

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Wednesday, January 17, 2018
6:00 p.m.

PRESENT: Wyatt Wallace (Acting Chair), Bill Miners, Roger Persons, Peter Kirsh, Joyce Bowlsbey (Ex-Officio), Eric Sennstrom (LUDS/Director) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan, (Chairman), Chad Johnston, Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen, (LUDS/DPR), Tony Di Giacomo (LUDS/P&Z) and Steve O'Connor (LUDS/P&Z).

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

MASTER WATER & SEWER PLAN – MAP AMENDMENT

- **Map amendment to reflect the Town of Perryville providing water to the Perryville Volunteer Fire Company, Station 16 located at 16 G.R. Dawson Drive, Perryville, MD 21903.**

Ralph Ryan, Town of Perryville, appeared and presented an overview of the amendment. Mr. Ryan explained that the existing well that serves the Perryville Fire Company's Station 16, is failing. The Fire Company is requesting this map amendment to allow the Town of Perryville to provide water to Station 16.

HEALTH DEPARTMENT: The Cecil County Health Department supports the requested amendment.

COMMENTS IN SUPPORT: Bob Meffley, Chesapeake City, MD, spoke in support of this map amendment. He believes that by the water being provided by the Town of Perryville, it will benefit the citizens of Perryville as well as assist in fire and rescue due to the close proximity to Interstate 95.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

ACTION: Motion to recommend approval, with the map amendment being found consistent with the 2011 Comprehensive Plan made by Mr. Miners.

Motion seconded by Mr. Kirsh.

VOTE: All members voted in favor of the motion to recommend approval, the map amendment is found consistent with the 2011 Comprehensive Plan.

The next meeting for this application will be February 6, 2018 before the County Council.

MASTER WATER & SEWER PLAN –TEXT & TABLE AMENDMENT

- **Section 4.1.6 Perryville (A) (B) – Language regarding infiltration and inflow sources.**
- **Table 13, Summary of Planned Sewerage System Improvements, Perryville.**

Eric Sennstrom, LUDS, explained that the current language does not reflect the improvements that the Town of Perryville is proposing concerning the upgrading of the plant, with the cloth disk filters and the denitrification filters. If this amendment is approved by the Council the proposed improvements section of Chapter 4 for the Town of Perryville will include that language stating that those improvements will take place at the plant and Table 13 will be amended as well to reflect that information.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the requested changes.

RECOMMENDATION:

Staff recommended approval, the text and table amendment is found consistent with the 2011 Comprehensive Plan.

ACTION: Motion to recommend approval, with the text and table amendment being found consistent with the 2011 Comprehensive Plan made by Mr. Persons.

Motion seconded by Mr. Kirsh.

VOTE: All members voted in favor of the motion to recommend approval, the text and table amendment is found consistent with the 2011 Comprehensive Plan.

The next meeting for this application will be February 6, 2018 before the County Council.

ZONING ORDINANCE – TEXT AMENDMENT – *Postponed from the November 2017 Planning Commission meeting.*

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

Councilwoman Bowsbey presented the text amendment on behalf of the County Council. She explained that due to a CAFO operation that opened in 2017, several citizens come to the Council with their concerns regarding this operation. The group felt that chicken houses pose a health risk to surrounding wells and properties. In May 2017, the Council created a workgroup to look into zoning regulations addressing CAFO operations. Ms. Bowsbey read highlights from the recommended language.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

HEALTH DEPARTMENT: The Cecil County Health Department has no comment.

RECOMMENDATION:

Staff recommended disapproval, due to the current regulations being adequate to regulate such operations.

Ms. Bowlsbey explained that the Council had a Citizen’s Advisory Committee that met and made recommendations to the Council. Not all recommendations were accepted but they did include some.

Discussion ensued regarding the definitions included in the proposed amendments.

Mr. Kirsh asked Mr. Sennstrom to explain how the current regulations address CAFOs. Mr. Sennstrom stated that the current regulations, Article 58 (2), Animal Husbandry – CAFOs include setbacks from property lines (100’) and adjoining residence (300’). In addition, County Executive McCarthy, in March 2017 issued an executive order that requires the Soil Conservation Service to coordinate with Land Use & Development Services (LUDS) whenever they receive plans for a CAFO to be established for LUDS to review and make recommendations on items such as but not limited to setbacks, buffers and locations of ventilation fans.

Discussion ensued regarding the zoning designation of current CAFOs and existing regulations that address such operations.

Councilman Bob Meffley and Councilwoman Jackie Gregory spoke in favor of this text amendment stating that the need for the additional regulation will help ease the concerns of the citizens effected by future proposed CAFOs.

ACTION: Motion to recommend approval as presented made by Mr. Miners.
Motion seconded by Mr. Persons.

VOTE: All members voted in favor of the motion to recommend approval.

The next meeting for this application will be decided by the Council Manager. Contact the Council’s office at 410-996-5201 for more information.

SUBDIVISIONS:

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

SPECIAL EXCEPTION:

FILE: 3848 - APPLICANT: Howard E. Eveland.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 1490 Grove Neck Road, Earleville, MD 21919, Election District: 1,
Tax Map: 61, Parcel: 55.

PROPERTY OWNER: Howard E. Eveland and Sabrina K. Eveland.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Howard Eveland appeared and presented an overview of his application. Mr. Eveland stated that he is looking to operate a firearms business out of his home. Operating hours will be by appointment only, expecting approximately two (2) to three (3) appointments per week. He feels that this operation will not create any additional traffic to the area. Mr. Eveland explained that the only modifications to the home would be an upgraded security system to be installed.

Ms. Bowlsbey asked if any firearms testing would be held on the property. Mr. Eveland said that no firearms would be discharged on his property.

HEALTH DEPARTMENT: Applicant should contact the Cecil County Health Department to discuss whether the proposed business generates any water demand or wastewater, or involves any regulated activity (food production, etc.).

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. Kirsh.
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 January 23, 2018 before the Board of Appeals.

GENERAL DISCUSSION:

Mr. Wallace explained that a vote would need to be taken to elect a Vice Chair of the Planning Commission.

Mr. Miners made a motion to nominate Chad Johnston as Vice Chair.
Mr. Kirsh seconded the motion.

All members voted in favor of Chad Johnston for Vice Chair of the Planning Commission.

The meeting adjourned at 6:40 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Wednesday, February 21, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

**AGENDA
PLANNING COMMISSION
WEDNESDAY, FEBRUARY 21, 2018
ALTERNATE DATE: THURSDAY, FEBRUARY 22, 2018
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 February 2018 Planning Commission meeting.

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, March 19, 2018
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Chad Johnston, Wyatt Wallace, Bill Miners, Peter Kirsh, Don Harmer, Alternate, Joyce Bowlsbey (Ex-Officio), Eric Sennstrom (LUDS/Director), Steve O'Connor (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Roger Persons, Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen, (LUDS/DPR), and Tony Di Giacomo (LUDS/P&Z).

MINUTES - Motion was made by Mr. Miners seconded by Mr. Wallace and unanimously carried to approve the Wednesday, January 17, 2018, 6:00 p.m. meeting minutes as mailed.

ANNUAL REPORT - 2017

Eric Sennstrom, Director – Land Use & Development Services, appeared and gave an overview of the 2017 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 2017 Annual Report also contains the roster for the several commissions and boards that are associated with the Division 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.

HEALTH DEPARTMENT: None.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

A motion for the adoption of the 2017 Annual Report was made by Mr. Johnston. The motion was seconded by Mr. Wallace.

All approve. Motion carried.

With the adoption of the 2017 Annual Report, the report will be filed with the County Council of Cecil County.

MASTER WATER & SEWER PLAN – TABLE AMENDMENT

- **Table 10 – Upgrades to the wastewater treatment plant at Elk Neck State Park.**

Eric Sennstrom, Director – Land Use & Development Services, appeared and presented an overview of the request. He explained that this request is to amend Table 10 of the Master Water & Sewer Plan concerning the wastewater treatment facility at the Elk Neck State Park. Maryland Environmental Service is the operator of this facility. They have notified staff that the text within Table 10 is no longer accurate as far as the wastewater treatment plan is concerned. They have requested the amendment to reflect their plans for the facility which include membrane bioreactor technology, sequencing batch reactors with denitrification filters and multi-staged activated sludge processes such as Bardenpho. The existing capacity would be 60,000 gallons per day; the average daily flow would be 20,000 gallons per day.

If the Planning Commission recommends approval, the amendment will be sent to the County Council for review. If the Council recommends approval, it will then be sent to the Maryland Department of the Environment for final disposition.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

HEALTH DEPARTMENT: The Cecil County Health Department supports the requested amendment.

RECOMMENDATION:

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

ACTION: Motion to recommend approval, with the table amendment being found consistent with the 2011 Comprehensive Plan made by Mr. Kirsh.

Motion seconded by Mr. Johnston.

VOTE: All members voted in favor of the motion to recommend approval, the table amendment is found consistent with the 2011 Comprehensive Plan.

The next meeting for this application will be April 3, 2018 before the County Council.

MASTER WATER & SEWER PLAN –MAP AMENDMENT

- **Map amendment to reflect Artesian Water Maryland, Inc. providing water to the Foundations of Eldercare located on Map 25 - Parcel 462, Marley Road, Elkton, MD 21921.**

Eric Sennstrom, Director – Land Use & Development Services, appeared and presented an overview of the amendment. Mr. Sennstrom explained that this amendment originated from a request from Artesian Water Maryland to amend the water service area map within the County’s Master Water & Sewer Plan. This area is currently shown as “service to be determined”. They are requesting to change this area to “service to be provided by Artesian Water Maryland”. The project they are proposing to serve is envisioned to be a senior living facility to the west side of Marley Road. The property is in a competitive franchise area whereby individuals can seek service from Artesian or the Town of North East. In this case, Artesian was selected as the service provider. They are requesting that the map be changed to be shown as a W2 water service area to be served by Artesian rather than “service to be determined”.

Should the Planning Commission recommend approval, the recommendation will be forwarded to the County Council. If the Council votes favorably, the amendment request will be sent to the Maryland Department of the Environment for final approval.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the requested changes.

RECOMMENDATION:

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

ACTION: Motion to recommend approval with the map amendment being found consistent with the 2011 Comprehensive Plan made by Mr. Miners.

Motion seconded by Mr. Wallace.

VOTE: All members voted in favor of the motion to recommend approval.

The next meeting for this application will be April 3, 2018 before the County Council.

SUBDIVISIONS:

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

SPECIAL EXCEPTION:

FILE: 3852 - APPLICANT: Charles Blanford.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 109 Love Run Road, Colora, MD 21917, Election District: 6; Tax Map: 16, Parcel: 52, Lot: 5.

PROPERTY OWNER: Charles Blanford.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

WITHDRAWN, due to the applicant's failure to appear.

FILE: 3855 - APPLICANT: Jeffrey J. Breza, Sr.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 256 Chestnut Springs Road, Chesapeake City, MD 21915, Election District: 2; Tax Map: 43, Parcel: 33.

PROPERTY OWNER: Jeffrey J. Breza, Sr.

PRESENTLY ZONED: Rural Residential, (RR).

Jeffrey and Helene Breza appeared and presented an overview of the application. Mrs. Breza explained that they are looking for a renewal of their Special Exception to operate their woodworking business. She stated that they conduct their business in a separate building on their land. The building is insulated for noise and no activity is conducted outside of the building. Mrs. Breza stated that they have not received any complaints from surrounding properties since they received their first Special Exception. The Breza's shared some pictures of their work with the Commission.

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

COMMENTS IN SUPPORT: Diane Peirce, 255 Chestnut Springs Road, Chesapeake City, MD spoke in favor of this application. Ms. Peirce explained that she lives across the road from the Breza's. She stated that the Breza's keep their property very clean and that the operation causes no noise or traffic issues.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for 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 made by Mr. Miners.

Motion seconded by Mr. Wallace.

VOTE: All members voted in favor of the motion to recommend approval for as the applicant owns the property and operates the business

The next meeting for this application will be March 27, 2018 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:32 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, April 16, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, April 16, 2018
6:00 p.m.

PRESENT: Chad Johnston, Wyatt Wallace, Bill Miners, Peter Kirsh, Roger Persons, Don Harmer (Alternate), Joyce Bowsbey (Ex-Officio), Steve O'Connor (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan, (Chairman), Cameron Brown, Esq., Lloyd Harmon (DEH), Eric Sennstrom (LUDS/Director), Kordell Wilen, (LUDS/DPR), and Tony Di Giacomo (LUDS/P&Z).

MINUTES - Motion was made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the Wednesday, March 19, 2018, 6:00 p.m. meeting minutes as mailed.

Mr. O'Connor stated that File 2018-02 has requested to amend their application asking that their property to be zoned to Business General (BG) rather than the original request of Light Industrial (M-1).

Mr. O'Connor announced that File 3858 – David Stoltzfus, was withdrawn.

SUBDIVISIONS:

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

REZONING:

FILE: 2018-01- APPLICANT: Ryan D. Showalter, Esq. & Brendan S. Mullaney, Esq.

REQUEST: Request to rezone 2.995 acres from High Density Residential (RM) to Business Local, (BL).

PROPERTY LOCATION: 1500 Chesapeake Club Drive, North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: a portion of 1326.

PROPERTY OWNER: North East Developers, LLC c/o Gary Munch.

PRESENTLY ZONED: High Density Residential (RM)

Brendan Mullaney, Esq., appeared and presented an overview of the application. Mr. Mullaney stated that his client's believe that there was mistake in the zoning of this property during the 2011 Comprehensive Rezoning. He explained that in 1998 an application was received and approved to rezone this property from High Density Residential, (RM) to Business Local (BL). During the 2011 Comprehensive Rezoning, the parcel's zoning designation was zoned to High Density Residential, (RM). From 2011 on, the use of the parcel remained the same, operating as a restaurant, bar and served as a clubhouse for the adjacent golf course. The current owner of the property was not aware of the change in zoning until 2017.

