Mr. Nicosia stated that he purchased the marina located at 230 Riverside Drive., North East, MD in July 2016. He would like to receive a Light Wine and Beer license (packaged goods only) to allow for sales of wine / beer at said marina. In conjunction with the required liquor licenses, Mr. Nicosia needs to obtain a Special Exception.

**COMMENTS IN SUPPORT:** Marion Hess, 347 Casparus Way, Elkton, spoke in favor of this application. Ms. Hess stated that she is employed by Galahad Marina. She explained that the marina has worked to enhance the experience for guests of the marina. Ms. Hess feels that Galahad Marina brings revenue to the Town of North East and the County and the employees of the marina are working toward providing quality services to the visitors of the area.

**COMMENTS IN OPPOSITION:** Individuals who spoke in opposition of this application included; Gene Steger, 105 & 107 Riverside Drive; Ronald Roecker, 89 Riverside Drive, Dorothy Campbell, 137 Riverside Drive, Susan Moore, 10 Riverside Drive, Ken Blomquist, 115 Riverside Drive; Susan Weeks, 65 Riverside Drive; and Audrey Ferguson, 235 Riverside Drive all of North East, MD. Mr. Steger, stated per Roberts Rules of Order, requested that the testimony from the previous application, in opposition, be included into the record for this application as well as an exhibit of the deed that references lots 13, 14, 15, 16, 17 & 18 and the restriction that appears in the deed from 1928. The remaining speakers felt that the sale of liquor at this location will diminish the peacefulness of the area and possible hurt the already existing packaging stores in the area. Mr. Roecker spoke of possible conflicts with the sale of liquor versus the current liquor license regulations.

**HEALTH DEPARTMENT:** The Health Department has no objection to the request of Special Exception.

**RECOMMENDATION:**

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

**ACTION:** Motion to recommend disapproval made by Mr. Wallace.

Motion seconded by Mr. Mullen.

**VOTE:** Members who voted in favor of the motion include: Wallace, Mullen, Persons and Johnston.

Members who voted in opposition of the motion include: Miners.

Motion for the recommendation of disapproval carried.

The next meeting for this application will be June 27, 2017 before the Board of Appeals.

**FILE: 3815 - APPLICANT:** Win Team, LLC.

**FOR:** Special Exception operate a Office Building, Class C.

**PROPERTY LOCATION:** 7 Pleasant View Church Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 23, Parcel: 173.

**PROPERTY OWNER:** Restore Church, Jess Bousa, Lead Pastor.

**PRESENTLY ZONED:** Low Density Residential, (LDR).

Laura Mueller, Placida Braswell and Jesse Bousa appeared and presented an overview of the application. Ms. Mueller explained that the Win Team in conjunction with Restore Church are requesting to relocate their current office at South Main Street in Port Deposit, Maryland to the church's current location. Ms. Mueller explained that this space will be used only for employees, guests and clients. Win will only have two (2) fulltime employees at this location on a daily basis. There will be contractual workers that visit the office one (1) to two (2) times per month. Operating hours will be Monday – Thursday 10:00 a.m.- 6:00 p.m. and Friday only by appointment. Ms. Mueller explained that the Win Team, LLC provides psychiatric rehabilitation services for the community. The work is primarily done in the homes of the clients as well as other public areas. Ms. Braswell provided the Commission members with a packet of materials pertaining to the work done through the Win Team. She explained that the Win Team, while at their previous location never received any complaints or violation from the Town of Port Deposit or residents of the town. Mr. Bousa explained the partnership between the Win Team and Restore Church.

**HEALTH DEPARTMENT:** Permit # 201726204 was approved for change of use. The Health Department has no objection to the request of Special Exception.

**COMMENTS IN SUPPORT:** Bob Lange, 91 Bill Leight Road, Conowingo, MD spoke in favor of the application. Mr. Lange explained that his family has used the Win Family's services in the past. He believes that they are an asset to the community.

**COMMENTS IN OPPOSITION:** None.

Mr. Sennstrom stated that a letter was received from Shelly Gulledge, Director of Cecil County Core Service Agency within the Cecil County Health Department. Ms. Gulledge offered her support for this application. See file for letter.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval for two (2) years was made by Mr. Mullen.  
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval with conditions carried.

The next meeting for this application will be June 27, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

Councilwoman Joyce Bowsbey explained that during the 2017 Session, the Maryland General Assembly passed and Governor Larry Hogan signed into law a new Open Meetings Act training requirements for public bodies (HB 880/SB 450). The new requirement takes effect on October 1, 2017. Included in the new requirements is for at least one (1) member of the body to attend training classes. Ms. Bowsbey suggested that two (2) members attend the training. The full list of the new requirements is attached to the minutes of this meeting.

The Commission agreed to visit this subject at a later date.

The meeting adjourned at 8:02 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, July 17, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, July, 17, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Bill Miners, Wyatt Wallace, Roger Persons, Chad Johnston, Joyce Bowsbey (Ex-Officio), Cameron Brown, Esq., Tony Di Giacomo (LUDS) and Steve O'Connor (LUDS), Aaron Harding, (LUDS), and Jennifer Bakeoven (LUDS).

ABSENT: Ken Wiggins (Vice Chair), Tom Mullen (Alternate) and Eric Sennstrom (LUDS), Lloyd Harmon (DEH).

MINUTES - Motion was made by Mr. Wallace, seconded by Mr. Miners and unanimously carried to approve the Monday June 19, 2017, 6:00 p.m., minutes as mailed.

**SUBDIVISIONS:**

**1. Chesapeake Cove, Plat Two, Lots 7, 8, 9 & 11, Revised Record Plat, Oldfield Point Road, Morris & Ritchie Associates, Third Election District.**

James Keefer, Morris & Ritchie Associates, Inc. and Richard Morris, appeared and presented an overview of the project.

Mr. Di Giacomo, LUDS, Planning & Zoning, read the comments of the division:

This proposal was presented to the Planning Commission for general discussion/ information only on 3/20/17.

Ordinarily, revised Record Plats are approved administratively; however, per §7.2.F1 of the Cecil County Subdivision Regulations, only the Planning Commission has the power to approve relocations of a subdivision entrances.

This submission does not clearly illustrate the proposed new entrances for Lots 9 & 11 directly onto Oldfield Point Road, as did the information only submission.

This submission does not include a re-subdivision resolution, which typically would declare that all previous conditions and restrictions shall prevail unless otherwise explicitly shown or stated on the re-subdivision plat. For that reason, the proposed new entrances for Lots 9 & 11 directly onto Oldfield Point Road must be shown; otherwise Lots 9 and 11 will continue to be denied direct access onto Oldfield Point Road.

Background/Density: The Concept Plat, proposing 10 lots (2-11)<sup>1</sup> on 99.96 acres<sup>2</sup>, for a proposed density of 1/9.99, was approved on 9/17/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Variance for the driveway on proposed Lot 5 being obtained prior to the Planning Commission's review of the Preliminary Plat; and
- 4) The wetlands/tributary stream issue being resolved prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat<sup>3</sup> was approved on 5/19/08<sup>4</sup>, conditioned on:

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<sup>1</sup> Lot 1 was previously approved via the minor subdivision process.

<sup>2</sup> The SR zone permits a density of 1 du/ 1 ac.

- 1) The pending Critical Area issues being resolved prior to the Planning Commission's review of the Final Plat;
- 2) Health Department requirements being met;
- 3) DPW requirements being met;
- 4) The FCP, Landscape Plan & EA being approved prior to Final Plat review by the Planning Commission;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 6) Based upon the 5/12/08 site meeting, all FIDS issues being resolved prior to Final Plat review by the Planning Commission; and
- 7) All "common open space" being consistently labeled and referenced as such.

The Final Plat that was approved on 9/15/08 changed the access for Lot 11 to Scotland Point Road for environmental reasons. The Final Plat approval was conditioned on:

- 1) The Record Plat's being signed only after the CBCAC's 10/9/07 sanctions prohibiting Final Plat approvals in the Critical Area have been lifted;
- 2) Health Department requirements being met;
- 3) DPW requirements being met;
- 4) The Landscape Agreement being executed prior to Recordation;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) For the Critical Area portion of the project, per §197.12.b (3), all mitigation sites being permanently protected through conservation easement(s) or other legal mechanism(s) (as specified in Appendix F of *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, dated June, 2000) being recorded prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's distinguishing between reforestation areas and forest retention areas;
- 9) The Record Plat's reflecting Lot 11's access off of Scotland Point Road; and
- 10) All access agreements for Lot 11 being recorded prior to recordation.

Considerations:

- §2.4.1 was adopted to reduce the number of entrances onto County roads.
- §7.2.E.5 stipulates that "Roadways intersecting opposite sides of another roadway shall be laid out either directly opposite one another or with a minimum of one hundred twenty-five (125) feet between their centerlines." The proposed Lot 11 entrance would offset from River Mist Drive by only 48'.
- All the changes proposed are outside the Critical Area.
- If approved, then the FCP would require modification.
- If approved, then the Deed Restrictions may require modification.
- The Signature Blocks, other than for the Health Dept. should read "Cecil County Department of Land Use & Development Services, Director," and "Cecil County Development Plans Review, Chief (Professional Engineer)."
- The revised Record Plat must show that same new entrance locations as were presented to the Planning Commission on 3/20/17. Any other locations have not been verified as being safe.

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<sup>3</sup> The Concept Plat's depicted protective zones around 2 Bald Eagle's nests were removed, but the Preliminary Plat was otherwise **consistent** with the approved Concept Plat.

<sup>4</sup> At the 2/20/08 Preliminary Plat review, staff recommended tabling because 2 issues were unresolved:

- 1) Some areas depicted as wetlands, could have been tributary intermittent streams – which would entail significantly increasing the buffers<sup>4</sup>. Subsequently, a 2<sup>nd</sup> field site visit was conducted on 2/8/08 with an expert from MDE, and his determination has been agreed to and is reflected on the plat.<sup>4</sup>
- 2) There remained CBCAC issues regarding the FIDS survey (~~the most recent guidance being used~~), so a subsequent site visit was conducted on 5/12/08. Resolution was understood having been reached.



- Given that the Department of Public Works, at the 3/20/17 information only review, testified that the proposed reconfiguration with direct access onto Oldfield Point Road for Lots 9 and 11 did not pose any sight-distance/safety issues, LUDS does not object to approval.

Mr. Harding, LUDS, Development Plans Review, read the comments of the division:

The Department of Land Use and Development Services, Development Plans Review has no objection to the Revised Final Plat presented here. The developer should be aware that Chesapeake Cove stormwater management approval expired on May 4, 2017. Any development proposed must be submitted with stormwater management plans that are in accordance with the current stormwater management code.

Mr. Wallace, read the comments of the Health Department:

The Cecil County Health Department has no objection to this revised Record Plat involving Lots 7, 8, 9 and 11.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

APPROVAL, conditioned on:

- 1) Any Health Department requirements being met;
- 2) Any DPW/DPR requirements being met;
- 3) The Signature Blocks, other than for the Health Department, reading “Cecil County Department of Land Use & Development Services, Director,” and “Cecil County Development Plans Review, Chief (Professional Engineer)”;
- 4) The inclusion of a re-subdivision resolution prior to submission of the plat for signatures;
- 5) All changes to the FCP being approved prior to submission of the plat for signatures;
- 6) All required modifications to the Deed Restrictions being recorded prior to submission of the plat for signatures;
- 7) The new direct access onto Oldfield Point Road for Lots 9 and 11, as presented to the planning Commission on 3/20/17, being depicted on the plat prior to submission of the plat for signatures; and
- 8) No references being made to the “Board of County Commissioners” on the plat.

ACTION: Motion to approve, with conditions was made by Mr. Miners.

Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for approval with conditions carried.

**SPECIAL EXCEPTIONS:**

**FILE: 3810** - APPLICANT: SGC Power c/o Jonathan Copus – ***Postponed until the August PC Meeting***

FOR: Special Exception to operate a power generating facility.

PROPERTY LOCATION: Maryland Route 213 @ Court House Point Road, Chesapeake City, MD 21915, Election District: 2, Tax Map: 48, Parcel: 3.

PROPERTY OWNER: Beverly A. Castner.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

**FILE: 3817** - APPLICANT: Jacqueline S. & Jerry T. McMillan II d/b/a Riverside Mechanical, LLC.  
FOR: Special Exception to operate a home occupation.  
PROPERTY LOCATION: 1034 Oldfield Point Road, Elkton, MD 21921, Election District: 5,  
Tax Map: 37, Parcel: 468.  
PROPERTY OWNER: Jacqueline S. & Jerry T. McMillan II.  
PRESENTLY ZONED: Low Density Residential, (LDR).

Jacqueline McMillan appeared and presented an overview of the application. Ms. McMillan explained that her husband owns a home improvement business which is currently operating in a space off of US Route 40. She stated that she handles the accounting / books for the business. The McMillan's would like to leave their current rented office space and run their business out of their home.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the request for a Special Exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Di Giacomo stated that a letter was received by Lisa & Jerry McMillan in support of the application.

RECOMMENDATION:  
Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval, for two (2) years, was made by Mr. Wallace.  
Motion seconded by Mr. Johnston.

VOTE: All members voted in favor of the motion.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be July 25, 2017 before the Board of Appeals.

**FILE: 3819** - APPLICANT: Roger Davis.  
FOR: Special Exception to hold festivals or events.  
PROPERTY LOCATION: 96 Charles Johnson Farm Lane, Rising Sun, MD 21911, Election  
District: 6, Tax Map: 10, Parcel: 256, Lot 1.  
PROPERTY OWNER: Flying Plow Farm, c/o Sarah Rider  
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Sarah Rider, appeared and presented an overview of the application. Mr. Rider stated that Roger Davis, applicant and owner of Firetower Farm Brewery would like to hold a one (1) day event on this property. They are looking at having approximately 150 – 200 people attend the event.

HEALTH DEPARTMENT: Applicant should contact Cecil County Health Department to discuss water, sewer and food requirements.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval.

**ACTION:** Motion to recommend approval was made by Mr. Miners.

Motion seconded by Mr. Johnston.

**VOTE:** All members voted in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be July 25, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

Mr. Johnston explained that at the June Planning Commission meeting, Councilwoman Bowsbey provided the commission with the newly adopted "Open Meeting Act" training requirements. He stated that both he and Mr. Miners have completed the required training; the completion certificates have been given to the Planning & Zoning Division. Mr. Wallace stated that he will also complete the training as well.

The meeting adjourned at 6:25 p.m.

**NEXT PLANNING COMMISSION MEETING:** Monday, August 21, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, August 21, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Wyatt Wallace, Roger Persons, Chad Johnston, Peter Kirsh, Joyce Bowsbey (Ex-Officio), Lloyd Harmon (DEH), Steve O'Connor (LUDS), and Jennifer Bakeoven (LUDS).

ABSENT: Bill Miners, Tom Mullen (Alternate), Cameron Brown, Esq., Aaron Harding, (LUDS), Tony Di Giacomo (LUDS) and Eric Sennstrom (LUDS).

MINUTES - Motion was made by Mr. Johnston, seconded by Mr. Wallace and unanimously carried to approve the Monday July 17, 2017, 6:00 p.m., minutes as mailed.

Chairman Doordan made an announcement that Files 2017-05 and 3810 have been postponed until the September 18, 2017 Planning Commission meeting.

**SUBDIVISIONS:**

**No subdivision submittals were received for review by the Planning Commission.**

**REZONING:**

**FILE: 2017-05-** APPLICANT: Abundant Solar Power, Inc.

REQUEST: Request to rezone 40.1 acres from Suburban Transition, (ST) to Northern Agricultural Residential, (NAR).

PROPERTY LOCATION: 161 Deaver Road, Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 261.

PROPERTY OWNER: Robert P. Campbell DVM, LLC.

PRESENTLY ZONED: Suburban Transition, (ST).

**Postponed until September 18, 2017 Planning Commission meeting.**

**FILE: 2017-06-** APPLICANT: North East, LLC

REQUEST: Request to rezone 170 acres from Low Density Residential, (LDR) to Business General, (BG).

PROPERTY LOCATION: 765 Mechanics Valley Road, North East, MD 21901, Election District: 5, Tax Map: 25, Parcel: 200.

PROPERTY OWNER: North East, LLC, c/o Charles Narvel.

PRESENTLY ZONED: Low Density Residential, (LDR).

Dwight Thomey, Esq. and Charles Narvel, owner, appeared and presented an overview of the application. Mr. Thomey explained that this property is located within the growth corridor. He explained that the majority of the surrounding properties are currently zoned Business General (BG). The current zoning of the property is Low Density Residential (LDR) which will allow for a residential subdivision. Mr. Narvel explained that there is a proposed major subdivision plat on this property proposing 200 plus homes. They feel that a mistake was made during the 2011 Comprehensive Rezoning when this property was designated for residential use as it would be better served as a commercial use. Mr. Narvel explained that there is a lot of history on this property that he plans to preserve should he receive approval of this rezoning. His goal for the property if it does receive a BG

zoning designation is to expand his current outdoor activities operations. Mr. Thomey explained that he and Mr. Narvel feel that this type of use for the property could attract more visitors to the area.

Mr. Wallace asked where the entrance for the operation would be placed. Mr. Narvel said he has already spoken the SHA regarding an entrance off of Route 40. Discussion ensued regarding buffers to the surrounding homes off of Mechanics Valley Road.

HEALTH DEPARTMENT: The Health Department has no objection to the proposed rezoning. The property is mapped W2 and S2 in the Master Water and Sewer Plan. "High Density Growth" would likely require availability of public water and sewer.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval, due to a demonstrated mistake in the 2011 Comprehensive Plan.

ACTION: Motion to recommend approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning, was made by Mr. Wallace.

Motion seconded by Mr. Johnston.

VOTE: All members voted in favor of the motion.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be October 3, 2017 before the Cecil County.

**SPECIAL EXCEPTIONS:**

**FILE: 3810** - APPLICANT: SGC Power c/o Jonathan Copus.

FOR: Special Exception to operate a power generating facility.

PROPERTY LOCATION: Maryland Route 213 @ Court House Point Road, Chesapeake City, MD 21915, Election District: 2, Tax Map: 48, Parcel: 3.

PROPERTY OWNER: Beverly A. Castner.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

**Postponed until the September 18, 2017 Planning Commission Meeting.**

**FILE: 3823** - APPLICANT: Dale & Tina Wolf.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 2356 Singerly Road, Elkton, MD 21921, Election District: 4, Tax Map: 20, Parcel: 296.

PROPERTY OWNER: Dale & Tina Wolf.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Dale Wolf appeared and presented an overview of the application. Mr. Wolf explained that he owns a solar panel installation business known as KW Solar Solutions. He is currently renting out space in a warehouse for the equipment and panels that are to be installed. He explained that the storage space he currently utilizes is

more than is actually needed so he would like to house the equipment and panels in his existing pole barn on his property. He is looking to get more office space also.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the special exception request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval, for two (2) years, was made by Mr. Johnston. Motion seconded by Mr. Wallace.

VOTE: All members voted in favor of the motion.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be August 29, 2017 before the Board of Appeals.

**FILE: 3824** - APPLICANT: All American Pets, Inc.

FOR: Special Exception operate a home occupation.

PROPERTY LOCATION: 21 N. Rosemont Circle, Elkton, MD 21921, Election District: 4, Tax Map: 7, Parcel: 119, Lot 35.

PROPERTY OWNER: Daniel & Regina Crane.

PRESENTLY ZONED: Low Density Residential, (LDR).

Regina Crane and Michael Bakos appeared and presented an overview of the application. Ms. Crane explained that they run an online animal supply business from their home. They expect to receive one delivery via UPS weekly. The deliveries are placed on pallets and unloaded into the garage. Once the orders are put together UPS will make a pick up at the property the same day between 3:00 p.m and 5:00 p.m. Mr. Bakos explained that they have never received a complaint regarding their operation.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the special exception request.

COMMENTS IN SUPPORT: Bruce Glushakow, 25 N. Rosemont Circle, Elkton, MD spoke in support of this application. Mr. Glushakow explained that there are no signs of a commercial operation on the property; he has no objection to it continuing.

COMMENTS IN OPPOSITION: None.

Councilwoman Bowsbey explained that she received an email from another councilperson regarding a constituent's complaint regarding this application. Ms. Bowsbey explained that no name was given with the comments. Chairman Doordan stated that he will not accept an anonymous complaint.

Mr. O'Connor stated that the LUDS department received one email from Diana Wright whom expressed no opposition to this application as long as it continues to operate in the same manner as it does currently. In addition, Mr. O'Connor stated that the office also received a letter from Don Verrico, expressing opposition to this project due to the unsafe traffic conditions it may create. The office also received a letter expressing concerns regarding traffic and a business like this receiving an approval which in turn could set a precedent for the rest of the neighborhood.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

**ACTION:** Motion to recommend approval, for two (2) years, made by Mr. Wallace.  
Motion seconded by Mr. Johnston.

**VOTE:** All members voted in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be August 29, 2017 before the Board of Appeals.