HEALTH DEPARTMENT: Cecil County Health Department has no objection to this Rezoning request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Marsha Swezey, 97 Ridge Run Road, North East, MD spoke in opposition of this application. Ms. Swezey feels that the application as submitted is misleading as to the proposed use of the

property. She explained that she is concerned with the amount of traffic that a wedding and event venue as proposed on the company's website, will bring to the neighborhood. She feels that this will put a strain on the roads and utilities in the area.

RECOMMENDATION:

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

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

Motion seconded by Mr. Miners.

VOTE: All members voted in favor of the motion to recommend approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

The next meeting for this application will be May 1, 2018 before the County Council.

FILE: 2018-02- APPLICANT: Dwight Thomey.

REQUEST: Request to rezone 1.9554 acres from Rural Residential (RR) to Light Industrial, (M-1).

PROPERTY LOCATION: 94 Childs Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 857.

PROPERTY OWNER: Laurel P. Jones.

PRESENTLY ZONED: Rural Residential (RR)

Dwight Thomey, Esq., Kevin Jones, Laurel Jones and Rob McGinty, KW Solar Solutions appeared and presented an overview of the application. Mr. Thomey stated that Mr. and Mrs. Jones have operated their woodworking / home construction business at this property since 1994. Mr. Thomey explained that this property had a sawmill operation on it in the 1960's and early 1970's with an M-1 zoning designation. In 1979, the zoning changed to AR. The Joneses bought the property in 1993. In 2011, the Comprehensive Rezoning changed the zoning to Rural Residential. Mr. Thomey stated that this property has never been used for agricultural or residential use. Mr. Thomey presented pictures of the property. The Joneses request that this property be rezoned to Business General (BG) zoning as their potential buyer would like to use the property to store equipment for their solar panel installation company.

HEALTH DEPARTMENT: Cecil County Health Department has no objection to this Rezoning request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Gayle Barker, 37 Paper Mill Road, Susan Powell, 86 Paper Mill Road; David Bea, 155 Vista Drive; Dennis Flockerzi, 67 Paper Mill Road; Carol Cummings, 169 Vista Drive; Dan Roland, 33 Paper Mill Road; and Tom Barker, 37 Paper Mill Road, all of Elkton, Maryland, spoke in opposition of this application. Collectively, they all felt that a zoning of this nature would bring too many large vehicles on the already compromised roads, more traffic to the area and cause a decrease in home values. They feel that this area should remain as residential rather than commercial.

Discussion ensued regarding the history of zoning designations for this property.

RECOMMENDATION:

Staff recommended approval of Business General (BG) zoning due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion to recommend approval of Business General (BG) zoning, due to a demonstrated mistake in the 2011 Comprehensive Rezoning made by Mr. Wallace.

Motion seconded by Mr. Harmer.

VOTE: All members voted in favor of the motion to recommend approval of Business General (BG) zoning, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

The next meeting for this application will be June 5, 2018 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3851 - APPLICANT: Jean & Andrew Johnson.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 18 Linton Run Road, Port Deposit, MD 21904, Election District: 7,

Tax Map: 23, Parcel: 663, Lot: 2.

PROPERTY OWNER: Jean & Andrew Johnson.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jean and Andrew Johnson appeared and presented an overview of the application. Mr. Johnson explained that they would like to operate a home office for their business. He stated that there would be no additional traffic caused by the home office and only normal residential deliveries are expected.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this 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 made by Mr. Miners.

Motion seconded by Mr. Wallace.

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

The next meeting for this application will be April 24, 2018 before the Board of Appeals.

FILE: 3856 - APPLICANT: Stephen Tapp.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 87 Billy Goss Loop, North East, MD 21901, Election District: 5; Tax Map: 25, Parcel: 794, Lot: 10.

PROPERTY OWNER: Patrick & Sonja Stanton.

PRESENTLY ZONED: Suburban Transition, (ST).

Stephen Tapp appeared and presented an overview of the application. Mr. Tapp explained that he is in the process of getting his Federal Firearms License. He would like to sell firearms from his home. Most of the guns will be Civil War era as well as hunting rifles. He stated that there would be no ammunition kept on site, all firearms will be stored in an ATF approved safe. Mr. Tapp does not anticipate this having any adverse effects on the neighborhood, as customers will be seen by appointment only.

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

COMMENTS IN SUPPORT: Dave Ellis, 132 Forest Knoll Drive, North East, Maryland spoke in favor of this application. Mr. Ellis explained that he is a retired Law Enforcement Officer as well as a current employee of Aberdeen Proving Ground. He stated that Mr. Tapp is a co-worker of his. He feels that Mr. Tapp has the knowledge and experience to safely operate such a business. Mr. Ellis explained that through his experience in law enforcement, he feels that Mr. Tapp's home presents a safe place for an operation like the one he is requesting.

COMMENTS IN OPPOSITION: Jennifer Howell, 124 Billy Goss Loop, North East, Maryland spoke neither in favor nor against this application. Mr. Howell had concerns about increased traffic on the street as well as the manner in which the guns will be stored, secured and delivered. She also had some concerns regarding possible advertisement of the business and whether or not a security system would be in place in the home.

Mr. O'Connor stated that a letter was received from the homeowners of 87 Billy Goss Loop, giving their support of the application.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval, for either the lesser of two (2) years or the end of the applicant's tenancy made by Mr. Kirsh.

Motion seconded by Mr. Miners.

VOTE: All members voted in favor of the motion to recommend approval for either the lesser of two (2) years or the end of the applicant's tenancy

The next meeting for this application will be April 24, 2018 before the Board of Appeals.

FILE: 3858 - APPLICANT: David Stotzfus. - **WITHDRAWN**

FOR: Special Exception to operate a commercial kennel.

PROPERTY LOCATION: 2000 Biggs Hwy, Rising Sun, MD 21911, Election District: 5; Tax Map: 18, Parcel: 23.

PROPERTY OWNER: David & Priscilla Stotzfus.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

GENERAL DISCUSSION

None.

The meeting adjourned at 7:22 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, May 21, 2018 at 6:00 p.m. located in the Community Services Dining Room.

Respectfully submitted:

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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, May 21, 2018
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Chad Johnston, Peter Kirsh, Roger Persons, Joyce Bowlsbey (Ex-Officio), Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen, (LUDS/DPR), Steve O'Connor (LUDS/P&Z), Jason Boothe (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Wyatt Wallace, Bill Miners, Don Harmer (Alternate), Eric Sennstrom (LUDS/Director) and Tony Di Giacomo (LUDS/P&Z).

MINUTES: Motion was made by Mr. Johnston seconded by Mr. Kirsh and unanimously carried to approve the Wednesday, April 16, 2018, 6:00 p.m. meeting minutes as mailed.

SUBDIVISIONS:

- 1. North East Developers, LLC (f/k/a Chesapeake Bay Golf Club, LP), Lots 1-5, Request to remove Traffic Impact Study condition of approval, Range Road, McCrone, Inc., Fifth Election District.**

David Strouss, McCrone, Inc. and Gary Munch, North East Developers, LLC, appeared and presented an overview of the request.

Mr. Boothe, LUDS/P&Z, read the comments of the department:
This proposal is in compliance with §3.8 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 proposal site is a component part of the Chesapeake Club major subdivision.

Zoning: RM

The RM zone allowed for a density of 6/1 with community facilities, and the original Chesapeake Club Concept Plat was approved on 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1.¹

Revised Chesapeake Club Concept Plats were approved on 12/20/93, 6/20/94, 3/16/98, 9/16/02, and 9/21/15.^{2,3} All approved versions of the Concept Plat include a planned second access point on Irishtown Road, in addition to the existing entrance on MD 272.

As commented at the 12/4/13 TAC review:

¹ The **RM** zone, with community facilities, currently allows densities if **6:1** for single family units, **10:1** for duplex and semi-detached dwelling units, **12:1** for townhouses, and **14:1** for apartment units.

² Concept Plats approved prior to 7/25/89 do not have a specified validity endpoint.

³ Those revised Concept Plats have all adhered to the originally-approved golf course community **layout** and **density** of **3.5/1**; and they have reflected only slight changes in design and structure types around the golf course. A revised Concept Plat, proposing 329 dwellings on 93.906 acres, for a proposed density of **3.504/1**, was reviewed by the Technical Advisory Committee on **3/02/05**. Subsequently, on 3/19/12, a 'Presentation Plan' was presented to the Planning Commission. It was not an action item; rather it was an "information only" item. That 'Presentation Plan' was different than the 2005 Concept submittal that was reviewed by the TAC.

“It will also be a condition of any recommendation of approval that any subsequent Preliminary Plat’s TAC review be preceded by a completed and reviewed, updated Transportation Impact Study (TIS).”⁴

The revised Concept Plat (TAC review: 8/5/15) that included these proposed lots was approved on 9/21/15, conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
- 2) The zoning classification(s) of all adjacent parcels’ being shown on the Preliminary Plat prior to submission for TAC review;
- 3) Health Department requirements’ being met;
- 4) DPW requirements’ being met;
- 5) The Preliminary Forest Conservation Plan’s being approved prior to Preliminary Plat review by the Planning Commission;
- 6) All subsequent Preliminary Plats’ providing a full accounting, in tabular form, of the aggregate open space requirement and the deficit or surplus thereto created by said Preliminary Plat; and
- 7) Any subsequent Preliminary Plat’s TAC review’s being preceded by a completed and reviewed, updated Transportation Impact Study (TIS).

The 7th condition of the 9/21/15 Revised Concept plat approval was “Any subsequent Preliminary Plat’s TAC review’s being preceded by a completed and reviewed, updated Transportation Impact Study (TIS).” It has now been almost 30 years since the last TIS.

The Preliminary-Final Plat was reviewed by the TAC on 4/4/18.

CCLUDS has not received a copy of the updated TIS.

Any condition of approval set by the Planning Commission can be rescinded only by the Planning Commission.

Only the Planning Commission can revoke that condition prior to the submission of the Preliminary-Final Plat. Staff has no issue with the approval of this request.

That, however, would leave open the question of exactly when to require an overdue, updated TIS – especially since the planned second access point⁵ on Irishtown Road has never been opened.

In addition, MDSHA has taken the position that a TIS is not required for only 5 proposed Lots – which does not address the salient fact that these 5 proposed lots are but a component piece of 1,440 possible lots for which approval is partially justified by a TIS that is almost 3 decades old.

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

1. The Development Plans Review Division has no objection to approval of the proposed five (5) lot subdivision without the requirement of the Traffic Impact Study.
2. DPR would recommend the Traffic Impact Study condition of approval remain valid for an future subdivisions within Chesapeake Club.

Mr. Johnston read the comments of the Health Department:

Water and Sewer allocation must be adequate for this Concept Plat prior to final plat approval.

Statements regarding water and sewer must be on final and record plats along with statement of conformance with the Cecil County Water and Sewage plan.

⁴ The last TIS for the Chesapeake Club was completed more than 28 years ago.

⁵ The single access point on MD 272 raises questions as to the efficacy of the current layout with regard to emergency response and public safety.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Boothe read the recommendation of staff:

APPROVAL, the removal of the condition of approval requiring a Traffic Impact Study for the five (5) lots on this plat.

A motion for approval, of the removal of the condition of approval requiring a Traffic Impact Study for the five (5) lots on this plat. Any subsequent submittals for the remaining lots in this subdivision will be required to provide staff with an updated Traffic Impact Study was made by Mr. Johnston. The motion was seconded by Mr. Kirsh.

All approve. Motion for approval with conditions carried.

2. Lands of Ronald J. Andrulonis & Diane G. Andrulonis, 1 Lot, Preliminary / Final Plat, Northern Bay Land Planning, Seventh Election District.

Faron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project.

Mr. Boothe, 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.

Zoning: RR

Density: The RR zone's permitted density is moot in this case, because no actual subdivision is proposed; rather, the parcel is being activated as a building lot through the major subdivision process⁶ because all minor subdivision potential has been exhausted.

Parcel 570 was created in 1981 via Minor Subdivision 992,⁷ as noted on the plat.

A Preliminary-Final Plat has been submitted for the purpose of activation because §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, and §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

This activation location is situated within the 2010 Comprehensive Plan's Rural Conservation land use district.

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this activation 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 would be in effect, if this were actually a subdivision.⁸

⁶ Per Note # 3 on Minor Subdivision 992.

⁷ The Boundary Line Survey was completed at that time.

⁸ 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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁹

No slopes greater than 25% are present.

A 110' perennial stream buffer is required from any 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.

No open space is required, and no landscaping of the development envelope is required in the RR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Rock Run Road, as depicted.¹⁰

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

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) have been approved.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A water appropriation and use permit is not required.

School information:	Elementary Bainbridge	Middle Perryville	High School Perryville
FTE	313	554	802
Capacity	449	860	944
% Utilization	70%	64%	85%

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.

⁹ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹⁰ Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

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

1. The only administrative items remain for the Stormwater Management, Driveway Entrance and Lot Grading Plan approval.
2. The Development Plans Review Division has no objection to approval of the Preliminary/Final Plat for Andrulonis.

Mr. Johnston read the comments of the Health Department:
Plat is satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Boothe read the recommendation of staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW/DPR requirements being met; and
- 3) A Landscape Agreement's being executed prior to recordation.

A motion for approval with conditions was made by Mr. Johnston.
The motion was seconded by Mr. Persons.

All approve. Motion for approval with conditions carried.

Mr. Pyles stated that he believes that the amount of work that is required prior to a subdivision plat being submitted for Concept approval is far more than in prior years. He believes that when a Concept Plat is submitted, the Commission should be aware that a large majority of possible issues with the land is already worked out.

3. Tiller Estates, Lots 1-8, Concept Plat, Reservoir Road, Northern Bay Land Planning, Seventh Election District.

Faron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project. Mr. Pyles requested that the agricultural setback be reduced from the required 100' to 70' for this project. He explained that there is an existing buffer that is very dense and could be used as the vegetative equivalent of the required white pine trees.

Mr. Boothe, 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.

The formerly-zoned SR, a previous, 29-lot proposal for this site, "Fielder Property", was reviewed in 2002-2003, but the Concept Plat was disapproved by the Planning Commission on 1/21/03. The only subsequent submission was for 2/5/03 TAC review.