**FILE: 3825 - APPLICANT:** Joseph Giubardo.

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

**PROPERTY LOCATION:** 204 Atlanta Court, Elkton, MD 21921, Election District: 4, Tax Map: 14, Parcel: 623, Lot 55.

**PROPERTY OWNER:** Joseph & Susan Giubardo..

**PRESENTLY ZONED:** Low Density Residential, (LDR).

Joseph Giubardo appeared and presented an overview of the application. Mr. Giubardo explained that he and his wife operate a food truck. They are looking to receive a Special Exception to allow for the parking of the food truck on their property. He explained that all food is prepared in the bus and all sales will be at other locations. Paperwork for the business will also be completed within the home.

**HEALTH DEPARTMENT:** The Health Department has no objection to the special exception request.

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** None.

Councilwoman Bowsbey explained that she received an un-signed complaint but will not enter it due to the missing signature.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

**ACTION:** Motion to recommend approval, for two (2) years, made by Mr. Wallace.  
Motion seconded by Mr. Johnston.

**VOTE:** All members voted in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be August 29, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

Chairman Doordan explained that Wyatt Wallace has completed the required training for the newly adopted “Open Meetings Act”. Mr. Wallace’s completion certificate will be kept in the Department of Land Use & Development Service office.

The meeting adjourned at 6:25 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 18, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning and Zoning



CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES

Monday, September 18, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Wyatt Wallace, Bill Miners, Roger Persons, Chad Johnston, Peter Kirsh, Joyce Bowlsbey (Ex-Officio), Lloyd Harmon (DEH), Steve O'Connor (LUDS), and Jennifer Bakeoven (LUDS).

ABSENT: Tom Mullen (Alternate), Cameron Brown, Esq., Aaron Harding, (LUDS), Tony Di Giacomo (LUDS) and Eric Sennstrom (LUDS).

MINUTES - Motion was made by Mr. Wallace, seconded by Mr. Johnston and carried to approve the Monday August 21, 2017, 6:00 p.m., minutes as mailed. Mr. Miners abstained from the vote due to his absence at the August Planning Commission meeting.

**SUBDIVISIONS:**

**No subdivision submittals were received for review by the Planning Commission.**

**REZONING:**

**FILE: 2017-05-** APPLICANT: Abundant Solar Power, Inc.

REQUEST: Request to rezone 40.1 acres from Suburban Transition, (ST) to Northern Agricultural Residential, (NAR).

PROPERTY LOCATION: 161 Deaver Road, Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 261.

PROPERTY OWNER: Robert P. Campbell DVM, LLC.

PRESENTLY ZONED: Suburban Transition, (ST).

**WITHDRAWN**

**SPECIAL EXCEPTIONS:**

**FILE: 3810 -** APPLICANT: SGC Power c/o Jonathan Copus.

FOR: Special Exception to operate a power generating facility.

PROPERTY LOCATION: Maryland Route 213 @ Court House Point Road, Chesapeake City, MD 21915, Election District: 2, Tax Map: 48, Parcel: 3.

PROPERTY OWNER: Beverly A. Castner.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Bruce Wilson, SGC Power, appeared and presented an overview of the application. Mr. Wilson provided the Commission with literature on the project (see file). Mr. Wilson explained that the solar project would utilize 13.6 acres of land and produce 3, 544, 000 kilowatt hours in the first year of productions. Mr. Wilson stated that the project is still awaiting the necessary approvals from Delmarva Power, therefore, it will not proceed until they receive such approvals.

Mr. Wallace asked if the forested area would be disturbed. Mr. Wilson said no, that it would not be utilized for the panels.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this special exception request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Jean Majors, 265 Court House Point Road, Lauren McLeer, 676 Court House Point Road, Kevin Morgan, Maeve Hession, 84 Harkins Lane, Linwood Wallace, 860 Court House Point Road, Lisa Copenhaver, 67 Court House Point Road, and Ginger Mullins, 1 Court House Point Road, all of Chesapeake City, Maryland spoke in opposition of this project. Collectively, the speakers believed that this parcel of land in this particular area was not the proper placement for solar panels. They feel that due to this stretch of road being a Scenic By-way, the panels would diminish the views of the area. Several speakers remarked that there is a lot of wildlife in this area of the county; they fear this project will deter the wildlife from remaining in the area. Concerns of the nearby creek being polluted from the project as well as the equipment being used for the panels being harmful was also remarked by the opposition. The majority feel that with the abundance of the properties in this location being in conservation and this project seeming to be more of a commercial project, they oppose the placement of the panels.

Mr. O'Connor stated that a letter of opposition was received from Caroline duPont Prickett. See file for letter.

Discussion ensued regarding rules pertaining to the Scenic By-Ways, any landscape requirements as well as State Highway Administrations comments regarding the possible access off of MD Route 213.

**RECOMMENDATION:**

Staff recommended approval.

Mr. Wallace stated that one of the speakers in opposition is a cousin of his. He feels that he can vote fair and impartially, therefore, he will not be recusing himself from the vote.

**ACTION:** Motion to recommend disapproval made by Mr. Wallace.  
Motion seconded by Mr. Miners.

Members voting in favor of a recommendation of disapproval included: Wallace, Miners and Persons.  
Members voting in opposition of a recommendation of disapproval included: Johnston, Kirsh and Doordan.  
(The chairman has the option of voting to either break a tie vote or create a tie vote).

**VOTE:** Due to a tie vote, a recommendation will not be forwarded to the Board of Appeals.

The next meeting for this application will be September 26, 2017 before the Board of Appeals.

**FILE: 3829 - APPLICANT:** Annette Kay Steele.

**FOR:** Special Exception to place a Double Wide Manufactured Home for hardship purposes.

**PROPERTY LOCATION:** 2035 Conowingo Rd., Rising Sun, MD 21911, Election District: 6,  
Tax Map: 10, Parcel: 717.

**PROPERTY OWNER:** George T. & Ruth D. MacDonald.

**PRESENTLY ZONED:** Rural Residential, (RR).

Annette K. Steele and George MacDonald appeared and presented an overview of the application. Ms. Steele explained that her mother's health has declined, therefore it has become necessary for her to live in close proximity to her parents to help care for them. Ms. Steele stated that she has a family of her own so they would like to place a mobile home on the property for her family.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this special exception request. Submit a diagram showing the proposed location of the Mobile Home for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval, for two (2) years, was made by Mr. Miners.  
Motion seconded by Mr. Persons.

VOTE: All members voted in favor of the motion.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be September 26, 2017 before the Board of Appeals.

**FILE: 3830 - APPLICANT:** Still Waters Investment Properties

FOR: Special Exception to place a Single Wide Manufactured Home for agricultural help.

PROPERTY LOCATION: 197 Red Pump Rd., Rising Sun, MD 21911, Election District: 6, Tax Map: 3, Parcel: 2.

PROPERTY OWNER: Still Waters Investment Properties c/o Patricia Wagner

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

James Taylor appeared and presented an overview of the application. Mr. Taylor explained that they are in need of help with their farm so they would like to place a mobile home on the property for a farm hand to live in while working on the farm.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this special exception request. Submit plans of location for Single Wide Mobile Home (SWMH) for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval, for two (2) years, was made by Mr. Wallace.  
Motion seconded by Mr. Miners.

VOTE: All members voted in favor of the motion.

Motion for the recommendation of approval, with conditions carried.

The next meeting for this application will be September 26, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

None.

The meeting adjourned at 6:43 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 16, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Land Use & Development Services  
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, October 16, 2017  
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Wyatt Wallace, Bill Miners, Roger Persons, Chad Johnston, Peter Kirsh, Joyce Bowsbey (Ex-Officio), Lloyd Harmon (DEH), Cameron Brown, Esq., Kordell Wilen, (LUDS/DPR), Eric Sennstrom (LUDS/Director), Tony Di Giacomo (LUDS/P&Z), Steve O'Connor (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Tom Mullen (Alternate).

Mr. Miners remarked that the September meeting minutes should have reflected the fact that he abstained from voting on the August meeting minutes due to his absence at the August meeting.

MINUTES - Motion was made by Mr. Wallace, seconded by Mr. Johnston and unanimously carried to approve the Monday September 18, 2017, 6:00 p.m. meeting minutes with the correction suggested by Mr. Miners.

**TEXT AMENDMENT** – Cecil County Zoning Ordinance & Subdivision Regulations.

**SUMMARY:** The amendments to various sections of the Zoning Ordinance and the Subdivision Regulations deleting all references to the Department of Planning & Zoning and being replaced with language referring to the newly formed Department of Land Use & Development Services. Changes are necessary to reflect the consolidation of the Departments of Planning & Zoning, Permits and Inspections and the division of Development Plans Review formerly a division of the Department of Public Works and proposing language giving the Director of Land Use & Development Services the approving authority over Final Major Subdivision Plats.

Mr. Sennstrom explained that due to the May 2017 consolidation of the Departments of Planning & Zoning, Permits & Inspections and the Development Plans Review function of the Department of Public Works, a change in language within the Zoning Ordinance is necessary. All references made to the Department of Planning & Zoning will need to be changed to “Department of Land Use & Development Services”. Also, any reference to “Director of Planning & Zoning” will need to be changed to “Director of Land Use & Development Services”.

Additionally, the proposed amendment will grant to the Director of Land Use & Development Services have the approving authority over Final Major Subdivision Plats. The Planning Commission will continue to review and approve Concept and Preliminary Plats.

Mr. Sennstrom stated that County Executive McCarthy is in support of the proposed amendments.

Mr. Johnston stated that the Health Department had no comments on the proposed amendments

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval.

ACTION: Motion to recommend approval made by Mr. Johnston.  
Motion seconded by Mr. Wallace.

VOTE: All members voted in favor of the motion.

The next meeting for this application will be November 7, 2017 before the County Council.

**SUBDIVISIONS:**

**1. Lands of John D. & Judith Green, 1 Lot plus Remaining Lands, Telegraph Road, Preliminary/Final Plat, The Pelsa Company, Fourth Election District.**

Julian Pellegrini, The Pelsa Company, appeared and presented an overview of the project.

Mr. Di Giacomo, LUDS/P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

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

This parcel was created by Minor Subdivision # 273 from the Lands of the Sun Company, approved on 9/20/1977. The re-subdivision resolution is incorrect when it references a major subdivision MS 273.

As was established during the 1999 review and approval process, all minor subdivision potential for Parcel 632 has been exhausted.

A previous major subdivision for this parcel, which included a proposed Lot 7, was approved by the Planning Commission on 8/16/99. Per §'s 4.2.8 & 4.2.9, a Recordation Plat was submitted, then signed, but never recorded. Therefore, per §4.2.11, all previous approvals are void, without standing.

Zoning: LDR, which stands for "Low Density Residential," not "Limited Density Residential." As stated at the 6/7/17 Technical Advisory Committee (TAC) review, "This plat must be amended accordingly prior to any submission for review by the Planning Commission."

Why hasn't that change been made? Mr. Pellegrini did not know.

Density: The LDR zone permits a maximum density of 1 du/ 1 ac. in areas without community facilities for major subdivisions.

Procedurally, §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots or 25 or fewer acres. In addition, §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

This Preliminary-Final Major Subdivision Plat proposes 2 lots (the residual Lot 5 and the proposed Lot 6) on 9.263 acres, for a proposed density of 1/4.6315 – well within the LDR permitted density. That density must be included prior to Recordation.

As stated at the 6/7/17 TAC review, “Concept, Preliminary, and Final Plats all require a north arrow. This plat must be amended accordingly prior to any submission for review by the Planning Commission.”

Why hasn't a north arrow been added to the plat, as required? Mr. Pellegrini stated that the correction had been made but not on the plat that was submitted for review.

This project location is situated within the 2010 Comprehensive Plan's “Low Density Growth Area” land use district.

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier III area. Since this proposal did not meet the 10/1/12 exemption deadline for Preliminary Plat approval, the Tier III reporting requirements are in effect.<sup>1</sup>

Why haven't Tier III reporting requirements been included with this submission? Mr. Pellegrini did not know why the Tier III reporting requirements had not been submitted.

What is the date of the boundary line survey? Mr. Pellegrini does not know the date of the boundary line survey but can get it to Mr. Di Giacomo.

Several unnumbered notes raise questions: An unnumbered note cites a §3.2N exemption.<sup>2</sup> How does this subdivision qualify? Mr. Pellegrini did not know how this subdivision qualifies under §3.2N exemption. Mr. Di Giacomo stated that the determination of this exemption need to be made.

Another unnumbered note references §2.4.1. Per our 6/7/17 TAC comments, how does §2.4.1 apply to this proposal? Mr. Pellegrini did not know how this section applies.

That unnumbered note must be removed prior to recordation.

Another unnumbered note states: “This plan requires approval from the Department of Public Works,\_[sic] Department of Environmental Health, & the Office of Planning & Zoning.” In actuality, it is the Planning Commission that approves major subdivisions.

Per LUDS comments at the 6/7/17 TAC review: “All conflicting data and/or information in the notes must be corrected prior to any submission for review and possible approval by the Planning Commission.”

The plat's top signature block should reference the “Director” of the “Department of Land Use & Development Services.”

Likewise, the plat's next (middle) signature block should reference the “Chief (P.E.)” of “Development Plans Review.”

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope

The steep slopes in the corner of the proposed Lot 6 are now shaded to denote steep slopes.

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<sup>1</sup> **Tier III** areas are those not planned for sewerage service and not dominated by agricultural or forest land and are not planned or zoned for land, agricultural, or resource protection, preservation or conservation. Tier III also includes rural villages, locally designated growth areas, and areas planned for large lot development. The County may approve a major subdivision served by on-site sewage disposal systems, community systems, or a shared facility only if the Planning Commission recommends its approval and conducts a review that includes the cost of providing local government services to the residential subdivision and the potential environmental issues or natural resource inventory related to the proposed residential major subdivision. If a minor subdivision is approved on the property after 31 December 2012, then no further subdivision can occur.

<sup>2</sup> The 1999 submittal claimed a §3.2K exemption.

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

No common open space is required, per §25.3.a. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands (except in the NAR and SAR zones). The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per §25.6, a minimum of 15% of the development envelope shall be landscaped. The Landscape Plan must be approved prior to any submission of the Preliminary-Final Plat for review and possible approval by the Planning Commission. No Landscape Plan has yet been submitted.

The sidewalk requirement is rendered moot by this proposal's layout. None are required.

Per §25.4.a, a Bufferyard Standard C is required, outside the right-of-way, along the MD 273 road frontage. However, given the layout, that would not be impractical.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

No street trees are required.

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

The Forest Stand Delineation (FSD) and SWM Concept Plan must (shall) be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan (pending disposition of the §3.2N exemption question) and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.



Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation (pending disposition of the §3.2N exemption question), with the metes and bounds description of the FRA being shown on the Final and Record Plats.

This was supposed to have been resolved prior to submission for review by the Planning Commission. Why was that not done? Mr. Pellegrini explained that he thought he would address all requirements after the review of the Planning Commission.

We note that proposed Lot 5 exceeds the 3:1 length to width ratio established in §7.4.2.

Documentation of the road maintenance agreement for the shared access to MD 273 must be provided prior to recordation.

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

In lieu of John Green’s signature, a copy of his Death Certificate must be submitted prior to Recordation.<sup>3</sup>

An unnumbered note states that: “Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development.”

That, despite the fact that a future dwelling site is depicted and proposed Lot 6’s being divided from, not added to, Lot 5.

The same unnumbered note goes on to state that: “Any future subdivision of this land or building development will be submitted in accordance with the existing Subdivision Regulations.”

This unnumbered (and nonsensical) note must be deleted prior to Recordation.

As commented by LUDS at the 6/7/17 TAC review, “. . . the Tier III reporting requirements must be satisfied, and the Final SWM Plan, FFCP (pending disposition of the §3.2N exemption question), and Landscape Plan must be approved, and all plat corrections and modifications must be completed prior to submittal for review and possible approval by the Planning Commission.”

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	470	416	1026
Capacity	523	yyy775	1380
% Utilization	90%	54%	74%

**CONCEPT PLAT REQUIRED INFORMATION:**

- (a) Concept Plats shall be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Concept Plat shall be not considered complete if the Forest Stand Delineation and Stormwater Management Concept Plan have not been approved prior to submission of said Concept Plat (if in the Critical Area, a Concept Plat will not be considered complete unless the Conceptual Environmental Assessment has been approved prior to submission of said Concept Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Concept Plat shall be not considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County’s website, and if the submission fee, established in Appendix A, has not been paid prior to submission of said Concept Plat. Incomplete Concept Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited.

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<sup>3</sup> In lieu of John Green’s signature, either the signature of the bona fide estate executor (and documentation of authorized powers thereof), or documentation of final disposition of the estate (e.g.’ documentation of ownership in the entirety (rather than in common) and notarized death certificate) must be provided prior to recordation.

- (b) A vicinity map indicating the location of the property with reference to surrounding property, streets, nearest major intersection, north point, landmarks, streams, etc. Show all property owned according to the tax maps if only a part of the property is to be developed. The tax map, block (grid), and parcel number(s) shall also be provided.
- (c) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (d) Title information:
  1. Proposed name
  2. Scale of Plat (feet and meters).
  3. Location by election district, County and State.
  4. Date.
- (e) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (f) North point.
- (g) Boundary of proposed subdivision. This can be a deed plot.
- (h) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (i) Location of existing utilities on or within two hundred (200) feet of the parcel.
- (j) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (k) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (l) Existing zoning classification of tract and all adjacent parcels. Any proposed zoning for the tract must be effectuated by a rezoning prior to the Planning Commission's review of the Concept Plat.
- (m) If community sewerage and/or water systems are to be used, such notation shall be made on the Concept Plat. The proposed providers of public water and/or sewer shall be cited on the plat, as applicable.
- (n) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
  1. Approximate location of buildings.
  2. Total number of units in each building.
  3. Total number of off-street parking spaces and the space to unit ratio.
- (o) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
  1. Tidal and non-tidal wetlands;
  2. Streams (perennial and intermittent);
  3. Areas of steep slopes, highly erodible and other soils with development constraints;
  4. Shore and stream Buffer (110-foot or 200-foot minimum);
  5. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
  6. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
  7. Computation of the amount of acres in the Critical Area District; and
  8. The location and extent of existing and/or proposed shore erosion abatement approaches.
  9. The Conceptual Environmental Assessment.
- (p) All existing easements on the parcel(s) to be subdivided.
- (q) Any existing cemeteries or burial sites on the parcel(s) to be subdivided.
- (r) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

Preliminary Plat Requirements:

- (a) The Preliminary Plat shall be submitted by the developer on paper and shall be clear and legible. The scale shall be no smaller than 1" = 100' (1" = 200' where the average lot size is greater than five (5) acres as approved by the Office of Planning and Zoning). When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the surveyor's seal. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Preliminary Plat will be not considered complete if the boundary line survey has not been completed, the Traffic Impact Study (if required) has not been completed, the documentation of the completed jurisdictional determination (if applicable) has not submitted, and the Preliminary Forest Conservation Plan has not been approved prior to submittal of said Preliminary Plat (if in the Critical Area, a Preliminary Plat will not be considered complete unless the Preliminary Environmental Assessment has been approved prior to submission of said Preliminary Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Preliminary Plat will be not considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County's website, and if the submission fee, established in Appendix A, has not been paid. Incomplete Preliminary Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date.
- (b) A vicinity map indicating the location of the property with reference to surrounding property, streets, landmarks, streams, etc. (scale shall be no smaller than 1"=2000'), and conforming to Section 2.4.4 on the designation of the remainder. The tax map, block (grid), parcel number(s) shall also be shown.
- (c) The names, liber and folio of all adjoining property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference shall be indicated. In the event that a historic district or other officially designated historic site adjoins the land to be developed, it shall be identified.
- (d) Title information:
  1. Proposed name.
  2. Scale of Plat (feet and meters).
  3. Location by election district, County and State.
  4. Date.
- (e) Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor and corporation required.
- (f) Northpoint. Indicate if true north.
- (g) Boundary of proposed subdivision.
- (h) All existing pertinent features either natural or manmade that may influence the design of the subdivision, such as important trees or wooded areas, power transmission towers, existing buildings and structures and water courses.
- (i) Existing topography at 2- or 5-ft contour intervals. Contour lines shall be indicated 100 ft beyond the subdivision boundary. Contours shall be based on government bench marks when available within 2000 ft of property or by estimation from USGS quadrangle maps. Data shall be stated in all cases and a reference or bench mark described on the plat together with elevation. Source of contours shall be stated on plat, such as, field run topo, or aerial topo, etc. Interpolation of contours from USGS quadrangle maps will not be accepted unless previously approved by OPZ.
- (j) Location, width, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements (to be indicated with dashed lines).
- (k) Location of existing and proposed utilities on or within 200 ft of the tract with approximate pipe sizes and directions of slope indicated (should include electric and telephone poles or towers).