Current Zoning: ST

Density: The ST zone permits a 1 du/1 ac. density without community facilities for both major and minor subdivisions. Proposed are 8 minor subdivision lots and R.O.W. on approx. 116.2 acres, for a proposed density of approx. 1/14.52.

This project location is situated within the 2010 Comprehensive Plan's Medium Density 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 II area.¹¹ The Act provides that in a Tier II area, the County may only grant approval if all lots will be served by public sewer or, if a minor subdivision, it is served by on-site sewage disposal systems.

Parcels 20 and 580 retain full minor subdivision potential. Per §2.4.2 and §2.4.3 of the Subdivision Regulations, the application for these minor subdivision lots must be reviewed and approved by the Planning Commission via the major subdivision process.

Proposed Lot 8 is intended to access Reservoir Road directly. Proposed Lots 1-7 are intended to be accessed via the Tiller Farm Lane Mini-Road.¹²

This proposed subdivision is located within the area that was the subject of the Health Department's 4/9/01 Memo dealing with additional land development requirements due to low well yields.

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

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

Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. These buffers must be shown on the Preliminary Plat and 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, and must be shown on the Preliminary Plat.

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

¹¹ 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.

¹² The Cecil County Road Code defines a **Mini Road** as follows: "A road serving not more than 5 interior lots or not more than 7 lots if a maximum of two corner lots have frontage on state or county maintained roads. All lots, including the corner lots, must access the Mini-Road."

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.

No common open space is required for fewer than 10 lots.

A minimum 15% landscaping of the development envelope is required in the ST zone.

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

Bufferyard Standard A is required to buffer any adjacent agricultural uses. If required, then the Bufferyard Standard A must be shown on the Preliminary 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.

Rows of street trees 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.

Sidewalks are usually recommended in the ST zone.

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

The 12/24/02 Forest Stand Delineation (FSD) approval has been extended. The SWM Concept Plan has been approved.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to submission for 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 Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed road name Tiller Farm Lane has been approved.

A Homeowners' Association for maintenance of the Mini Road must be established prior to recordation. The owners of all lots accessing the Mini Road must be members.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

'03 School information:	Elementary	Middle	High School
	Perryville	Perryville	Perryville
FTE	378	773	1019
Capacity	367	720	1005
% Utilization	103%	107%	101%
School information:	Elementary	Middle	High School
	Perryville	Perryville	Perryville
FTE	407	554	802
Capacity	500	860	944
% Utilization	81%	64%	85%

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

1. The Concept SWM Plans has been approved.
2. Identify all SWM easements on the Preliminary & Final plats.
3. The entrance improvements and road construction plans must be designed in accordance with the current Road Code, Standards and Specifications.
4. All applicable Road Code Variances needed for the entrance improvements must be requested prior to the Preliminary Plan approval.
5. The Development Plans Review Division has no objection to approval of the Concept Plat for Tiller Estates.

Mr. Johnston read the comments of the Health Department:

This subdivision is in an area identified by Cecil County Health Department as having low yield wells. Two (2) tests wells have been completed demonstrating adequate yield.

Percolation testing has been completed and is supportive of this proposed layout.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Boothe read the recommendation of staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW/DPR requirements being met;
- 3) The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan being approved prior to submission for Planning Commission review of the Preliminary Plat;
- 4) The Preliminary Plat's citing all necessary easement agreements with AT&T that will be required;¹³
- 5) The Preliminary Plat's delineating all required environmental buffers; and
- 6) Approval of the agricultural setback modification from 100' to 70'.

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

The motion was seconded by Mr. Johnston.

All approve. Motion for approval with conditions carried.

¹³ Copies of the final draft or executed easement documents will be due prior to the Planning Commission's review of any Final Plat that includes proposed Lots 2, 3, 4, or 5. Recordation of executed easement documents will be required prior to the recordation of any Record Plat that includes proposed Lots 2, 3, 4, or 5.

SPECIAL EXCEPTIONS:

FILE: 3859 - APPLICANT: John Collins & Amelia Reed.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 14 Atkinson Circle, Elkton, MD 21921, Election District: 4; Tax Map: 7, Parcel: 48, Lot: 10.

PROPERTY OWNER: John Collins & Amelia Reed.

PRESENTLY ZONED: Low Density Residential, (LDR).

John Collins appeared and presented an overview of the application. Mr. Collins explained that he is looking to conduct a small EBay business from his property. There will be one (1) employee working out of the garage. Expected package pickup and delivery will be done through a mail carrier.

Mr. Kirsh asked Mr. Collins how many mailings he expects to have each week. Mr. Collins said he expects to have approximately 25 mailings per week.

HEALTH DEPARTMENT:

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following individuals spoke in opposition of this project; Dave Larason, Representing Glen Farms Civic Association, Elizabeth Pemberton, 9 E. Rosemont Circle and Patricia Jeffery, 8 Beechwood Lane, all of Elkton, Maryland. Collectively, they spoke with concerns regarding increased traffic, narrow roads, dangerous situations for children in play, the vagueness of the description of the business as well as a precedence being set for businesses in the neighborhood. All speakers in opposition asked that this application be disapproved.

Mr. O'Connor stated that staff had received twenty (20) letters in opposition all citing similar concerns just as the concerns that were stated by the previous speakers. All letters are located in the file located in the Planning & Zoning Division.

Mr. Johnston asked Mr. O'Connor if there are any other Special Exceptions for home businesses operating in the Glen Farms neighborhood. Mr. O'Connor stated that there are approximately five other in the neighborhood.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

Mr. Kirsh explained that it is incumbent upon the neighbors to reach out to the Planning & Zoning Division if they see an approved Special Exception operating in any manner other than what was approved. In addition, he stated that the approval of a Special Exception does not overrule any deed restrictions therefore, individuals are able to seek justice through the court systems for unauthorized activity.

ACTION: Motion to recommend approval per staff's conditions, made by Mr. Johnston.
Motion seconded by Mr. Kirsh.

VOTE: The recommendation of approval for two (2) years passed with Johnston, Kirsh and Doordan voting in favor of the motion; Persons was the only opposing vote.

The next meeting for this application will be May 29, 2018 before the Board of Appeals.

FILE: 3860 - APPLICANT: Chesapeake Feline Association, Inc. c/o Dawn Cowhey, President.
FOR: Modification of a Special Exception approval to operate a home occupation.
PROPERTY LOCATION: 88 Spring Hill Lane, North East, MD 21901, Election District: 5; Tax Map: 37, Parcel: 428, Lot: 8.
PROPERTY OWNER: 88 Spring Hill, LLC
PRESENTLY ZONED: Rural Residential, (RR).

Jay Emrey, Esq., Dawn Cowhey, and Karen Burkhardt, Chesapeake Feline Association, Inc. appeared and presented an overview of the modification request. Ms. Burkhardt explained that the location at 88 Spring Hill Lane in North East, Maryland houses older felines, some with special needs. She stated that these cats are not eligible for adoption through Petco so they are looking to hold open adoptions at this location for four (4) hours every second Saturday of each month.

HEALTH DEPARTMENT:

The Cecil County Health Department has no objection to this modification of this Special Exception request periodically holding on “open house” not more than once per month for the public to adopt cats. Anticipation of five (5) to ten (10) applications per each event.

COMMENTS IN SUPPORT: Colleen Megibow, 414 Cedar Point Drive West, Perryville, Maryland, spoke in favor of the modification request citing the need for open adoptions at this location.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, of the modification of the Special Exception approval to allow adoptions onsite for four (4) hours on the second Saturday of each month.

ACTION: Motion to recommend approval with staff’s conditions, made by Mr. Johnston.
Motion seconded by Mr. Kirsh.

VOTE: All members voted in favor of the motion to recommend approval to allow adoption onsite for four (4) hours on the second Saturday of each month.

The next meeting for this application will be May 29, 2018 before the Board of Appeals.

FILE: 3861 - APPLICANT: Jerome Lipka.
FOR: Special Exception to operate a home occupation.
PROPERTY LOCATION: 2095 Oldfield Point Road, Elkton, MD 21921, Election District: 3;
Tax Map: 322, Parcel: 223.
PROPERTY OWNER: Jerome & Vivian Lipka.
PRESENTLY ZONED: Low Density Residential, (LDR).

Jerome and Vivian Lipka appeared and presented an overview of the application. Mrs. Lipka stated that they would like to conduct a garage door installation business from their home. She explained that there will not be customers coming to the home and there will only be one (1) work truck parked on the property. They will store garage doors on the property not in view of the adjoining properties.

Mr. Kirsh asked the Lipka’s if there will be signs installed advertising the business. Mrs. Lipka stated that they have not decided if they want to put up signs on the property.

HEALTH DEPARTMENT:

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval with staff's conditions, made by Mr. Kirsh.
Motion seconded by Mr. Johnston.

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

The next meeting for this application will be May 29, 2018 before the Board of Appeals.

FILE: 3862 - APPLICANT: McCreary Farm, LLC, c/o David McCreary.

FOR: Special Exception Renewal to operate a Farmer's Market.

PROPERTY LOCATION: 14 Chandlee Road, Rising Sun, MD 21911, Election District: 9; Tax Map: 11, Parcel: 17.

PROPERTY OWNER: David McCreary.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR)

David and Doris McCreary appeared and presented an overview of the application. Mr. McCreary explained that for the past two years, he has been preparing to open the market. He would like to continue to operate the market as requested.

HEALTH DEPARTMENT:

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. O'Connor stated that staff received a letter of opposition from Bruce Fink, citing concerns with the market's operation on land that has a MALPF easement and traffic concerns.

RECOMMENDATION:

Staff recommended approval for as long as the applicant owns the property and operates the Farmer's Market and continues to meet MALPF conditions.

ACTION: Motion to recommend approval with staff's conditions was made by Mr. Johnston.
Motion seconded by Mr. Kirsh.

VOTE: All members voted in favor of the motion to recommend approval, for as long as the applicant owns the property and operates the Farmer's Market and continues to meet MALPF conditions.

The next meeting for this application will be May 29, 2018 before the Board of Appeals.

FILE: 3863 - APPLICANT: Richard E. Dolly, Jr.
FOR: Special Exception to operate a home occupation.
PROPERTY LOCATION: 28 Bluffs Drive, Conowingo, MD 21918, Election District: 7; Tax Map: 16, Parcel: 478, Lot 18.
PROPERTY OWNER: Richard E. Dolly, Jr.
PRESENTLY ZONED: Rural Residential, (RR).

Withdrawn due to the applicant's failure to appear.

FILE: 3864 - APPLICANT: Steven Landau.
FOR: Special Exception Renewal to operate a home occupation.
PROPERTY LOCATION: 11 Harvest Lane, Elkton, MD 21921, Election District: 4; Tax Map: 7, Parcel: 138, Lot: 1 Lot & part of 23A.
PROPERTY OWNER: Steven Landau.
PRESENTLY ZONED: Low Density Residential, (LDR).

Steve Landau appeared and presented an overview of the application. Mr. Landau explained that he creates maps and publications in braille and tactile graphics. He has no employees working for him and no customers come to 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. O'Connor stated that staff received 14 letters in opposition of this application. He explained that several of the letters referenced the "home businesses in Glen Farms" without specifying Mr. Landau's actual business.

RECOMMENDATION:

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

ACTION: Motion to recommend approval per staff's conditions, made by Mr. Johnston.
Motion seconded by Mr. Persons.

VOTE: All members voted in favor of the motion to recommend approval for as long as the applicant owns the property and operates the business.

The next meeting for this application will be May 29, 2018 before the Board of Appeals.

FILE: 3865 - APPLICANT: Peter Marek.
FOR: Special Exception to operate a home occupation.
PROPERTY LOCATION: 80 Tally Ho Court, Elkton, MD 21921, Election District: 4; Tax Map: 12, Parcel: 374, Lot: 57
PROPERTY OWNER: Joseph & Melissa Ferdinando.
PRESENTLY ZONED: Rural Residential, (RR).

Peter Marek appeared and presented an overview of the application. Mr. Marek stated that he is the current owner of this property. He explained that he would like to conduct an acupuncture business from his home. He proposes to have customers by appointment only, seeing no more than one patient per hour to hour and a half.

He stated that if his business does increase he would allow no more than two patients per hour to hour and a half. He will be the only employee with his spouse answering the phone for appointments occasionally.

HEALTH DEPARTMENT:

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following individuals spoke in opposition of this project: Gerry Hoadley, 33 Jumpgate Loop; Todd Moran, 57 Jumpgate Loop; Terry Hoffman, 41 Tally Ho Drive; Tony Twigg, 2 Jumpgate Loop; David Mills, 87 Tally Ho Court; James Klemencic, 79 Jumpgate Loop; Allen Orr, 189 Tally Ho Court; Maureen Dearstine, 150 Tally Ho Court; Polly Korenkiewicz, 193 Tally Ho Court and Sandra Sparks, 192 Tally Ho Court all of Elkton, Maryland. Collectively, their concerns were regarding a possible increase in hazardous waste and trash, unsafe / increased traffic, small roads with no sidewalks making for dangerous conditions with added traffic, questionable patients seeking pain management and a history of little to no assistance from the Sheriff's office on emergency calls.

Mr. O'Connor stated that staff received two letters in opposition of this application citing similar concerns as the above speakers.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend disapproval, due to the nature of the business being more retail based than other requests, made by Mr. Kirsh.

Motion seconded by Mr. Johnston.

VOTE: All members voted in favor of the motion to recommend disapproval, due to the nature of the business being more retail based than other requests.

The next meeting for this application will be May 29, 2018 before the Board of Appeals.

Mr. O'Connor called for Richard Dolly, File 3863. No one appeared, application withdrawn.

GENERAL DISCUSSION

None.

The meeting adjourned at 7:58 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, June 18, 2018 at 6:00 p.m. located in the Community Services Dining Room.

Respectfully submitted:

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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, June 18, 2018
6:00 p.m.**

PRESENT: Pat Doordan, (Chairman), Chad Johnston, Bill Miners, Don Harmer (Alternate), Joyce Bowsbey (Ex-Officio), Fred von Staden (DEH), Eric Sennstrom (LUDS/Director) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Peter Kirsh, Roger Persons, Wyatt Wallace, Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen, (LUDS/DPR), Steve O'Connor (LUDS/P&Z), and Tony Di Giacomo (LUDS/P&Z).

MINUTES: Motion was made by Mr. Johnston seconded by Mr. Doordan and unanimously carried to approve the Wednesday, April 16, 2018, 6:00 p.m. meeting minutes as mailed. Mr. Miners and Mr. Harmer abstained from voting due to their absence at the May 21, 2018 Planning Commission meeting.

CECIL COUNTY SUBDIVISION REGULATIONS – TEXT AMENDMENT

- **Article II, Section 2.1 – ADD Section 2.1.3(5) – Language pertaining to the platting and recording of a subdivision plat not being required if land is being transferred to an immediate family member.**

Eric Sennstrom, Director of Land Use and Development Services presented an overview of the proposed amendment. Mr. Sennstrom explained that the County Executive had been approached by some individuals in the development community that feel that the costs associated with the division of land to be passed on to immediate family has become too great. This amendment would pass the burden of the cost and requirements to the person receiving the land once they are prepared to build on the land. All regulations would still have to be met once the person receiving the conveyance has the lot activated as a building lot.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None

HEALTH DEPARTMENT: The Cecil County Health Department has concerns about this proposal. The text amendment would allow division of land for immediate family members simply by having a deed drawn up and recorded. There would be no review process to determine whether parcels being created comply with requirements for water supply or sewage disposal, a process necessary to protect public health. This is likely to create both vacant parcels which cannot be approved for future construction, and existing houses which no longer comply with the regulations they were approved under.

For vacant property, both the Cecil County Subdivision Regulations and Environment Title 9-510 allow creation of parcels for agricultural purposes. Environment Title 9-510 states that the parcels being created in this manner must be greater than three acres and must be used for agricultural purposes. Environment Title 9-512 does not exempt non-agricultural subdivisions or subdivisions of less than three acres.

Even parcels which may be created for immediate family without intention to build in the future would create problems. Frequently, property finds itself on the market against the intention of the property owner. The real estate market is driven by death, divorce, work transfers, and bank foreclosures. Once a property is listed, everyone wants to know if it is a building lot. If it hasn't been percolation tested, the race is on to determine if the parcel can be approved for building. If it can't, the Assessments Office is notified and the tax assessment for the property is substantially reduced.

A review process for subdivision of land is necessary to ensure that parcels created can comply with requirements for water supply and sewage disposal. Members of the Planning Commission who have seen a proposed subdivision go through concept, preliminary, and final stages have witnessed how often property lines need to be adjusted during the process to end with an approvable lot. Before property lines are created, these adjustments are relatively easy to make.

Trying to evaluate a parcel after it has been created does not allow for adjustment. Approval or denial of the lot would be based on the property lines which are arbitrarily created.

Alternately, consider a property which has worked its way through the major subdivision process and after careful review, complies with water & sewerage, road frontage, density, lot width, lot size, site distance, and Critical Area requirements. After all this review and recordation of the subdivision, the lots could be simply divided without review for immediate family and no longer comply with requirements.

Imagine a property, where after careful review and delineation of a well location and a designated sewage area, a building permit for a dwelling is issued. The designated sewage area is required to be large enough for the initial sewage system and for future repairs of the sewage system. After construction of the home, the property owner divides the parcel for an immediate family member. Possibly without understanding the implications, the reserve sewage area, possibly the sewage system, possibly the well, are divided off. At some point in the future, one or both of the properties transfer out of the family. While this may sound unlikely, our office has numerous examples of where this exact situation has happened prior to the 1976 regulations establishing the subdivision review process.

For parcels which may be modified by division after a dwelling has been built, our office's review of future permits would be challenging and time consuming. Health Department regulations require that adequate well sites and sewage areas be available prior to approval of permits for new construction, additions to houses, repairs to sewage systems, or issuance of replacement well permits. Since deeds could be recorded at any time without our knowledge, prior to any decision on a permit, a comprehensive Land Records search would need to be completed and possibly a costly survey of the property to determine if water and sewerage requirements can still be met. Our office would not want to delay issuance of a replacement well for a property which was out of water, yet we would need to know that the proposed well location is actually on the property.

For these reasons, the Health Department strongly encourages the Planning Commission to look unfavorably on this proposed change to the County's subdivision regulations.

Discussion ensued regarding the Health Department comments.

Mr. Harmer asked if the amendment could add language addressing some of the Health Department concerns. Mr. Sennstrom stated that the Commission could table the amendment for further discussion.

RECOMMENDATION:

Staff recommended approval.

ACTION: Motion to recommend tabling the amendment until further analysis, made by Mr. Johnston.
Motion seconded by Mr. Doordan.

VOTE: The recommendation of the tabling of the amendment until further analysis unanimously carried.

The next meeting for this application will be determined at a later date.

CECIL COUNTY ZONING ORDINANCE – TEXT & TABLE AMENDMENT

- **Article V, Part IV, Section 88 – Schools, Private, Section 54.4, (4.01.100) – To allow private schools in the Light Industrial, (M1) and Heavy Industrial, (M2) zoning districts.**

Eric Sennstrom, Director of Land Use and Development Services presented an overview of the proposed amendment. Mr. Sennstrom explained that currently, schools are allowed in the residential and open space zoning districts. This amendment was brought forth by the County Executive after individuals approached County Government regarding the allowance of schools in the M1 and M2 zoning districts.

HEALTH DEPARTMENT: The Cecil County Health Department has no comment.

COMMENTS IN SUPPORT: W. Edwin Cole, Jr., 407 Ricketts Mill Road and Bryan Waters, 505 Blue Ball Road both of Elkton, Maryland appeared in favor of this amendment explaining that they are currently looking at a location within the M1/M2 zoning districts to operate a school. Mr. Waters owns the property in question and is in full support of the school operation.

Dwight Thomey, Esq., Elkton, Maryland, also spoke in favor of this amendment to allow schools in the M1/M2 zoning districts.

COMMENTS IN OPPOSITION: None

RECOMMENDATION:

Staff recommended approval.

ACTION: Motion to recommend approval, made by Mr. Miners.

Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval unanimously carried.

The next meeting for this application will be July 17, 2018 (formally scheduled for July 3, 2018) before the County Council.

CECIL COUNTY ZONING ORDINANCE – TEXT AMENDMENT

- **Article V, Part XII, Section 156 – Power Generating Facilities (12.16.00) – Solar power generating facilities to be permitted as a special exception in the Business General (BG) zone provided conditions are met.**

Eric Sennstrom, Director of Land Use and Development Services, presented an overview of the amendment. Mr. Sennstrom explained that this amendment would allow for solar power generating facilities to be permitted as a special exception in the BG zoning provided conditions are met. The conditions associated with this amendment include minimum parcel size being fifty (50) acres and the solar power generating facility is screened from adjoining residential zones.

Mr. Johnston asked why the condition of the minimum lot size was established. Mr. Sennstrom said that the BG zoning district is prevalent in the county with many lots being smaller in size. The minimum lot size was a way to ensure that the applicant would have enough land to have a solar generating facility that is viable but also not too obtrusive to the surrounding development patterns.

Discussion ensued regarding solar power generating facilities in the Northern Agricultural Residential and Southern Agricultural Residential zoning districts.

Mr. Harmer asked for the definition of a generating facility. Mr. Sennstrom stated that solar panels used to power a single home are not regulated. If panels are used to put power on the grid, it is regulated.

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

COMMENTS IN SUPPORT: Dwight Thomey, Esq., Elkton, Maryland spoke in favor of this amendment. Mr. Thomey stated that his client, Charles Narvel owns a piece of land that was recently rezoned Business General. Mr. Narvel would like to place a power generating facility on his parcel. He believes this type of use would be better placed on a BG zoned property rather than a farm.

COMMENTS IN OPPOSITION: None

RECOMMENDATION:
Staff recommended approval.

ACTION: Motion to recommend approval, made by Mr. Miners.
Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval unanimously carried.

The next meeting for this application will be July 17, 2018 (formally scheduled for July 3, 2018) before the County Council.

SUBDIVISIONS:

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

SPECIAL EXCEPTIONS:

FILE: 3867 - APPLICANT: Frank Kaniecki.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 321 Washington Schoolhouse Road, Rising Sun, MD 21911, Election District: 5; Tax Map: 18, Parcel: 280, Lot: 23A.

PROPERTY OWNER: Frank Kaniecki.

PRESENTLY ZONED: Rural Residential, (RR).

Frank Kaniecki appeared and presented an overview of the application. Mr. Kaniecki stated that he has a construction business. He has a site in Baltimore that houses the majority of his supplies; any overflow materials would be stored in a pole barn on this property. He asked to have his special exception renewed to allow for the storage material from his business.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None

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

ACTION: Motion to recommend approval per staff's conditions, made by Mr. Harmer.
Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval for as long as the applicant owns the property and operates the business unanimously carried.

The next meeting for this application will be June 26, 2018 before the Board of Appeals.

FILE: 3871 - APPLICANT: Samuel, III & Patricia Tome.

FOR: Special Exception to place a doublewide mobile home on the property for hardship purposes.

PROPERTY LOCATION: 823 Theodore Road, Port Deposit, MD 21904, Election District: 6;
Tax Map: 24, Parcel: 275.

PROPERTY OWNER: Samuel, III & Patricia Tome.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Samuel and Patricia Tome appeared and presented an overview of the application. Mrs. Tome explained that her elderly parents are currently living in Florida. Her stepfather is in poor health so they would like to be able to move them into a mobile home on their property so she can assist in their care. Mr. Tome stated that once the mobile home is no longer in use by his in-laws, the mobile home would be removed.

HEALTH DEPARTMENT: Soil evaluations/perc test are required to establish 10,000 (ten thousand) sq. ft. sewage area to test the sewage effluent from the proposed new living unit/mobile home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Eleanor Gorin, 843 Theodore Road, Port Deposit, Maryland spoke of concern that the mobile home will be permanent. She stated that the Tome's have a well-maintained property and that she does not object if the mobile home is only temporary.

RECOMMENDATION:

Staff recommended approval, for as long as the applicant own the property and Mrs. Tome's parents reside in the mobile home.

ACTION: Motion to recommend approval with staff's conditions, made by Mr. Johnston.
Motion seconded by Mr. Miners.

VOTE: The recommendation of approval for as long as the applicants own the property and Mrs. Tome's parents reside in the mobile home unanimously carried.

The next meeting for this application will be June 26, 2018 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:40 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, July 16, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, July 16, 2018
6:00 p.m.**

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

ABSENT: Roger Persons and Eric Sennstrom (LUDS/Director).

MINUTES: Motion was made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the June 18, 2018, 6:00 p.m. meeting minutes as mailed.

SUBDIVISIONS:

1. Antego, Lots 10A – 20A, Preliminary Re-subdivision Plat, Antego Drive, McCrone, Inc., Third Election District.

Daniel Speakman, McCrone, Inc. appeared and presented an overview of the application.

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

Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

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.

Zoning: SR (when originally approved); currently, LDR

The current zoning classification must appear on the plat.

Density: The SR zone permitted a maximum base density of 1 du/ 1 ac. in the absence of community facilities. The Concept Plat, proposing 44 lots on 138.1 acres, for a proposed density of 1/3.138, was approved on 12/15/03, conditioned on:

- 1) A boundary line survey being conducted prior to the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All SWM areas being relocated outside stream buffers, and
- 4) All intermittent stream buffers being shown.

The Preliminary Plat, proposing 33 lots on 138.15 acres at a density of 1/4.186 was approved on 5/20/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Bufferyard C requirement being waived where deemed necessary by DPW to enhance safe sight distance;
- 4) Dry hydrants being installed where feasible;
- 5) All misspellings and date errors being corrected prior to Final Plat review;

- 6) Recommended sidewalk requirement being waived;
- 7) Forest Retention Areas being clearly shown on the Final Plat, and
- 8) Lots 13 & 14 being removed.

A revised Preliminary Plat was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All details for the Final Plat and the FCP matching up; and
- 4) The septic tank being shown outside the FRA on proposed Lot 14.

Pursuant to §4.1.18 of the Subdivision Regulations, the Planning Commission extended the Preliminary Plat approval for one year on 4/17/06.

Subsequently, the Final Plat was approved on 12/18/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Landscape Agreement must be executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the 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; and
- 5) A Homeowners' Association for maintenance of common open space being established, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The Recordation Plats were signed on 12/10/07.

The purpose of the modification/resubdivision is to revise R.O.W., common open space, and lot lines at the eastern end of Antego Drive, involving lots 10-20. Moreover, this submittal seeks to revise the still-valid 12/18/06 Final Plat approval. To ensure adequate technical review and Planning Commission oversight, it was determined that the path forward would be via a revised Preliminary Plat.

Once the Planning Commission approves the revised Preliminary Plat, the subsequent step is the review and approval of a revised Final Plat, which, per §'s 4.2.3 & 4.2.4, is now an administrative function.

A new mini-road would be created, with proposed Lots 13A, 14A, 15A, 16A, and 17A accessing the private mini-road.

The Area Tables on Sheets 1 & 2 do not match that on Sheet 3 – on which all lots are designated with the suffix 'A'.

Why the discrepancy? Mr. Speakman explained that the discrepancy is due to a typo in the text.

Where are the areas MBR-1, MBR-2, and MBR-3 accounted for in the Area Tables? Mr. Speakman stated that the MBR would be part of the open space. Mr. Di Giacomo stated that a note should be included on the Area Tables to make that known.

A mini-road Homeowners' Association for maintenance of the mini-road must be established prior to recordation, with the owners of all lots accessing the mini-road being members.

The revised Landscape Plan and revised FCP must be approved prior to the submission of the Final Resubdivision Plat.

The SWM Final Plan must also be approved, per the subdivision's revisions.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The JD has been completed.

15% common open space is required; 23.31% (was 45.6%) is proposed.

The C.O.S. sensitive areas thresholds are shown.

15% landscaping of the development envelope is required in the LDR zone.

Sidewalks are recommended on at least one side of the proposed Antego Drive.

The contiguous agricultural operation notice must appear on the revised plat.