- (l) The layout of all proposed and existing lots with approximate dimensions and minimum building line should be indicated. All major subdivisions must be provided with coordinates consistent with the geodetic control requirements approved by the Board of County Commissioners on 15 May 2007.
- (m) The preliminary layout of all proposed streets and pedestrian ways, including width of right-of-way, pavements, storm drains, and grades.
- (n) The approximate location, dimensions, and area of all property proposed to be reserved or temporarily reserved for public use, or to be reserved for use of all property owners in the subdivision, and the location, dimensions and purposes of any proposed easements, including drainage easements.
- (o) Zoning district classification of the tract or parcel being subdivided.
- (p) Existing and proposed (schematic) drainage system, including the type(s) of structures, the floodplain, proposed stormwater management facility locations, and any deviations from standards, consistent with Section 7.5.
- (q) Locations of the septic disposal area, proposed wells and percolation information are to be indicated in accordance with the specifications of the Maryland State Department of Health and Mental Hygiene when individual sanitary facilities are to be used. If community sewerage and/or water systems are to be used, such notation shall be made on the Preliminary Plat.
- (r) The total number of lots, area of lots, the density, the total area of any open space, the total area of any common open space, any add-ons, total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form. All acreage shall be accounted for, per the boundary line survey, and the Preliminary Plat density shall not exceed the approved Concept Plat density.
- (s) In cases of condominium or multi-family projects (apartments, townhouses, etc.), the following additional items shall be shown:
  - 1. Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
  - 2. Number and types of units in each building.
  - 3. Total number of Units and sub-totals of each type.
  - 4. Number of parking spaces in each off-street parking area, and the space to unit ratio.
- (t) Soil types shall be shown.
- (u) Perimeter of the entire parcel as well as the section requiring approval.
- (v) For proposed subdivisions located in the **Critical Area**, the following additional information will be shown on the Preliminary Plat as applicable:
  - 1. Computation of the total area within the critical Area District, area within each of the land management classifications (i.e., IDA, LDA, RCA), and number of lots in the Critical Area;
  - 2. Slopes 15% or greater;
  - 3. Location and area extent of all soils exhibiting the following characteristics as determined by the Soil Survey, such as:
    - (a) Wet soils,
    - (b) Hydric soils and soils with hydric properties, and
    - (c) Highly erodible soils (soils on slopes greater than 15% or on slope greater than 5% with "K" values greater than 0.35).
  - 4. Location of all existing or proposed site improvements (including storm drains, culverts, retaining walls, fences, and stormwater management facilities, as well as sediment and erosion control structures);
  - 5. Location of open space, the Buffer and other buffer areas, forested areas and landscaping (the plan shall show all areas to be maintained as landscaping to be provided and the means by which such landscaping will be permanently maintained shall be specified);
  - 6. Location of all Habitat Protection Areas on the site;
  - 7. Location of tidal and non-tidal wetlands on and adjacent to the site and delineation of the watershed thereof;
  - 8. Location of eroding shoreline reaches, the rates of erosion, areas where shore erosion measures are in place, areas to be protected by installation of proposed erosion abatement approaches;
  - 9. Areas to be retained in agricultural use;
  - 10. Areas proposed for reforestation and afforestation;
  - 11. Total area of the site that will be temporarily disturbed during development and area that will be permanently disturbed (disturbed is defined as any activity occurring on a area which may result in the loss of or damage to existing natural vegetation);
  - 12. Proposed natural park areas, as appropriate; and
  - 13. The location of the Critical Area District Boundary, the Mean High Water Line and the landward edge of tidal wetlands.

In addition to the information above, the Preliminary Plan shall be accompanied by the following when the subdivision or development is proposed in the Critical Area, as required:

- (a) A Planting Plan reviewed by and addressing the comments of the Bay Watershed Forester;
- (b) A Habitat Protection Plan, including comments of the Maryland Forest, Park, and Wildlife Service, the Water Resources Administration, and other agencies as appropriate;
- (c) An executed Cooperators Agreement with the Cecil County Soil Conservation District, or a farm plan, as applicable;
- (d) A preliminary Stormwater Management Plan;
- (e) A preliminary Sediment and Erosion Control Plan;
- (f) A Shore Erosion Protection Plan – complete specification for complete shore erosion work;
- (g) Natural Park Management Plan, as appropriate; and
- (h) An Environmental Assessment, which provides a coherent statement of how the proposed development addresses the goals and objectives of the Cecil County Chesapeake Bay Critical Area Program. At a minimum, the Environmental Assessment shall include:
  - 1. A statement of existing conditions, e.g. amount and type of forest cover, amount and type of wetlands, discussion of existing agricultural activities on the site, soil types, topography, etc.;
  - 2. A discussion of the proposed development project, including number and type of residential units, amount of impervious surface, proposed sewer treatment and water supply, acreage devoted to development, proposed open space and habitat protection areas;
  - 3. A discussion of the proposed development's impacts on water quality and Habitat Protection Areas; and
  - 4. Documentation of all correspondence and findings.

#### FINAL PLAT REQUIREMENTS

Required information: The Final Plat submitted for Planning Commission review and approval shall be on paper and be clear and legible. It shall not be considered complete unless the Stormwater Management Final Plan and Final Forest Conservation Plan and Landscape Plan have been approved, and all conditions of Preliminary Plat approval have been satisfied prior to submission of said Final Plat (if in the Critical Area, a Final Plat will not be considered complete unless the Environmental Assessment has been approved prior to submission of said Final Plat). Incomplete Final Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited. The Final Plat submitted for recordation shall be clearly and legibly drawn in black waterproof ink on a reproducible linen of good quality or comparable material such as mylar approved by the Cecil County Office of Planning and Zoning. The minimum size of the plat shall be eighteen (18) by twenty-four (24) inches, including a one (1) inch margin along the left hand edge and one-half (½) inch margin on all other sides. Where necessary, the Final Plat may be on several sheets accompanied by an index sheet showing the entire subdivision submitted; however, each sheet shall be signed and sealed and include an approval signature block.

- a) Title – The title block shall appear in the lower right hand corner of the plat and shall include the following information:

1. Name of the subdivision. The name approved by the Planning Department and recorded in the Land Records shall constitute the subdivision's official and only name. No other name may be used for advertising or sales purpose unless an approved and amended plat is recorded bearing the revised name.
  2. Section & lot numbers.
  3. Scale and date of completion. Scale shall be no smaller than one (1) inch equals one hundred (100) feet (one (1) inch = two hundred (200) feet where the average lot size is greater than 5 acres, as approved by the Office of Planning and Zoning).
  4. County, State & Election District.
  5. Name and address of the owner and registered engineer or surveyor licensed in the State of Maryland responsible for the preparation of the plat, signature, and seal of the engineer, surveyor, and corporation required.
- b) Approval blocks in the form required by the Office of Planning and Zoning shall be provided in the lower left hand corner of the plat for signature by the Planning Director, the Public Works Director or Senior Engineer, and the Health Department, approving authority.
  - c) Tabulation on Final Plat (above approval block) showing the following:
    1. Total number of lots.
    2. Total area of lots.
    3. Total area of roadways to be recorded.
    4. Total area of subdivision to be recorded and where density restrictions apply, the acreage dedicated to the development, and the total area to be recorded as common open space.
    5. Total area of subdivision or parcels to be recorded in the Critical Area District.
    6. Total number of lots in the Critical Area District.
    7. Residential density in the Critical Area District.
  - d) A heavy line indicating the boundary of the Final Plat with the distances of courses to hundredths of a foot and bearings relating to and consistent with the geodetic control requirements approved by the Board of County Commissioners on 15 May 2007.
  - e) Exact locations, widths, bearings, and names of all streets, pedestrian ways within the subdivisions or of adjoining subdivision abutting on the outline of the subdivision as well as any common and community grounds.
  - f) Bearings & lengths of all arcs, radii, tangents, chords and distances in tabular form.
  - g) All easements, reservations, or rights-of-way provided for public service or utilities in the subdivision, and any limitations of such easements. All existing recorded easements, if they are in excess of a five (5) foot drainage and utility easement, shall be indicated with recording references if known.
  - h) All lot lines with dimensions in feet and hundredths, and with bearings to a minimum accuracy of one (1) second.
  - j) Minimum area of each lot in square feet if under one (1) acre or in acres if lot size is one (1) acre or greater.
  - i) Coordinates shown for the outside boundary of the plat.
  - k) Lot numbers in numerical order throughout the entire subdivision. In case there is a resubdivision of lots in any block, such resubdivided lots shall have a number and letter to denote their origin and the original lot lines shown dashed and original lot number dotted.
  - l) Minimum rear and side building restriction lines, and minimum five (5) foot drainage and utility easements should be given by written note. The front building restriction line and the Critical Area Buffer restriction line shall be drawn graphically with dimensions for each lot.
  - m) The names, liber and folio of all adjoining unsubdivided property. In the event that a recorded subdivision adjoins the land to be developed, the subdivision name, and recording reference should be indicated. (To be indicated with dashed lines.)
  - n) The plat shall contain a north arrow, which represents and designates either true or magnetic meridian as of a date specified on the plat or shall be referenced to a recognized coordinate system within the County.
  - o) Accurate outlines of any areas to be reserved for common use by residents of the subdivision or general public use, with the purposes indicated thereon.
  - p) A certification that the owner or equitable owner of the land proposed to be subdivided shall be noted on the Final Plat. Such wording as specified by these regulations and the Planning Department shall be utilized.
  - q) A certification and dedication by the owner or owners of property to the effect that the subdivision as shown on the Final Plat is made with his consent and that it is desired to record the same and shall be noted on the Final Plat. Such wording as specified by these regulations and the Planning Department shall be utilized.
  - r) When a development is being resubdivided, the owner's certification shall be noted on the plat. Such wording as specified by these regulations and the Planning Department shall be utilized.
  - s) References of protective covenants governing the maintenance of undedicated public spaces or reservations.
  - t) If a community water supply or community sewerage system is to be used in a subdivision, the record plat shall contain a statement signed by the Health Department approving authority, to the effect that use of such community water supply or community sewerage system is in conformance with the Master Water and Sewer Plan. The Final (record) Plat shall also contain a statement, signed by the owner, that such facilities will be available to all lots offered for sale.
  - u) If a community water supply or community sewerage system is to be constructed to serve any new subdivision, the Final (record) Plat shall contain a statement signed by the owner to the effect that plans for such facilities, including any necessary point of discharge, have been approved by the appropriate Federal, State, or County authority.
  - v) Location of minimum required septic area and proposed well(s), if applicable.
  - w) Reservation of road rights-of-way.
  - x) Exact locations, widths and bearings of any common or reserved areas or portions of lots to be maintained by covenant, easement, or similar approved instrument, in permanent forest cover, including existing forested areas, reforested areas and afforested areas to meet the requirements of the Critical Area Program and/or the Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
  - y) Exact locations, widths and bearings of any areas to be maintained as resource protection (e.g., agriculture, natural parks, forest, etc.) to meet the requirements of the Critical Area Program and/or the Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.
  - z) Exact locations, widths and bearings of any areas to be maintained as permanent wildlife and plant habitat protection areas to meet the requirements of the Critical Area Program and/or the Forest Conservation Regulations, as applicable. The bearings and the lengths of all arcs, radii, tangents, chords, and distances in tabular form.