Rows of street trees with a 10' planting easement are required, outside the right-of-way, along both sides of Antego Drive, as now depicted on the plat.

A revised Landscape Agreement may need to be executed prior to re-recordation.

Will Deed Restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) need to be revised and re-recorded? Mr. Speakman answered yes.

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

A Homeowners' Association for maintenance of common open space must remain separate and distinct from the mini-road maintenance HOA.

The signature block has been corrected since TAC review.

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

1. The Development Plans Review Division has approved the Preliminary Stormwater Management Plans.
2. A Final Environmental Site Design Plan must be approved prior to submittal for Final Plat Approval.
3. DPR has reviewed the Road and Storm Drain Plans and there are only administrative items remaining that are typically completed with the Final Plat submittal. Road and Storm Drain Plans must be approved prior to grading permit application.
4. A Private Road Maintenance Corporation and Agreement for Lots 13A-17A must be prepared.
5. An Inspection and Maintenance Agreement for the Private Micro-bioretenion Facilities must be prepared for Lots 10A-20A.
6. Add a note that clarifies that the parcels created for the Private Micro-bioretenion Facilities are part of the 'Common Open Space'.
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 7.1 *The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.*
 - 7.2 *Requirements for Stormwater Inspection and Maintenance Agreements.*
 - 7.3 *Requirements for Final Plat - Public Works Agreement for Antego Drive.*
 - 7.4 *Requirements for Driveway paving.*
 - 7.5 *Requirements for the portion of Antego Drive to be dedicated for Public Use.*
 - 7.6 *Compliance with Section 2.13 of the Cecil County Road Code.*

Notes and requirements identified for record:

8. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - 8.1 *Final Plat: "A lot grading plan has been approved by the CCDLUDS for the construction shown hereon. A site construction as built shall be submitted to the CCDLUDS prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDLUDS."*

- 8.2 *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 325 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
- 8.3 *All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest.*

Mr. Johnston read the comments of the Health Department:

Groundwater Appropriation Permit has been issued by Maryland Department of the Environment (MDE); plat complied with MDE Regulations 26.04.02 and 26.04.03.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Di Giacomo read the recommendation of staff:

APPROVAL of revisions, conditioned on:

- 1) Health Department requirements being met;
- 2) DPR requirements being met;
- 3) The Area Tables discrepancies' being satisfactorily resolved prior to the submission of the Final Re-subdivision Plat;
- 4) Any deed restrictions revisions being identified prior to the submission of the Final Re-subdivision Plat;
- 5) The revised Landscape Plan and revised FCP having been approved prior to the submission of the Final Re-subdivision Plat;
- 6) The SWM Final Plan also being approved, per the subdivision's revisions, prior to the submission of the Final Re-subdivision Plat; and
- 7) The current zoning classifications appearing on the Final Re-Subdivision Plat.

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

The motion was seconded by Mr. Johnston

All approve. Motion for approval with conditions carried.

2. North East Developers, LLC, Lots 1-5, Preliminary / Final Plat, Range Road, McCrone, Inc., Fifth Election District.

David Strouss, McCrone, Inc. and Gary Munch, North East Developers, LLC, appeared and presented an overview of the project.

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

This proposal is in compliance with §3.8 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.

Zoning: RM

The RM zone allowed for a density of 6/1 with community facilities, and the original Chesapeake Club Concept Plat was approved on 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1.¹

Revised Concept Plats were approved on 12/20/93, 6/20/94, 3/16/98, 9/16/02, and 9/21/15.^{2,3}

The revised Concept Plat (TAC review: 8/5/15) that included these proposed lots was approved on 9/21/15, conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
- 2) The zoning classification(s) of all adjacent parcels' being shown on the Preliminary Plat prior to submission for TAC review;
- 3) Health Department requirements' being met;
- 4) DPW requirements' being met;
- 5) The Preliminary Forest Conservation Plan's being approved prior to Preliminary Plat review by the Planning Commission;
- 6) All subsequent Preliminary Plats' providing a full accounting, in tabular form, of the aggregate open space requirement and the deficit or surplus thereto created by said Preliminary Plat; and
- 7) Any subsequent Preliminary Plat's TAC review's being preceded by a completed and reviewed, updated Transportation Impact Study (TIS).

To be clear, for the record, despite the Title Block's use of Northeast Developers', this proposal is a component part of the Chesapeake Club, and can be approved only pursuant to the 5/19/87 Chesapeake Club Concept Plat⁴ approval, as last revised on 9/21/15.

In keeping with previous approvals, none of the Chesapeake Bay Golf Club property's 100.99 acres can be counted toward satisfying the open space requirement.

There was some confusion arising from parcel-specific addressing requirements, but the proposed Lot numbers should remain 1-5, as they were at TAC review.

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Who owns the strips of land situated between the proposed lot boundary lines and the Range Road?

Would an easement agreement need to be executed to effectuate lot access?

The vicinity map depiction has been corrected.

¹ The **RM** zone, with community facilities, currently allows densities of **6:1** for single family units, **10:1** for duplex and semi-detached dwelling units, **12:1** for townhouses, and **14:1** for apartment units.

² Concept Plats approved prior to 7/25/89 do not have a specified validity endpoint.

³ Those revised Concept Plats have all adhered to the originally-approved golf course community **layout** and **density** of **3.5/1**; and they have reflected only slight changes in design and structure types around the golf course. A revised Concept Plat, proposing 329 dwellings on 93.906 acres, for a proposed density of **3.504/1**, was reviewed by the Technical Advisory Committee on **3/02/05**. Subsequently, on 3/19/12, a 'Presentation Plan' was presented to the Planning Commission. It was not an action item; rather it was an "information only" item. That 'Presentation Plan' was different than the 2005 Concept submittal that was reviewed by the TAC.

⁴ OPZ consistently commented at those respective reviews that previous approvals were predicated upon a layout that was comprised of residential development surrounding a golf course on Parcel 2. In addition, on the Record Plat signed on 3/5/96 (**C-73**), Parcel 2 was clearly delineated as "recreational."

In 2005, OPZ then commented: "This proposal is not consistent with the previously approved Concept, Preliminary, and Final Plats. As previously stated, Parcel 2 was intended to remain a recreational parcel, and, therefore, has no density. Accordingly, this plat cannot be reviewed by the Planning Commission since all of the lots contemplated on the previously approved Concept, Preliminary, and Final Plats are on other Parcels, not Parcel 2. If this is submitted for Planning Commission review, then it will be returned to the applicant."

Subsequently, on 4/20/05 the Director of Planning and Zoning wrote a letter to the Chesapeake Bay Golf Club, L.P., in which the Director found that Parcel 2 of the Chesapeake Club was intended to remain recreational, has no permitted density, and could not be developed.

The Chesapeake Bay Golf Club, L.P. appealed to the Cecil County Board of Appeals the decision of the Director's 4/20/05 letter, and, on 7/26/05, the Cecil County Board of Appeals **AFFIRMED**, by unanimous vote, the decision of the Director of Planning and Zoning in this matter.

The Chesapeake Bay Golf Club, L.P. then appealed the 7/26/05 decision of the Cecil County Board of Appeals to the Circuit Court for Cecil County, and, in turn, on 8/17/06, the Circuit Court for Cecil County **AFFIRMED** the decision of the Board of Appeals.

On 3/19/12, OPZ reiterated the fact that previous Concept, Preliminary, and Final Plat approvals were predicated upon a layout that was comprised of residential development surrounding a golf course on Parcel 2 – which, itself, had no density.

The Chesapeake Club project location is now situated within the 2010 Comprehensive Plan's High Density Growth land use district, but it still remains in the RM zoning 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 I area.

The boundary line survey⁵ has been completed.

The 7th condition of the 9/21/15 Revised Concept plat approval was "Any subsequent Preliminary Plat's TAC review's being preceded by a completed and reviewed, updated Transportation Impact Study (TIS)."

The Planning Commission, on 5/21/18, waived⁶ the need for an updated TIS for only 5 proposed lots; nevertheless, it has now been almost 30 years since the last TIS, and staff will recommend, as a condition of any approval, a TIS update prior to the Planning Commission's review of any future Preliminary Plat for any section or phase of Chesapeake Club development.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁷

There are no slopes greater than 25% on site.

A 110' perennial stream buffer is required from any 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 any 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.

15% open space is required in the RM zone for single-family detached dwellings.^{8, 9} 15.3% has been provided, as well as the accounting of the aggregate open space in tabular form.

Also, except in the NAR and SAR zones, 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

⁵ A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

⁶ Any condition of approval set by the Planning Commission can be rescinded **only** by the Planning Commission. In the absence of the meeting of the 7th condition of the 9/21/15 approval, staff was obligated to recommend DISAPPROVAL when and if this Preliminary-Final were to be submitted to the Planning Commission.

⁷ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁸ As commented at the 12/4/13 TAC review:

- 1) It will be a condition of any recommendation for approval that all subsequent Preliminary Plats provide a full accounting, in tabular form, of the aggregate open space requirement and the deficit or surplus thereto created by said Preliminary Plat; and
- 2) It will also be a condition of any recommendation of approval that any subsequent Preliminary Plat's TAC review be preceded by a completed and reviewed, updated Transportation Impact Study (TIS).

⁹ Only 13.1 % was proposed at TAC review.

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 – and they are absent. We will require that they will be included on any recordation plat.

The C.O.S. sensitive areas thresholds data must be included on the Recordation Plat.

15% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on at least one side of all internal roads.

Street trees, with a 10' planting easement, are required. The Landscape Plan / Forest Conservation Plan must include them, and the 10' street tree planting easement must be shown on the Recordation Plat.

As revised, the Landscape Plan / Forest Conservation Plan must be approved prior to recordation.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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 (§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 and SWM Final Plan have been approved.

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.

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

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

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

The Master Water and Sewer Plan classifies this site as W1 and S1.

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

Documentation of water allocation has been received.

Documentation of sewer allocation/capacity has been provided.

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

1. The Development Plans Review Division has approved the Final Stormwater Management Plans and there are only administrative items remaining.

2. DPR has reviewed the Sanitary Sewer Plans and there are only administrative items remaining.
3. An Inspection and Maintenance Agreement for the Private Stormwater Management Facilities must be prepared for each lot.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 4.1 The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.
 - 4.2 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 4.3 Requirements for Final Plat - Public Works Agreement for Sanitary Sewer connections.
 - 4.4 Requirements for Driveway paving.

Notes and requirements identified for record:

5. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - 5.1 Final Plat: "A lot grading plan has been approved by the CCDLUDS for the construction shown hereon. A site construction as built shall be submitted to the CCDLUDS prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDLUDS."
 - 5.2 Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 325 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Marsha Swezey, 97 Ridge Run Road, North East, Maryland spoke in opposition of this project citing concerns with tent placement as it relates to the proposed lots on this plat. She is also concerned with the requirement of an additional HOA for these five lots. She feels the acreages on the plat is confusing and the submitted plats have some inaccuracies.

Louis Ebert, Esq., with Rosenberg, Martin, Greenberg Law Firm, 25 South Charles Street, 21st Floor, Baltimore, Maryland, appeared on behalf of Cecil Bank. Mr. Ebert explained that his client has a lien on an adjoining property to this land being developed. He stated that Michael Palmasano, Manager of First Maryland Holdings Co., II and III, which is the owner of the adjoining lands was also in attendance. Mr. Ebert explained that foreclosure proceedings are currently outstanding on the adjoining lands. He explains that his clients feel that there are no available development rights for the proposed lots on this plat. They also feel that the revised Concept plat was erroneously approved in 2015. Mr. Ebert asked that the letter he submitted to the Office of Land Use & Development Services be made part of the record.

Michael Palmasano, spoke in opposition of this project. He stated that there was no density transferred to Andrew Barbin or North East Developers, LLC. The golf course was never intended to be developed as it was always intended to be open space. He believes there is no density rights for this land.

Mr. Strouss and Mr. Munch addressed some of the concerns from the opposition of the project.

Discussion ensued regarding the concerns of Messrs Ebert and Palmasano. Mr. Brown explained that he feels that a court of law needs to make a determination on the underlying issues before this Commission votes on its validity. Mr. Wallace believes that the Commission should vote on the plat as it is presented without the inclusion of the separate litigation currently being determined.

Mr. Johnston read the comments of the Health Department:

The Cecil County Health Department has received copies of the sewage and water allocations for these lots. Identify the water and sewage treatment plant to be utilized on the Final and Record plats.

Final and Record plats are required to have the following statements:

1. Public water and public sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department's signature block).
3. List the name of the private water supplier on the plat.

A motion for approval was made by Mr. Wallace.
The motion was seconded by Mr. Miners.

Mr. Di Giacomo read the recommendation of staff:

TABLE: As the interpretations of the various agreements, and the concomitant rights and obligations of the parties thereto, are beyond the power of the Planning Commission, the staff recommendation is that this item be TABLED until after said interpretations are determined by a court of law. Then, at the time of such legal resolution, the Planning Commission can make its decision on the application.

Mr. Di Giacomo explained that if the Planning Commission chooses to approve this plat as presented his recommendation is as follows:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPR requirements being met;
- 3) The C.O.S. sensitive areas thresholds data must be included on the Recordation Plat;
- 4) A revised Landscape Plan / Forest Conservation Plan that includes street trees must be approved prior to recordation;
- 5) The Recordation Plat's details conforming to the revised Landscape Plan / Forest Conservation Plan, including the depiction of the 10' street tree planting easement;
- 6) A Homeowners' Association being established, with \$50 per recorded lot being placed in escrow for improvements; prior to recordation;
- 7) The Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 8) The Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 9) A Landscape Agreement's being executed prior to recordation;
- 10) 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 Plats; and
- 11) Any subsequent Preliminary Plat's TAC review's being preceded by a completed and reviewed, updated Transportation Impact Study (TIS).

Discussion ensued regarding the steps one could take should they want to appeal a decision of the Planning Commission.

An amended motion for approval with conditions as read by staff was made by Mr. Wallace.
Mr. Miners seconded the amended motion.

Johnston, Wallace, Miners and Kirsh voted in favor of the amended motion.
Harmer voted in opposition of the amended motion.

Motion for approval with conditions carried.

3. Tiller Estates, Lots 1-8, Preliminary Plat, Reservoir Road, Northern Bay Land Planning, Seventh Election District.

Faron Pyles, Northern Bay Land Planning, 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.

Current Zoning: ST

Density: The ST zone permits a 1 du/ 1 ac. density without community facilities for both major and minor subdivisions. Proposed are 8 minor subdivision lots and R.O.W. on approx. 116.2 acres, for a proposed density of approx. 1/14.52.¹⁰

This project location is situated within the 2010 Comprehensive Plan's Medium Density land use district and within a Tier II area¹¹ -- in which the County may only grant approval if all lots will be served by public sewer or, if a minor subdivision, it is served by on-site sewage disposal systems.

Parcels 20 and 580 retain full minor subdivision potential. Per §2.4.2 and §2.4.3 of the Subdivision Regulations, the application for these minor subdivision lots must be reviewed and approved by the Planning Commission via the major subdivision process.

Proposed Lot 8 is intended to access Reservoir Road directly. Proposed Lots 1-7 are intended to be accessed via the Tiller Farm Lane Mini-Road.^{12, 13}

Included is a 0.205-ac. add-on to the adjacent lands of William D. & Katherine A. Chestnut.

The Concept Plat was approved on 5/21/18, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW/DPR requirements being met;
- 3) The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan being approved prior to submission for Planning Commission review of the Preliminary Plat;
- 4) The Preliminary Plat's citing all necessary easement agreements with AT&T that will be required;¹⁴
- 5) The Preliminary Plat's delineating all required environmental buffers; and

¹⁰ Then-zoned **SR**, a previous, 29-lot proposal for this site, "Fielder Property", was reviewed in 2002-2003, but the Concept Plat was disapproved by the Planning Commission on 1/21/03. The **only** subsequent submission was for 2/5/03 TAC review.

¹¹ 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.

¹² The Cecil County Road Code defines a **Mini Road** as follows: "A road serving not more than 5 interior lots or not more than 7 lots if a maximum of two corner lots have frontage on state or county maintained roads. All lots, including the corner lots, must access the Mini-Road."

¹³ This proposed subdivision is located within the area that was the subject of the Health Department's 4/9/01 Memo dealing with additional land development requirements due to low well yields.

¹⁴ Copies of the final draft or executed easement documents will be due prior to the Planning Commission's review of any Final Plat that includes proposed Lots 2, 3, 4, or 5. Recordation of executed easement documents will be required prior to the recordation of any Record Plat that includes proposed Lots 2, 3, 4, or 5.

6) Approval of the agricultural setback modification from 100' to 70'.

The boundary line survey has been completed.

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

Slopes 15-25% have been shown.

The perennial stream buffers have been depicted.¹⁵

A 25' buffer is required around all non-tidal wetlands and intermittent streams present, and must be shown on the Preliminary Plat.

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.

No common open space is required for fewer than 10 lots.

A minimum 15% landscaping of the development envelope is required in the ST zone.

Bufferyard Standard A is required to buffer any adjacent agricultural uses. If required, then the Bufferyard Standard A must be shown on the Preliminary 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.

Rows of street trees are required, as depicted. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Sidewalks are usually recommended in the ST zone.

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

The 12/24/02 Forest Stand Delineation (FSD) was approval has been extended. The SWM Concept Plan has been approved.

¹⁵ A 110' perennial stream buffer is required from all perennial streams present. These buffers 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'.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan have been approved.

There currently exist on site tree clearing issues that must be satisfactorily resolved prior to the submission of the Final plat.

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 Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed road name Tiller Farm Lane has been approved.

A Homeowners' Association for maintenance of the Mini Road must be established prior to recordation. The owners of all lots accessing the Mini Road must be members.

The AT&T easement runs through proposed Lots 2, 3, 4, & 5. Documentation of the easement agreements with AT&T have been submitted. Any additional documents requiring recordation must be specified prior to submission of the Final Plat and recorded prior to the recordation of the Record Plat.

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

1. The Development Plans Review Division has approved the Preliminary Stormwater Management Plans.
2. A Final Environmental Site Design Plan must be approved prior to submittal for Final Plat Approval.
3. DPR has reviewed the Road and Storm Drain Plans and there are only administrative items remaining that are typically completed with the Final Plat submittal. Road and Storm Drain Plans must be approved prior to grading permit application.
4. A Private Road Maintenance Corporation and Agreement for Tiller Farm Lane must be prepared.
5. An Inspection and Maintenance Agreement for the Private Stormwater Management Facilities must be prepared.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 6.1 *The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.*
 - 6.2 *Requirements for Stormwater Inspection and Maintenance Agreements.*
 - 6.3 *Requirements for Final Plat – Private Road Public Works Agreement for Tiller Farm lane.*
 - 6.4 *Compliance with Section 2.13 of the Cecil County Road Code.*

Notes and requirements identified for record:

7. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - 7.1 *Final Plat: "A lot grading plan has been approved by the CCDLUDS for the construction shown hereon. A site construction as built shall be submitted to the CCDLUDS prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDLUDS."*
 - 7.2 *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may*

be considered non-compliance with Chapter 325 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

Mr. Johnston read the comments of the Health Department:

This subdivision is in an area identified by Cecil County Health Department as having low yield wells. Two (2) tests wells have been completed demonstrating adequate yield.

Discussion ensued regarding the lane leading to Reservoir Road from Lot 7.

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 final Forest Conservation Plan (FCP)/Landscape Plan's being approved prior to submission of the Final Plat;
- 4) The metes and bounds description of the FRA's being shown on the Final and Record Plats;
- 5) The SWM Final Plan's being approved prior to submission of the Final Plat;
- 6) All current issues relating to tree clearing being satisfactorily resolved prior to submission of the Final Plat; and
- 7) Any additional documents requiring recordation being specified prior to submission of the Final Plat and recorded prior to the recordation of the Record Plat.

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

The motion was seconded by Mr. Wallace.

All approve. Motion for approval with conditions carried.

SPECIAL EXCEPTIONS:

FILE: 3874 - APPLICANT: Tim Price.

FOR: Special Exception Renewal to place a doublewide mobile home for hardship purposes.

PROPERTY LOCATION: 2145 Crystal Beach Road, Earleville, MD 21919, Election District: 1;

Tax Map: 56, Parcel: 4.

PROPERTY OWNER: Tim & Deanna Price.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Tim Price appeared and presented an overview of his application. Mr. Price explained that he would like to have the mobile home remain on his property for his daughter to reside in as she helps with the care of her mother, Mr. Price's wife.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval for as long as the applicant owns the property and Mr. Price's daughter resides in the mobile home.

ACTION: Motion to recommend approval per staff's recommendation made by Mr. Wallace.
Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval for as long as the applicants own the property and Mr. Price's daughter resides in the mobile home unanimously carried.

The next meeting for this application will be July 24, 2018 before the Board of Appeals.

❖ Mr. Harmer explained that due to a professional relationship with Mr. Palagruto, he will recuse himself from voting on File 3877.

FILE: 3877 - APPLICANT: Domenic A. Palagruto.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 15 Norway Court, Elkton, MD 21921, Election District: 4; Tax Map: 14, Parcel: 446, Lot 15.

PROPERTY OWNER: Janice C. Palagruto Trust, Domenic Palagruto Trustee.

PRESENTLY ZONED: Low Density Residential, (LDR).

Dwight Thomey, Esq. and Domenic Palagruto appeared and presented an overview of the application. Mr. Thomey explained that Mr. Palagruto has operated an accounting business from his home dating back to 1977. He was unaware a Special Exception was required. He would like to continue to operate that business. He explained that there will only be one client at a time in the home during business hours.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

ACTION: Motion to recommend approval per staff's recommendation, made by Mr. Kirsh.
Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval for as long as the applicants own the property and operates the business unanimously carried by all voting members.

The next meeting for this application will be July 24, 2018 before the Board of Appeals.

FILE: 3878 - APPLICANT: Christopher Bainbridge.

FOR: Special Exception to place a singlewide mobile home on the property for agricultural help.

PROPERTY LOCATION: 895 Middleneck Road, Warwick, MD 21912, Election District: 2;

Tax Map: 53, Parcel: 8.

PROPERTY OWNER: Christopher and Kelly Bainbridge.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Christopher and Kelly Bainbridge appeared and presented an overview of the application. Mr. Bainbridge explained that the mobile home had been placed on this land approximately twenty years ago by the previous owners. When they bought the property, they were unaware that they had to receive their own approval for the mobile home to remain on the property. Mr. Bainbridge explained that an employee that maintains the agricultural operation would occupy the mobile home.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this Special Exception request. Permit # D5732 was issued for a two (2) bedroom mobile home for ground keepers.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. O'Connor asked the applicant what agricultural operation is on the property. Mr. Bainbridge stated that it is a horse farm.

RECOMMENDATION:

Staff recommended approval for as long as the applicants own the property and the agricultural help is needed.

ACTION: Motion to recommend approval per staff's recommendation made by Mr. Miners.

Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval for as long as the applicants own the property and the agricultural help is need unanimously carried.

The next meeting for this application will be July 24, 2018 before the Board of Appeals.

❖ Mr. Johnston explained that York Building Products is a tenant of his. After speaking with Eric Sennstrom, Director of Land Use & Development Services, all feel that there is no conflict of interest in Mr. Johnston voting on this application.

FILE: 3879 - APPLICANT: York Building Products Co., Inc.

FOR: Special Exception to conduct mineral extraction.

PROPERTY LOCATION: E/S Principio Road, Port Deposit, MD 21904, Election District: 7;

Tax Map: 29, Parcel: 538.

PROPERTY OWNER: York Building Products Co., Inc.

PRESENTLY ZONED: Rural Residential, (RR-MEB).

Michael Pugh and Jim Gothrup, York Building Products Co., Inc. appeared and presented an overview of the application. A PowerPoint presentation was presented and can be found in the file located within the Office of Land Use & Development Services.

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

Discussion ensued regarding the process of reclamation of the property once the mining is completed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Glenda, Muriel and Edward Webb, 258 & 72 Principio Road, Port Deposit, Maryland, spoke in opposition of this application. Their concerns include noise, forest disturbance, and wildlife endangerment.

Susan Elliott, 172 Principio Road, Port Deposit, Maryland also spoke in opposition citing many of the same concerns as the Webb's including concerns for well failure on the surrounding properties.

Mr. O'Connor stated he received a letter from Jirleymar Morgan with concerns of noise, well disturbance and questions as to whether dynamite or explosives would be used.

Mr. Pugh explained that berms would be placed to help with the noise concerns and reforestation will be done at the completion of the mining. Additionally, he explained that no dynamite or explosives will be used in the mining operation and York Building Products are including a well guarantee for the surrounding wells in the area.

RECOMMENDATION:

Staff recommended approval, conditioned on:

1. A major site plan being approved by the Office of Land Use & Development Services;
2. A copy of the mining permit being submitted to the Office of Land Use & Development Services;
3. The hours of operation being 5:00 a.m to 5:00 p.m.; and
4. A copy of the well guarantee being provided to the adjoining property owners of Tax Map 29, Parcel 538.

ACTION: Motion to recommend approval per staff's recommendation made by Mr.Kirsh.
Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval conditioned on: 1) A major site plan being approved by the Office of Land Use & Development Services; 2) A copy of the mining permit being submitted to the Office of Land Use & Development Services; 3) The hours of operation being 5:00 a.m. to 5:00 p.m.; and 4) A copy of the well guarantee being provided to the adjoining property owners of Tax Map 29, Parcel 538 unanimously carried.

The next meeting for this application will be July 24, 2018 before the Board of Appeals.

FILE: 3881 - APPLICANT: Richard E. Dolly, Jr.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 28 Bluffs Drive, Conowingo, MD 21918, Election District: 7; Tax Map: 16, Parcel: 478, Lot: 18.

PROPERTY OWNER: Richard E. Dolly, Jr.

PRESENTLY ZONED: Rural Residential, (RR).

Richard Dolly, Jr., appeared and presented an overview of the application. Mr. Dolly explained that he is in the process of obtaining his Federal Firearms License. A PowerPoint presentation was made. See file.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. O'Connor stated that he received a call in favor of this application by Eugene Kelly, the adjoining property owner of Mr. Dolly. He asked that his comments be included in the file.

RECOMMENDATION:

Staff recommended approval for two (2) years.

Discussion ensued regarding the permitting process for a federal firearms license.

ACTION: Motion to recommend approval for three (3) years, made by Mr. Miners.
Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval for three (3) years unanimously carried.

The next meeting for this application will be July 24, 2018 before the Board of Appeals.

FILE: 3882 - APPLICANT: Amy Grass, VCS, LLC.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 377 Hutton Road, Elkton, MD 21921, Election District: 3; Tax Map: 325, Parcel: 1067.

PROPERTY OWNER: Estate of Mary Thompson.

PRESENTLY ZONED: Low Density Residential, (LDR).

Dwight Thomey, Esq., Joe and Amy Grass, appeared and presented an overview of the application. Mr. Thomey explained that the Grasses are looking to build a home on this property and operate their business on the property. Mr. Grass explained that their business is of a Traffic Control nature. They provide safety measures and flaggers for various construction projects locally. He explained that his business does not build, sell or construct anything. He has several F150 trucks that are used by the business that will be parked on this property as well as other equipment stored. There will also be offices located on the property for training purposes. Mr. Grass asked that they are approved for a Special Exception for as long as they own the property and operate the business once the settlement is final.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended disapproval due to no home being occupied on the property as required by the zoning ordinance for a Special Exception for a home occupation.

ACTION: Motion to recommend; **APPROVAL**, conditioned on: 1) The applicant's purchasing the land within 6 months of approval; and 2) A two (2) year approval unless a home is built and occupied, extending the approval for as long as the applicant owns the property and operates the business, made by Mr. Kirsh.
Motion seconded by Mr. Miners.