Mr. Wilen, LUDS/DPR, read the comments of the division:

The Development Plans Review Division has no objection to the Preliminary / Final Plat presented here.

The Final SWM Plan is technically complete and only administrative issues remain prior to DPR.

Mr. Johnston read the comments of the Health Department:

Plat is satisfactory.

Due to the amount of requirements not yet met, Chairman Doordan asked the applicant if he would like to have the plat tabled to allow for more time to prepare the plat. Mr. Pellegrini said that they would like to proceed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Di Giacomo read the recommendation of staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW/DPR requirements being met;
- 3) The plat's being amended to reflect the fact that LDR stands for "Low Density Residential," not "Limited Density Residential," prior to Recordation – which was supposed to have been done prior to any submission for review by the Planning Commission;
- 4) The plat's being amended to delete the unnumbered note referencing §2.4.1 prior to Recordation;
- 5) The Tier III reporting requirements being satisfied prior to Recordation – which was supposed to have been done prior to any submission for review by the Planning Commission;
- 6) The Landscape Plan's being submitted and approved prior to Recordation – which was supposed to have been done prior to any submission for review by the Planning Commission;
- 7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to Recordation (pending disposition of the §3.2N exemption question), with the metes and bounds description of the FRA being shown on the Record Plat;
- 8) The plat's top signature block referencing the "Director" of the "Department of Land Use & Development Services" prior to Recordation – which was supposed to have been done prior to any submission for review by the Planning Commission;
- 9) The plat's next (middle) signature block referencing the "Chief (P.E.)" of "Development Plans Review," prior to Recordation – which was supposed to have been done prior to any submission for review by the Planning Commission;
- 10) The unnumbered notes referencing the "Office of Planning and Zoning" being amended to read "Department of Land Use and Development Services" prior to Recordation;
- 11) The unnumbered notes referring to this as a "minor subdivision" being corrected prior to Recordation;
- 12) North arrows being added, as required, prior to Recordation;
- 13) Documentation of the road maintenance agreement for the shared access to MD 273 being recorded prior to Recordation;
- 14) The subdivision density's (1/4.6315) being stated on the plat prior to Recordation; and
- 15) The death certificate being submitted prior to Recordation.

A motion for approval with conditions was made by Mr. Miners

The motion was seconded by Mr. Kirsh.

Members voting in favor of approval with conditions include Mr. Miners, Mr. Kirsh, Mr. Persons, and Mr. Johnston.

Mr. Wallace was the sole opposing vote of the motion to approve. Mr. Wallace explained that his vote is due to the lack of requirements being met by the engineering firm.

Motion for approval with conditions carried.

**REZONING:**

**FILE: 2017-07-** APPLICANT: Dwight Thomey attorney for Wayne & Maralyn Webb.

REQUEST: Request to rezone 3.9862 acres from Business Local, (BL) to Business General, (BG).

PROPERTY LOCATION: Tome Highway, Rising Sun, MD 21911, Election District: 6, Tax Map: 10, Parcel: 784.

PROPERTY OWNER: Wayne & Maralyn Webb.

PRESENTLY ZONED: Business Local, (BL).

Dwight Thomey, Esq., Wayne and Maralyn Webb, appeared and presented an overview of the application. Mr. Thomey explained that this parcel is located on Tome Highway adjacent to a bank as well as other commercially zoned properties. The Webb's feel that a mistake was made in the 2011 Comprehensive Rezoning as they feel this parcel should have been given a Business General (BG) zoning classification. The parcel is just under 4 acres in size. They feel limiting a business to 5000 sq. ft. building would not fully utilize a parcel this size.

**HEALTH DEPARTMENT:**

The Health Department has no objection to this rezoning request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion to recommend approval, per due to a demonstrated mistake in the 2011 Comprehensive Rezoning, was made by Mr. Kirsh.

Motion seconded by Mr. Wallace.

VOTE: All members voted in favor of the motion.

The next meeting for this application will be December 5, 2017 before the County Council.

**SPECIAL EXCEPTION:**

**FILE: 3832 -** APPLICANT: Blake & Lisa Ward.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 1690 Colora Road, Colora, MD 21917, Election District: 6 Tax Map: 17, Parcel: 639, Lot 4A.

PROPERTY OWNER: Blake & Lisa Ward.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Blake and Lisa Ward appeared and presented an overview of the application. Mrs. Ward explained that they have a finished garage on their property in which they would like to operate a small tearoom. They operating hours will be by reservation only and no changes will be made to the exterior of the building. They do not foresee this operation hindering their surrounding neighbors.

**HEALTH DEPARTMENT:**

Permit 201624247 was approved as a three (3) bedroom dwelling. The proposed Tea Room would require 45' of additional drain field based on 450 gallon of additional flow calculated from actual installation. Additional trench would not be required if one bedroom is converted to the tearoom and seating is no more than 15 seats.

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** None.

Mr. Kirsh stated that his firm handled the settlement of the property. He does not feel that the relationship will hinder his ability to vote fairly and / or impartially.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

**ACTION:** Motion to recommend approval for two (2) years made by Mr. Johnston.

Motion seconded by Mr. Wallace.

**VOTE:** All members voted in favor of the motion.

The next meeting for this application will be October 24, 2017 before the Board of Appeals.

**FILE: 3834 - APPLICANT:** William O. Hawley, Jr.

**FOR:** Special Exception to place a DWMH on property for hardship purposes.

**PROPERTY LOCATION:** Telegraph Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 637.

**PROPERTY OWNER:** William O., Jr. & Erika Hawley.

**PRESENTLY ZONED:** Northern Agricultural Residential, (NAR).

William Hawley appeared and presented an overview of the application. Mr. Hawley explained that due to medical reasons regarding his wife's Mother and Father in Law, he requests that a doublewide mobile home be placed on his property. His wife is the caretaker for both of her parents so they are looking to have them living in close proximity to their home. Mr. Hawley explained that he is aware of an MALPF easement agreement on his property. He has spoken with representatives from MALPF regarding the circumstances. He is would like to proceed with his request for a Special Exception.

Discussion ensued regarding whether the Planning Commission can vote on a project that does not have the support of MALPF due to contractual obligations between the two parties.

**HEALTH DEPARTMENT:**

Lot is an approved building lot with one (1) 10,000 sq. ft. of sewage unimproved at this time. The DWMH could use the existing sewage area. An additional living unit (2<sup>nd</sup>) would require an additional 10,000 sq. ft. of sewage area and additional satisfactory soil evaluations (perc test).

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** Pamela Russell, 3568 Telegraph Road, Elkton, MD appeared in opposition of the long-term placement of a mobile home. Ms. Russell stated that she is not opposed to the placement of the home if it is only placed on the property temporarily.

Mr. Kirsh stated that his firm handled the settlement of the property. He does not feel that the relationship will hinder his ability to vote fairly and / or impartially.

**RECOMMENDATION:**

Staff recommended disapproval.

**ACTION:** Motion to recommend disapproval made by Mr. Wallace.  
Motion died for lack of a second.

**ACTION:** Motion to recommend approval for as long as the applicant owns the property and the parents of William and Erika Hawley reside in the mobile home.  
Motion seconded by Mr. Johnston.

Members who voted in favor of the motion to approve with conditions include Mr. Kirsh, Mr. Johnston, Mr. Persons and Mr. Miners.  
Mr. Wallace was the sole opposing vote.

**VOTE:** Motion to recommend approval for as long as the applicant owns the property and the parents of William and Erika Hawley reside in the mobile home carried.

The next meeting for this application will be October 24, 2017 before the Board of Appeals.

**FILE: 3835 - APPLICANT:** Charles Harrison, III.

**FOR:** Special Exception to operate a home occupation.

**PROPERTY LOCATION:** 284 Bouchelle Road, North East, MD 21901, Election District: 5, Tax Map: 25, Parcel: 483.

**PROPERTY OWNER:** Charles Harrison, III.

**PRESENTLY ZONED:** Low Density Residential, (LDR).

Findlay McCool, Esq. and Charles Harrison appeared and presented an overview of the application. Mr. McCool explained that Mr. Harrison would like to operate a welding and metal fabrication occupation out of his pole barn on his property. Mr. McCool stated that the storage of equipment and material as well as some work would take place in the pole barn, which will not create an undue burden on the surrounding neighbors.

**HEALTH DEPARTMENT:**

The Cecil County Health Department has no objection to this special exception request.

**COMMENTS IN SUPPORT:** David Thomey explained that he operates the quarry located in close proximity to this property. He is in support of this Special Exception.

**COMMENTS IN OPPOSITION:** None.

**RECOMMENDATION:**

Staff recommended approval for two (2) years.

**ACTION:** Motion to recommend approval for two (2) years made by Mr. Miners.  
Motion seconded by Mr. Johnston.

Mr. McCool requested that the recommendation of approval be for as long as Mr. Harrison owns the property and operates the business.



Mr. Miners amended his motion to recommend approval for as long as the applicant owns the property and operates the business.

Mr. Johnston seconded the amended motion.

VOTE: All members voted unanimously to approve.

The next meeting for this application will be October 24, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

Chairman Doordan stated that the Commission needs to vote for a Vice Chairman for the Planning Commission. Chairman Doordan nominated Chad Johnston to serve as Vice Chairman. He asked that the Commission members think about the nomination and stated that a vote would be taken at the November Planning Commission meeting.

The meeting adjourned at 6:58 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 20, 2017 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Land Use & Development Services  
Division of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Monday, November 20 2017  
6:00 p.m.

PRESENT: Chad Johnston (Acting Chairman), Bill Miners, Roger Persons, Peter Kirsh, Tom Mullen (Alternate), Joyce Bowsbey (Ex-Officio), Lloyd Harmon (DEH), Cameron Brown, Esq., Kordell Wilen, (LUDS/DPR), Tony Di Giacomo (LUDS/P&Z), Steve O'Connor (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan, (Chairman), Wyatt Wallace, Eric Sennstrom (LUDS/Director).