VOTE: The recommendation of approval conditioned on: 1) The applicant's purchasing the land within 6 months of approval; and 2) a two (2) year approval unless a home is built and occupied, extending the approval for as long as the applicant owns the property and operates the business, unanimously carried.
The next meeting for this application will be July 24, 2018 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 8:41 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, August 20, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, August 20, 2018
6:00 p.m.**

PRESENT: Chad Johnston, Peter Kirsh, Bill Miners, Don Harmer (Alternate), Joyce Bowlsbey (Ex-Officio), and Steve O'Connor (LUDS/P&Z).

ABSENT: Pat Doordan, Wyatt Wallace, Roger Persons, Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen (LUDS/DPR), Tony Di Giacomo (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

MINUTES: Motion was made by Mr. Peter Kirsh seconded by Mr. Don Harmer and unanimously carried to approve the July 16, 2018, 6:00 p.m. meeting minutes as mailed.

SUBDIVISIONS:

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

AGRICULTURAL PRESERVATION DISTRICTS:

FILE CE-19-01 -APPLICANT: Losten's Dairy, LP.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 1059 Biddle Street, Chesapeake City, MD 21915, Election District: 2, Tax Maps; 38, 39 & 44, Parcels:460, 483, 266, 2 & 5.

ACREAGE: 589.822

PROPERTY OWNERS: Kim & Scott Wilkinson.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR) & Low Density Residential, (LDR).

Mr. Stephen O'Connor appeared to present the application.

HEALTH DEPARTMENT: No comment

COMMENTS IN SUPPORT: Bruce Esper, 639 Knight's Corner Road

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended Approval

ACTION: Motion to recommend Approval made by Mr. Don Harmer.
Motion seconded by Mr. Peter Kirsh.

VOTE: The recommendation of Approval unanimously carried.

The next meeting for this application will be September 4, 2018 before the County Council.

FILE CE-19-02 -APPLICANT: Bare Family Farm.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 1711 North East Road, North East, MD 21901, Election District: 9, Tax Map; 19, Parcel: 112.

ACREAGE: 156.76.

PROPERTY OWNERS: Maynard, Terrill, Shirley Bare, Norma Mitchell and Robin Mecinski.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Stephen O'Connor appeared to present the application.

HEALTH DEPARTMENT: No comment

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended Approval

ACTION: Motion to recommend Approval made by Mr. Bill Miners.

Motion seconded by Mr. Peter Kirsh.

VOTE: The recommendation of Approval unanimously carried.

The next meeting for this application will be September 4, 2018 before the County Council.

REZONING:

FILE: 2018-03- APPLICANT: Mohamed Sharkawy.

REQUEST: Request to rezone 1.229 acres from Rural Residential, (RR) to Business General, (BG).

PROPERTY LOCATION: Telegraph Road, North East, MD 21901, Election District: 4, Tax Map: 12, Parcel: 336, Lot 30.

PROPERTY OWNER: Mohamed Sharkawy.

PRESENTLY ZONED: Rural Residential, (RR)

Mr. Mohamed Shakawy appeared to present the application.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this rezoning request. Prior to permit application, contact the Cecil County Health Department regarding sewage and water requirements.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended disapproval due to a failure of the applicant to demonstrate a mistake in the 2011 comprehensive rezoning or a substantial change in the character of the neighborhood since the 2011 comprehensive rezoning.

.
ACTION: Motion to recommend Approval based on a mistake in the 2011 comprehensive rezoning was made by Mr. Bill Miners.

Motion seconded by Mr. Peter Kirsh.

VOTE: The recommendation of Approval based on a mistake in the 2011 comprehensive rezoning unanimously carried.

The next meeting for this application will be September 4, 2018 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3870 - APPLICANT: Charles Blanford.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 109 Love Run Road, Colora, MD 21917, Election District: 6; Tax Map: 16, Parcel: 52, Lot 5.

PROPERTY OWNER: Charles Blanford.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Charles Blanford appeared to present the application.

HEALTH DEPARTMENT: No objection to the request

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended Approval as long as the applicant owns the property and operates the business

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ACTION: Motion to recommend Approval for as long as the applicant owns the property and operates the business made by Mr. Peter Kirsh.

Motion seconded by Mr. Bill Miners.

VOTE: The recommendation of Approval for as long as the applicant owns the property and operates the business unanimously carried.

The next meeting for this application will be August 28, 2018 before the Board of Appeals.

FILE: 3883 - APPLICANT: Justin Richard Ragan.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 10 Hawthorn Drive, Port Deposit, MD 21904, Election District: 6; Tax Map: 17, Parcel: 199, Lot 23.

PROPERTY OWNER: Justin Richard Ragan.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Justin Richard Ragan appeared to present the application.

HEALTH DEPARTMENT: No objection to the request

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. Peter Kirsh.

Motion seconded by Mr. Bill Miners.

VOTE: The recommendation of Approval for as long as the applicant owns the property and operates the business unanimously carried.

The next meeting for this application will be August 28, 2018 before the Board of Appeals.

FILE: 3885 - APPLICANT: James E. Backert, Jr.

FOR: Special Exception Renewal to place a Singlewide Mobile Home for hardship purposes.

PROPERTY LOCATION: 121 Remington Road, Port Deposit, MD 21904, Election District: 7;

Tax Map: 23, Parcel: 549, Lot 26.

PROPERTY OWNER: James, Jr. & Marlene Backert.

PRESENTLY ZONED: Rural Residential, (RR).

HEALTH DEPARTMENT: No objection to the request

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

.
ACTION: Motion to recommend Approval for as long as the applicant owns the property and the mother resides in the manufactured home made by Mr. Peter Kirsh.

Motion seconded by Mr. Bill Miners.

VOTE: The recommendation of Approval as long as the applicant owns the property and the mother resides in the manufactured home unanimously carried.

The next meeting for this application will be August 28, 2018 before the Board of Appeals.

FILE: 3888 - APPLICANT: Linda S. Pierce.

FOR: Special Exception to operate a bed & breakfast and to renew festivals and events Special Exception.

PROPERTY LOCATION: 99 Slicers Mill Road, Rising Sun, MD 21911, Election District: 6; Tax Map: 10, Parcel: 118.

PROPERTY OWNER: Timothy J. & Linda S. Pierce.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Ms. Linda S. Pierce appeared to present the application

HEALTH DEPARTMENT: For special exception to operate a bed and breakfast, prior to permit the menu must be submitted to the Cecil County Health Department, Food Service Facility section for review. The Cecil county Health Department has no objection to festivals and events request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended Approval of both requests for as long as the applicant owns the property and operates the businesses

ACTION: Motion to recommend Approval of both requests for as long as the applicant owns the property and operates the businesses made by Mr. Peter Kirsh.

Motion seconded by Mr. Bill miners.

VOTE: The recommendation of Approval of both requests for as long as the applicant owns the property and operates the businesses unanimously carried.

The next meeting for this application will be August 28, 2018 before the Board of Appeals.

FILE: 3892 - APPLICANT: Roger Davis.

FOR: Special Exception for a light industrial use.

PROPERTY LOCATION: 785 Firetower Road, Colora, MD 21917, Election District: 6; Tax Map: 17, Parcel: 13.

PROPERTY OWNER: Kilby's Inc., c/o Phyllis Kilby, President.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Roger Davis appeared to present the application.

HEALTH DEPARTMENT: No Objection

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended Approval conditioned on Board of Appeals granting a modification of Section 143.9 and obtaining MALPF approval.

ACTION: Motion to recommend Approval conditioned the Board of Appeals granting a modification of Section 143.9 and obtaining MALPF approval made by Mr. Bill Miners.
Motion seconded by Mr. Peter Kirsh.

VOTE: The recommendation of Approval conditioned on the Board of Appeals granting a modification of Section 143.9 and obtaining MALPF approval unanimously carried.

The next meeting for this application will be August 28, 2018 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:52 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, September 17, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, September 17, 2018
6:00 p.m.**

PRESENT: Pat Doordan, Chairman, Chad Johnston, Peter Kirsh, Wyatt Wallace, Bill Miners, Don Harmer, Steve O'Connor (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Joyce Bowlsbey (Ex-Officio), Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen (LUDS/DPR) and Tony Di Giacomo (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the August 20, 2018, 6:00 p.m. meeting minutes as mailed.

SUBDIVISIONS:

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

Mr. Kirsh made an announcement that his firm represented Mr. Lapp in the settlement of this property. He feels there is no conflict of interest as he can remain fair and impartial when voting on this item.

SPECIAL EXCEPTIONS:

FILE: 3897 - APPLICANT: Daniel E. Lapp.

FOR: Special Exception to place a single wide manufactured home on the property for agricultural purposes.

PROPERTY LOCATION: 337 Old Elm Road, North East, MD 21901, Election District: 9; Tax Map: 12, Parcel: 140.

PROPERTY OWNER: Helen F. Brown – Life Estate & Kathy B. Caldwell.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Daniel Lapp, Jr. appeared to present the application. Mr. Lapp explained that he recently purchased this property and has granted a life tenancy to Ms. Brown. Mr. Lapp's son and daughter in-law will be occupying the mobile home until Ms. Brown no longer lives in the home. At that time, the mobile home will be removed within 90 days of vacancy.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval as long as the applicant owns the property and agricultural help is needed.

ACTION: Motion to recommend approval for as long as the applicant owns the property and agricultural help is needed made by Mr. Johnston.

Motion seconded by Mr. Wallace.

VOTE: The recommendation of Approval for as long as the applicant owns the property and agricultural unanimously carried.

The next meeting for this application will be September 25, 2018 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:05 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, October 15, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, October 15, 2018
6:00 p.m.**

PRESENT: Pat Doordan - Chairman, Chad Johnston, Peter Kirsh, Don Harmer, Joyce Bowlsbey (Ex-Officio), Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen (LUDS/DPR), Tony Di Giacomo (LUDS/P&Z), Steve O'Connor (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners and Wyatt Wallace.

MINUTES: Motion was made by Mr. Johnston seconded by Mr. Harmer and unanimously carried to approve the September 17, 2018, 6:00 p.m. meeting minutes as mailed.

SUBDIVISIONS:

1. Dorado Meadows, Major Re-Subdivision, Preliminary Plat, Phase 3, Lots 23-28 & Open Space, Calvert Road & Kelly's Drive, McCrone, Inc., Ninth Election District.

David Strouss appeared and presented an overview of the project.

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

This project is in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

Zoning: NAR

Density: The Concept Plat proposing 50 lots on 152.8 acres, for a proposed density of 1/3.06,¹ was approved on 8/16/04, conditioned on:

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed (or a signed and sealed copy being provided to OPZ) in conjunction with the preparation of the Preliminary Plat for density calculation purposes;
- 3) The internal road names being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) A 30,000 gallon drafting tank being included in the common open space near to Wilson Road.

The Preliminary Plat, proposing only 41² lots on 152.788 acres, for a proposed bonus density of 1/3.73 was approved on 4/20/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The GAP being issued prior to Final Plat review by the Planning Commission;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 5) The details of the Final Plat and the FCP matching up;
- 6) Deed restrictions for the long-term protection of the 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;

¹ As of 1/1/07, bonus density was eliminated, and the NAR base density was lowered from 1/5 to 1/10.

² The Preliminary Plat reviewed by the TAC had proposed only 43 lots.

- 7) Covenants prohibiting the further subdivision of the proposed large lot (Lot 41) being noted on the Final and Record Plats and recorded prior to recordation; and
- 8) Reduce the size of the cul-de-sac island by 10' (5' on each side) to improve the paved area for access of emergency apparatus.

A one-year Preliminary Plat extension was granted on 3/19/07.

This Final Plat is generally consistent with the approved Concept & Preliminary Plats.

The Final Plat was approved on 9/ /07 conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A permit being issued for the proposed stream crossing prior to recordation;
- 4) The Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the 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) Covenants prohibiting the further subdivision of the proposed large lot (Lot 41) being noted on the Record Plat and recorded prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 8) Sheets 1 & 3 on the Record Plat containing a legend explaining the easement shadings; and
- 9) The 10' street tree planting easement's being noted and explicitly labeled as such on the Record Plat;

Subsequently, the first requested Final Plat revision was approved on 10/20/14, conditioned on:

- 1) All other conditions of the prior Concept, Preliminary, and Final Plat approvals remaining in force;
- 2) The owner's installing a dry hydrant at the proposed SWM Pond #3 at the cul-de-sac of the proposed Galliac Drive;
- 3) The revised Final- and Record-Plats' depicting, noting, and referencing a dry hydrant location at the proposed SWM Pond #3 at the cul-de-sac of Galliac Drive; and
- 4) The Homeowners' Association's being responsible for the maintenance and any repair of the dry hydrant.

Specifically, in the first Final Plat revision, pursuant to §172, the applicant requested to the removal of the fire suppression drafting tank, which the Planning Commission established as a condition of Concept Plat approval on 8/16/04.

This second requested Final Plat revision involves Phase 3, Lots 23-28, per plat's the title block.

The 'open space' referenced in the title block is actually common open space.

The plat's resubdivision resolution does reference common open space.

The changes from the original Final Plat are SWM-related and include modifications to SWM design and the conversion of the proposed Sonalay Court from a County road to a private Mini-Road – with slight changes in dimensions and acreages as a result.

Subsequent to the first Final Plat revision, it was determined that in cases such as this, to ensure adequate technical review and Planning Commission oversight, the path forward would be via a revised Preliminary Plat – to be reviewed by the TAC and approved by the Planning Commission.

After Planning Commission approval, the next step is the review and approval of the revised Final Plat, which, per §'s 4.2.3 & 4.2.4, is now an administrative function.

If approved, then all other conditions of the prior Concept, Preliminary, and Final Plat approvals remain in force.

If approved, then the Mini-Road Maintenance Association must be established prior to recordation, with the owners of Lots 23-28 becoming members.

If approved, then the Mini-Road Maintenance Association must remain *separate and distinct* from the Dorado Meadows HOA.

If approved, then the SWM Final Plan and the Landscape Plan must be approved prior to the submission of the Final Re-Subdivision Plat.

In addition, the plat's Forest Conservation Note should read as follows: "The afforestation, reforestation, and/or forest retention areas shown on this plat shall remain undisturbed except to be used with purposes consistent with the declaration of restrictions recorded among the land records of Cecil County in WLB 2563/417 and the approved Forest Conservation Plan (FCP #458) on file with the Cecil County Department of Land Use and Development Services."