MINUTES - Motion was made by Mr. Miners, seconded by Mr. Kirsh and unanimously carried to approve the Monday October 16, 2017, 6:00 p.m. meeting minutes as mailed.

Mr. O'Connor announced that the proposed County Council text amendment has been postponed until the January 2018 Planning Commission meeting.

**TEXT AMENDMENT – ZONING ORDINANCE**

**County Council's proposed language adding regulations pertaining to Confined Animal Feeding Operations, (CAFO).**

*Postponed until the January 2018 Planning Commission meeting.*

**SUBDIVISION:**

**1. Foundation for Eldercare, 176 Units, Marley Road, Concept Site Plan, McCrone, Inc., Fifth Election District.**

Dan Speakman and Don Sutton, McCrone, Inc. and John Berg, Foundations of Eldercare, appeared and presented an overview of the project.

Mr. Di Giacomo, LUDS/P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

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

On this site, the Montgomery-Cecil Concept Plat, which proposed 148 lots on 148.89 acres, was approved on 3/18/02, when the DR zone then permitted a density of 1 du/ 1 ac., conditioned on:

- 1) A Traffic Impact Study, including a signal warrant analysis for the Marley Road/ US 40 intersection, being complete prior to TAC review of the Preliminary Plat;
- 2) Road names being approved by the County's 911 Emergency Center prior to Planning Commission review of the Preliminary Plat;
- 3) Intermittent and perennial stream labeling and buffers being made consistent with the USGS Quad maps, and all intermittent streams being shown;
- 4) The JD being completed prior to Planning Commission review of the Preliminary Plat; and

- 5) Verification being received from MDE that the SuperFund site on the east side of Marley Road will not have adverse impacts on the proposed wells.

That Concept approval and its numerous extensions do not preclude this proposal's moving forward through the review and approval process.<sup>1, 2</sup>

Zoning: RM

Density: The RM zone permits a density of 10 du/ 1 ac. for duplex and semi-detached structures.

176 dwelling units on 40.064 acres<sup>3</sup> yields a density of 4.39:1, which is permitted (see above).

This project location is situated within the 2010 Comprehensive Plan's High Density Growth land use district.

Also, as established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier II area.<sup>4</sup>

Per §6.3 of the Subdivision Regulations, multi-family projects basically undergo the subdivision review and approval process, with Concept, Preliminary, and Final Plat reviews and approvals, per §'s 4.0, 4.1, and 4.2.

In that regard, Note # 27 remains confusing. Again, per §6.3 of the Subdivision Regulations, multi-family projects basically undergo the subdivision review and approval process; it is suggested that Note # 27 be removed so as to avoid any future confusion.<sup>5</sup>

It is the understanding of staff that this proposal does not strictly fall under the purview of §82 of the Zoning Ordinance inasmuch as while age will be restricted, employment status will not.<sup>6</sup>

However, for the sake of clarity, and for the record, is this project intended for residents 55 years of age and older? Mr. Speakman said yes.

A boundary line survey was performed by McCrone in August-September, 2017, per Note #28.

The overall site view is depicted on Sheet 1, consistent with §4.0.13(b) requirements.

The plat shows water and sewer stubs for future use. What is proposed for the balance of the property, and how would it be accessed? Mr. Speakman explained that a preliminary sketch is done for future development of the balance of the property. He stated that the remaining land is not owned by Foundations of Eldercare. Mr. Di Giacomo asked if the future phases will have their own access to Marley Road. Mr. Speakman stated that they will propose Phase III to have its own access to Marley Road but Phase II will interconnect with Phase I.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>7</sup>

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<sup>1</sup> It did not progress past the Concept Plat stage of review and approval, and no Preliminary Plat was even went so far as having been reviewed by the TAC.

<sup>2</sup> This Concept Plat was review by the TAC on 10/19/17.

<sup>3</sup> Parcel 462 (38.401) + Parcel 812 (0.997) + Parcel 813 (0.666) = 40.064 acres.

<sup>4</sup> Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

<sup>5</sup> For example, LUDS and OPZ are mentioned, when, in fact, they are one in the same.

<sup>6</sup> §82 deals with Retirement Housing Complexes.

<sup>7</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Any slopes greater than 25% must be shown on the Preliminary Plat.<sup>8</sup>

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

The proposed 25.054 acres of open space represents 62.53% of the site area.<sup>9</sup>

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands (except in the NAR and SAR zones). The open space sensitive areas thresholds must be calculated and included on the Preliminary Plat.

A minimum 15% of the development envelope shall be landscaped (§28.5.a).

The proposed 4' chain link fence shown will function as a safety precaution owing to changes in elevation.

The proposed units have now been numbered.

Soils delineations<sup>10</sup> must again appear of the Preliminary Plat.

Sidewalks are shown on both sides of the proposed Dylan Drive.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Marley Road, as shown.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

The dwelling-detail insert shows 24' of separation (side-to-side) between structures, which is adequate for the 10' side setbacks.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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<sup>8</sup>It is reported that there are so slopes >25% of 10,000ft<sup>2</sup> on site.

<sup>9</sup> A minimum of 20% of the gross site area is required (§28.6.b).

<sup>10</sup> Soils delineations are not required on Concept Plats.

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

The Forest Stand Delineation (FSD) and SWM Concept Plan have been approved.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal road name Dylan Drive will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

As indicated at TAC review, Dylan Drive is proposed as a private road. This would be permitted by Article VI, §6.5 of the Subdivision Regulations if these units are for rental occupancy under single ownership. For the record, is this what is planned? Mr. Speakman stated that Dylan Drive is still proposed to be a private road and if the units are for rental occupancy, they will be under one ownership.

If not, then a condominium regime will need to be formed and a variance to waive the road frontage requirements will need to be obtained from the Board of Appeals.

A Traffic Impact Study (TIS), normally required at the Preliminary Plat stage, has already been submitted.

Because of the number of units proposed, the site design includes a monumental entrance. The applicant is on record as to any future development's utilizing a second entrance onto Marley Road. However, the applicant is cautioned that such entrance would need to comply with the provisions of §7.2.12, generally, and §7.2.12.F.4(d), specifically.

§7.2.2 requires street systems to be designed to discourage excessive speed. The northern and southern straightaways of the proposed Dylan Drive appear to invite high rates of speed. It was indicated at TAC review that the incorporation of traffic calming measures would be considered.

The Zoning Ordinance adopted in 2011, includes Accessibility and Parking Requirements in Article XIV. Compliance with Article XIV must be detailed in any Preliminary Plat.

Parking schematics for the proposed parking lots, including ADA information, must be detailed in any Preliminary Plat.

The proposed parking spaces (270, per Note #14) exceeds the number required (176) by 53.41%, per §274.9, which caps excess at 20% (which would be 211 spaces).<sup>11</sup>

Regarding §273.10, §273.11, and §274.9.b, the applicant has informed LUDS, spaces provided for use as electric vehicle recharging stations, as approved by the Maryland Electric Administration, will be considered.

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<sup>11</sup> Per §274.9, this proposal contains 59 too many parking spaces.

§274.8 provides that “All multifamily residential subdivision site plans shall include a parking plan that includes a lighting plan in conjunction with a safe bicycle, pedestrian, and vehicular circulation plan.” These details must be included with any Preliminary Plat.

Note # 23 references site lighting. A detailed lighting plan must be included as part of the Preliminary Plat – for both TAC and PC review.

The requirements of §278.2, regarding bicycle access and facilities, as well as §279, regarding access as relates to the Americans with Disabilities Act, must be detailed in any Preliminary Plat.

Has any consideration been given to public transportation access? Mr. Speakman said the developers do anticipate public transportation being available to the complex. The community building may be used as the pick up / drop off location for the development.

Fire hydrant locations must be shown on the Preliminary Plat and selected in consultation with DPW and the North East Fire Department.

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

The Master Water and Sewer Plan classifies this site as ‘Service Provider TBD’ for water; and S2 for sewer.

The Record Plats shall contain a statement to be signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all homes offered for lease.

Documentation of water allocation must be provided by the applicant prior to the Planning Commission’s review of the Final Plat.

Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission’s review of the Final Plat.

LUDS staff will recommend, as a condition of any Final Plat approval, that any future conversion of these apartments into fee-simple duplex lots be activated only via the subdivision process.

If any utility easements are necessary, then all necessary easement agreements will be required prior to the Planning Commission’s review of any Final Plat, and all documents requiring recordation must be recorded prior to the recordation of the Record Plat.<sup>12</sup>

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

School information:	Elementary	Middle	High School
	Leeds	North East	North East
FTE	384	750	1083
Capacity	408	712	1009
% Utilization	94%	105%	107%

CONCEPT PLAT REQUIRED INFORMATION:

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<sup>12</sup> Such easements may be necessary along Marley Road.

- (a) Concept Plats shall be submitted on paper and shall be clear and legible. Illegible plats will be discarded and the subdivider notified. Incomplete plats will not be accepted by the Office of Planning and Zoning. For Planning Commission review only, a Concept Plat shall be not considered complete if the Forest Stand Delineation and Stormwater Management Concept Plan have not been approved prior to submission of said Concept Plat (if in the Critical Area, a Concept Plat will not be considered complete unless the Conceptual Environmental Assessment has been approved prior to submission of said Concept Plat). In addition, for Technical Advisory Committee and Planning Commission review, a Concept Plat shall be not considered complete if the public notification sign(s) have not been properly installed, if the electronic version of the plat has not been submitted for posting on the County's website, and if the submission fee, established in Appendix A, has not been paid prior to submission of said Concept Plat. Incomplete Concept Plats will be returned to the subdivider within fifteen (15) days of submission for completion and resubmission by the subdivider at a later date, and the submission fees shall be forfeited.
- (b) A vicinity map indicating the location of the property with reference to surrounding property, streets, nearest major intersection, north point, landmarks, streams, etc. Show all property owned according to the tax maps if only a part of the property is to be developed. The tax map, block (grid), and parcel number(s) shall also be provided.
- (c) In the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.
- (d) Title information:
  - 1. Proposed name
  - 2. Scale of Plat (feet and meters).
  - 3. Location by election district, County and State.
  - 4. Date.
- (e) Name and address of owner or person representing owner who is responsible for preparation of the plat.
- (f) North point.
- (g) Boundary of proposed subdivision. This can be a deed plot.
- (h) Location, widths, and names of all streets and/or alleys on or adjoining the subdivision; this should include plats which have preliminary approval as well as those recorded but unimproved and all existing easements. (to be indicated by dashed lines).
- (i) Location of existing utilities on or within two hundred (200) feet of the parcel.
- (j) The layout of all proposed and existing lots with appropriate dimensions and minimum area.
- (k) The approximate location and area of all property proposed to be reserved to public use or to be reserved for use by all property owners in the subdivision, also the purposes of any proposed easements.
- (l) Existing zoning classification of tract and all adjacent parcels. Any proposed zoning for the tract must be effectuated by a rezoning prior to the Planning Commission's review of the Concept Plat.
- (m) If community sewerage and/or water systems are to be used, such notation shall be made on the Concept Plat. The proposed providers of public water and/or sewer shall be cited on the plat, as applicable.
- (n) In the case of multi-family projects (apartments, townhouses, etc.) the following additional items shall be shown:
  - 1. Approximate location of buildings.
  - 2. Total number of units in each building.
  - 3. Total number of off-street parking spaces and the space to unit ratio.
- (o) General location and areal extent of the following when the subdivision is proposed in the Cecil County Critical Area:
  - 1. Tidal and non-tidal wetlands;
  - 2. Streams (perennial and intermittent);
  - 3. Areas of steep slopes, highly erodible and other soils with development constraints;
  - 4. Shore and stream Buffer (110-foot or 200-foot minimum);
  - 5. Natural resource protection areas, Habitat Protection Areas, forests and developed woodlands on or in the vicinity of the proposed subdivision;
  - 6. The Critical Area Boundary and the applicable land management classification(s), i.e. Intensely Developed Area (IDA), Limited Developed Area (LDA), or Resource Conservation Area (RCA);
  - 7. Computation of the amount of acres in the Critical Area District; and
  - 8. The location and extent of existing and/or proposed shore erosion abatement approaches.
  - 9. The Conceptual Environmental Assessment.
- (p) All existing easements on the parcel(s) to be subdivided.
- (q) Any existing cemeteries or burial sites on the parcel(s) to be subdivided.
- (r) Additional information as required by the Forest Conservation Regulations and/or the Forest Conservation Technical Manual.

**HEALTH DEPARTMENT:**

Add a statement that the subdivision is in compliance with the Master Water and Sewer Plan in the Health Department's signature box.

Add a statement that "Public water and sewer will be available to all lots offered for sale" with the owner's signature.

The property is mapped as S-2, Meadowview in the Master Water and Sewer Plan. All permits to construct any required sewerage infrastructure to handle sewage from this project must be issued prior to Final Plat approval. This includes the pump station shown on this plan.

The property is mapped as W3, “to be determined” provider in the Master Water and Sewer Plan. The Water and Sewer Plan must be revised to W2 or better with a designated provider prior to Final Plat approval. All permits to construct any required water infrastructure to handle water supply for this project must be issued prior to Final Plat approval. This includes the water storage and pumps shown on this plan.

A written confirmation of water and sewer allocation must be received from the utilities prior to Final Plat approval.

Submit to the Health Department a written narrative of the intended use of the community building. Specifically address whether any food preparation, spa or pool is proposed.

Mr. Wilen, LUDS/DPR, read the comments of the division:

1. Upon acceptance of an administratively complete Major Site Plan, a residential sewer allocation request can be submitted to the Department for review.
2. The Stormwater Management (SWM) requirements for the proposed development satisfy the current Stormwater Management Code. A Concept SWM Plan must be submitted and approved prior to the Concept Site Plan being submitted for review by the Planning Commission.
3. Identify all SWM easements on the Preliminary & Final plats.
4. The entrance improvements and sanitary sewer plans must be submitted with the Preliminary Major Site Plan submittal.
5. The Developer is responsible to submit the sanitary sewer pump station plan to the Department at least thirty (30) days prior to Preliminary Major Site Plan TAC review. The sanitary sewer pump station must be designed in accordance with the current “Standard Specification and Details for Water Mains & Sewer Mains”.
6. Sight distance measurements (intersection & stopping), for the proposed access point on to Marley Road, must be submitted and approved prior to the Preliminary Major Site Plan approval.
7. Any applicable Road Code Variances needed for the entrance improvements must be requested prior to submittal for Preliminary Major Site Plan approval.
8. While the water supply for this development will be provided by the Artesian Water Company, the water lines must be reflected on the sanitary sewer plans and as-builts.
9. Add a road frontage dedication note to read “30” strip conveyed in fee simple to Cecil County Maryland, See Deed in Liber \_\_\_\_\_, Folio\_\_\_\_\_”. Dedication must be recorded and reference in the note above prior to recordation of the final plat.
10. The Development Plans Review Division has no objection to approval of the Concept Plat presented with the previously mentioned conditions.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Ms. Bowlsbey asked if the TIS for this project reflects Marley Road as being adequate to handle an increase in traffic. Mr. Di Giacomo said yes.

Mr. Di Giacomo read the recommendation of staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW/DPR requirements being met;
- 3) The Preliminary Plat’s including the details of a parking plan (§274.8);
- 4) The Preliminary Plat’s including the details of a lighting plan (§274.8);



- 5) The internal road name's being approved prior to the submission of the Preliminary Plat for Planning Commission review and possible approval;
- 6) The requirements of §278.2 and §279, regarding bicycle access and facilities, and Americans with Disabilities Act (ADA) compliance, respectively, being detailed in any Preliminary Plat;
- 7) Fire hydrant locations' being depicted on the Preliminary Plat, with locations based consultation with DPW and the North East Fire Department;
- 8) The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan being approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance);
- 9) Any future developments' second entrance onto Marley complying with the provisions of §7.2.12, generally, and §7.2.12.F.4(d), specifically; and
- 10) Compliance with the Accessibility and Parking Requirements in Article XIV being detailed in any Preliminary Plat.

A motion for approval with conditions was made by Mr. Kirsh.  
The motion was seconded by Mr. Miners.

All approve. Motion for approval with conditions carried.

**SPECIAL EXCEPTION:**

**FILE: 3837 - APPLICANT:** Jonathan Seidenberg & Jen Podos.

**FOR:** Special Exception to operate a home occupation.

**PROPERTY LOCATION:** 100 Williams Road, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 575.

**PROPERTY OWNER:** Jonathan Seidenberg & Jen Podos.

**PRESENTLY ZONED:** Low Density Residential, (LDR).

Jonathan Seidenberg and Jen Podos appeared and presented an overview of their application. Ms. Podos explained that she would like to operate a Yoga/Meditation studio in her home.

**HEALTH DEPARTMENT:** The Cecil County Health Department has no objection to this Special Exception request. Please contact this office regard old existing dug well.

**COMMENTS IN SUPPORT:** None.

**COMMENTS IN OPPOSITION:** None.

**RECOMMENDATION:**

Staff recommended approval, for two (2) years.

**ACTION:** Motion to recommend approval for two (2) years made by Mr. Mullen.  
Motion seconded by Mr. Miners.

**VOTE:** All members voted in favor of the motion to recommend approval for two (2) years.

The next meeting for this application will be November 28, 2017 before the Board of Appeals.

**FILE: 3840** - APPLICANT: Leonard C. Poore, Jr.  
FOR: Special Exception to operate a home occupation.  
PROPERTY LOCATION: 2136 Oldfield Point Road, Elkton, MD 21921, Election District: 3,  
Tax Map: 322, Parcel: 226.  
PROPERTY OWNER: Leonard C. Poore, Jr.  
PRESENTLY ZONED: Low Density Residential, (LDR).

Leonard Poore appeared and presented an overview of this application. Mr. Poore stated that he would like to sell homemade crafts from his home.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this Special Exception request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Mullen asked if the shop would be open every day of the week. Mr. Poore stated that he expects to be open on the weekends and possibly one day during the week.

RECOMMENDATION:  
Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval for two (2) years made by Mr. Miners.  
Motion seconded by Mr. Mullen.

VOTE: All members voted in favor of the motion to recommend approval for two (2) years.

The next meeting for this application will be November 28, 2017 before the Board of Appeals.

**FILE: 3842** - APPLICANT: Mary Wagner.  
FOR: Special Exception to place a mobile home on the property for hardship purposes.  
PROPERTY LOCATION: 33 Cottonwood Lane, Rising Sun, MD 21911, Election District:5,  
Tax Map: 24, Parcel: 133.  
PROPERTY OWNER: Mary Wagner.  
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mary Wagner and Lloyd Ramsey, appeared and presented an overview of their application. Mr. Ramsey stated that a mobile home was placed on Ms. Wagner's property in 1969. In 1998, the mobile home was replaced. He explained that his sister and brother in-law had been living in the mobile home to help Ms. Wagner with upkeep on the property. The brother in-law has since vacated the mobile home. Ms. Wagner would like to have the mobile home remain on the property for living quarter for someone to aide her in the upkeep of the property.

Mr. O'Connor explained that there was a Special Exception granted for a mobile home on this property years ago. The approval was based on Ms. Wagner's daughter living in the mobile home. Once Ms. Wagner's daughter was no longer living in the mobile home, the Special Exception was voided.

HEALTH DEPARTMENT: – The Cecil County Health Department has no objection to this Special Exception request. Any Permits that this office is required to evaluate will require septic information for existing mobile home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**RECOMMENDATION:**

Staff recommended approval for as long as Mary Wagner owns the property and agricultural help is needed on the property.

**ACTION:** Motion to recommend approval for as long as Mary Wagner owns the property and agricultural help is needed on the property by Mr. Kirsh.

Motion seconded by Mr. Mullen.

**VOTE:** All members voted unanimously to recommend approval for as long as Mary Wagner owns the property and agricultural help is needed on the property.

The next meeting for this application will be November 28, 2017 before the Board of Appeals.

**GENERAL DISCUSSION:**

Mr. Johnston explained that due to Chairman Doordan and Wyatt Wallace's absence at tonight's meeting, the vote on Vice Chair will take place at the next Planning Commission meeting.

The meeting adjourned at 6:40 p.m.

**NEXT PLANNING COMMISSION MEETING:** Due to a lack of agenda items, there shall not be a December Planning Commission meeting. The next meeting will be on Wednesday, January 17, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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Jennifer Bakeoven  
Administrative Assistant  
Office of Land Use & Development Services  
Division of Planning & Zoning

**PLANNING COMMISSION MINUTES  
MONDAY, DECEMBER 18, 2017  
County Administration Building  
Elk Room  
200 Chesapeake Blvd., Elkton, MD 21921  
6:00 p.m.**

Due to a lack of agenda items, there was not a December 2017 Planning Commission meeting.