Proposed Lots 23-25 are denied access to Calvert Road, as indicated on the plat.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³

Stream buffers and expansions thereof, and wetlands and buffers, have been shown.

Permits for the proposed intermittent stream crossing (in the vicinity of proposed Lots 22 & 23) must be obtained prior to recordation. The JD has been done.

The site contains no sensitive species' habitats, though there are FIDS habitats.

A condition of Preliminary Plat approval was for covenants prohibiting further subdivision of proposed Lot 41 being noted on the Final and Record Plats.

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

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements prior to recordation. All lot owners must become members of the Homeowners' Association.

The FSD, approved on 8/11/04, has been extended.

The 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, with the metes and bounds description of the FRA being shown on the Record Plat.

The contiguous operating farm notice has been added to the plat.

³ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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

1. The Development Plans Review Division has approved the Preliminary Stormwater Management Plans.
2. A Final Environmental Site Design Plan must be approved prior to submittal for Final Plat Approval.
3. DPR has reviewed the Road and Storm Drain Plans and there are only administrative items remaining that are typically completed with the Final Plat submittal. Road and Storm Drain Plans must be approved prior to grading permit application.
4. A Private Road Maintenance Corporation and Agreement for Sonalay Court must be prepared.
5. An Inspection and Maintenance Agreement for the Private Stormwater Management Facilities must be prepared.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 6.1 *The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.*
 - 6.2 *Requirements for Stormwater Inspection and Maintenance Agreements.*
 - 6.3 *Requirements for Final Plat - Public Works Agreement for Kelly's Drive and Calvert Road.*
 - 6.4 *Requirements for Driveway paving.*
 - 6.5 *Requirements for the portion of Kelly's Drive and Calvert Road to be dedicated for Public Use.*
 - 6.6 *Compliance with Section 2.13 of the Cecil County Road Code for Sonalay Court.*

Notes and requirements identified for record:

7. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - 7.1 *Final Plat: "A lot grading plan has been approved by the CCDLUDS for the construction shown hereon. A site construction as built shall be submitted to the CCDLUDS prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDLUDS."*
 - 7.2 *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 325 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
 - 7.3 *All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest.*

Mr. Johnston read the comments of the Health Department:
Well Variance is granted. Plat is satisfactory

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) DPR / DPW requirements being met;
- 3) The GAP for Phase 3 being issued prior to Final Plat review;
- 4) The revised FCP/Landscape Plan being approved prior to Final Plat review;
- 5) The Phase 3 details of the Final Plat and the FCP matching up;
- 6) Deed restrictions covering Phase 3, for the long-term protection of the 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;
- 7) The Forest Conservation Note's reading as follows: "The afforestation, reforestation, and or forest retention areas shown on this plat shall remain undisturbed except to be used with purposes consistent with the declaration of restrictions recorded among the land records of Cecil County in WLB 2563/417

and the approved Forest Conservation Plan (FCP #458) on file with the Cecil County Department of Land Use and Development Services.”;

- 8) Phase 3’s being included in the Homeowners’ Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 9) Phase 3’s separate Mini-Road Maintenance Association being established prior to recordation, with the owners of Lots 23-28 becoming members; and
- 10) Proposed Lots 23-28 being denied access to Calvert Road, and said denied access being show on the Final and Record Plats.

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

All approve. Motion for approval with conditions carried.

2. Racine Estates, Major Re-Subdivision, Preliminary Plat, Lots 1-4 & 36, Theodore & Washington Schoolhouse Roads, McCrone, Inc., Fifth Election District.

Donny Sutton, McCrone, Inc., and Bryan Racine appeared and presented an overview of the project.

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

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.

Zoning: NAR

Density: The Concept Plat⁴ (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC review;
- 2) A boundary line survey being done prior to submission of the Preliminary Plat;
- 3) Discrepancies in the depictions of wetland and wooded areas being rectified prior to the submission of the Preliminary Plat for TAC review;
- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC review;
- 5) Proposed Road names being approved prior to the submission of the Preliminary Plat for Planning Commission review;
- 6) A Jurisdictional Determination being done prior to Preliminary Plat review by the Planning Commission; and
- 7) An area table being included in the Preliminary Plat submitted for TAC review.

The Preliminary Plat, proposing only 54 lots on 181.71 acres, was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;

⁴ A similar Concept Plat proposal was tabled by the Planning Commission on 7/16/01, pending:

- 1) Receipt of the Natural Heritage letter and the approval of the Forest Stand Delineation, and
- 2) A Traffic Impact Study being performed on Theodore Road and Washington Schoolhouse Road in the vicinity of the proposed development.

Subsequently, that similar Concept Plat proposal was DISAPPROVED on 6/17/02. The Planning Commission wanted the developer to relocate the entrance to Drive B from Washington Schoolhouse Road to Theodore Road.

- 3) A Final Plat check print being approved prior to submission of the Final Plat for Planning Commission review;
- 4) All acreage discrepancies being resolved on the Final Plat;
- 5) The FRAs being depicted on the Final Plat;
- 6) A note to the effect that proposed Lot 37 must be denied access to Washington Schoolhouse Road being included on the Final Plat;
- 7) A note to that effect that proposed Lot 36 cannot be further subdivided appearing on the Final Plat;
- 8) The FCP and Landscape Plan being approved prior to Final Plat review;
- 9) All details of the FCP and Landscape Plan matching those of the Final Plat;
- 10) Documentation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to Final Plat approval;
- 11) Consistent with §186.1, the 10' street tree planting easement being depicted and/or noted on the Final Plat; and
- 12) A mid-block turnaround being included on the Final Plat design for Farmstead Drive.

§4.1.17 of the Subdivision Regulations provided that Preliminary Plats were valid for two years from date of approval. Therefore, the 7/19/04 Preliminary Plat approval that was set to expire on 7/19/06 was extended on 5/15/06, extending Preliminary approval until 5/15/07. That extension was allowed to expire, but the Planning Commission granted a one year extension on 5/21/07, to expire on 5/21/08.

Relating to §2.6 of the Subdivision Regulations, questions arose concerning the subdivision name, "Racine Property". The name Racine Estates is now recognized as the name by which this subdivision shall be known henceforth.

The Final Plat was approved on 2/16/10, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The appropriate 100' building setback being shown on Lot 45 on the Record Plat;
- 4) The note to the effect that proposed Lot 37 is denied direct access to Washington Schoolhouse Road being repeated on the Record Plat;
- 5) Deed restrictions prohibiting any further subdivision of Lot 36 being recorded and noted on the plat prior to recordation;
- 6) Recordation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to recordation;
- 7) The 10' street tree planting easement being again depicted and/or noted on the Record Plat;
- 8) Deed restrictions for the long-term protection of the 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;
- 9) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 10) The contiguous operating farm notice again being included on the Record Plat;
- 11) The Landscape Agreement being executed prior to recordation;
- 12) Any required CoE/MDE permits being obtained prior to recordation; and
- 13) The Record Plat being signed and sealed.

No recordation plats were ever submitted, and there was no subsequent recordation.

This proposed re-subdivision seeks to revise the still-valid 2/16/10 Final Plat to establish a new lot, proposed Lot 1A, by using 2.575 of the 3.348 acres now consisting of Lots 1-4. Thus there is a proposed net reduction of three (3) lots.

A new Lot 36A would be created from Lot 36 – which was the Large Lot in this bonus density approval. The current Lot 36 is 50.004 acres, and the proposed Lot 36A would increase to 50.777 acres – thus preserving bonus density approval (so long as the proposed common open space acreage is not reduced to take the total open space acreage below of the 60% threshold).

In cases such as this, to ensure adequate technical review and Planning Commission oversight, it was determined that the path forward would be via a revised Preliminary Plat – to be reviewed by the TAC and approved by the Planning Commission.

After Planning Commission approval, the subsequent step is the review and approval of a revised Final Plat, which, per §'s 4.2.3 & 4.2.4, is now an administrative function.

At such time as Racine Estates reaches ten (10) lots, the HOA must be established, and the owners of Lot 1A must become members thereof.

If there are any effects on the SWM plan, Final FCP, or Landscaping Plan then they must be amended prior to the submission of any Final re-subdivision plat.

If so, then they (it) must be amended and approved prior to the submission of any Final Re-Subdivision Plat.

Any Landscape Agreement must be executed prior to recordation.

All previous deed restrictions must be amended to include Lots 1A and 36A, and delete Lots 1-4 and 36.

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, with the metes and bounds description of the FRA being shown on the Record Plat.

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

The AT & T easement has been depicted.

All previous conditions of approval(s) carry forward, including # 10 of Preliminary Plat approval, relating to the AT & T easement. Although a cross-easement agreement was received on 4/14/08, referenced lot numbers may need revision.

The easement agreement should be referenced on the plat.

Covenants prohibiting the subdivision of the large lot (36A) must be recorded and noted on the plat prior to recordation (of that phase/section).

Proposed Lot 37 is denied access to Washington Schoolhouse Road. A note to that effect must appear on the Record Plat (of that phase/section).

A Racine Estates Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements prior to recordation – when the ten (10) lot threshold is reached.

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.

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

1. The Development Plans Review Division has approved the Final Stormwater Management Plans and there are only administrative items remaining.
2. An Inspection and Maintenance Agreement for the Private Stormwater Management Facilities must be prepared.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 3.1 *The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.*
 - 3.2 *Requirements for Stormwater Inspection and Maintenance Agreements.*
 - 3.3 *Requirements for the portion of Theodore Road to be dedicated for Public Use.*
 - 3.4 *Requirements for Driveway paving.*

Notes and requirements identified for record:

4. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - 4.1 *Final Plat: "A lot grading plan has been approved by the CCDLUDS for the construction shown hereon. A site construction as built shall be submitted to the CCDLUDS prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDLUDS."*
 - 4.2 *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 325 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. *All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest.*

Mr. Johnston read the comments of the Health Department:

Well variance required prior to final plat approval. Plat is satisfactory.

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) DPR / DPW requirements being met;
- 3) Revisions to the FCP/Landscape Plan being approved prior to Final Plat review;
- 4) Revisions to the Deed Restrictions for the long-term protection of the 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;
- 5) All previous Deed Restrictions being amended to include Lots 1A and 36A, and delete Lots 1-4 and 36; and
- 6) All changes to the SWM Final Plan being approved prior to the submission of the Final Plat.

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

The motion was seconded by Mr. Harmer.

All approve. Motion for approval with conditions carried.

Mr. Kirsh explained that his firm handled the settlement of this property for Mr. Glick. With that said, he feels that he can make a fair and impartial decision on this application.

SPECIAL EXCEPTIONS:

FILE: 3901 - APPLICANT: David Glick & Stephen Glick.

FOR: Special Exception to operate a slaughter house.

PROPERTY LOCATION: 1075 Bouchelle Road, Elkton, MD 21921, Election District: 5; Tax Map: 19, Parcels: 78 & 97.

PROPERTY OWNER: David & Sadie Glick.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

David Glick and Stephen Glick appeared and presented an overview of the application.

Mr. Kirsh asked the applicant for clarification on what type of animal would be quartered at this location. Mr. Glick explained that he would receive deer from hunters, quarter the animal, then transport to a facility in Pennsylvania for processing. Mr. Kirsh asked if this operation would occur year round or only during deer season. Mr. Glick said that they will only operate during deer season.

Mr. Harmer asked if this application is for processing deer only. Mr. Glick said yes.

HEALTH DEPARTMENT: Please contact the Cecil County Health Department to discuss how you plan to dispose of process wastewater.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Faye Weaver, 521 Bouchelle Road, Elkton, MD stated that she was neither in favor nor against the operation. She wanted to know if they would be slaughtering any animals at the facility. She was also concerned about whether or not the Glick's would be allowed to work with any other animals.

RECOMMENDATION:

Mr. O'Connor explained that the second condition for this use requires that the operation be at least 300 ft. from any right-of-way. Mr. Glick currently has an application into the Board of Appeals for a variance pertaining to that condition.

Staff recommended approval for two (2) years conditioned on obtaining relief from the Board of Appeals on the 300 feet setback requirement.

ACTION: Motion to recommend approval per staff's conditions with the additional condition of the only animals to be slaughter (quartered) at the facility being (deceased) deer was made by Mr. Kirsh.

Motion seconded by Mr. Johnston.

VOTE: The recommendation of approval for two (2) years conditioned on obtaining relief from the Board of Appeals on the 300 feet setback requirement with the additional condition of the only animals to be slaughtered (quartered) at the facility being (deceased) deer unanimously carried.

The next meeting for this application will be October 23, 2018 before the Board of Appeals.

FILE: 3903 - APPLICANT: Robin M. Sherrard.

FOR: Special Exception to operate an outdoor firing range on the property.

PROPERTY LOCATION: 57 Rolling Hills Ranch Lane, Port Deposit, MD 21904, Election District: 7; Tax Map: 22, Parcel: 9, Lot B.

PROPERTY OWNER: Robin M. Sherrard.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Robin Sherrard and Jordan Newell appeared and presented an overview of the application. Ms. Sherrard explained that she is asking for a small private shooting range on her property to be used by herself, her family and friends.

Mr. Kirsh asked what safety precautions will be taken. Mr. Newell explained that the range is modeled after military grade for the size. The area have wings to catch any projectile. Ms. Sherrard requires any users to take safety training. Mr. Newell explained the specialized targets that will be used to also minimize projectile. Mr. Kirsh asked what the maximum depth between the shooter and the target will be. Mr. Newell stated that it would be no farther than 10 yards.

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

COMMENTS IN SUPPORT: Paul Roberts, 127 McGrady Road, Rising Sun, MD appeared in favor of the application. Mr. Roberts explained that he has utilized this range and helped build it. He believes that this range was built with all safety precautions in mind.

Ms. Sherrard testified that this range was never meant to be a commercial operation. She stated that only friends and family would be allowed to use this range.

COMMENTS IN OPPOSITION: John Armstrong, 218 Rock Run Road; Sharon Daemer, 275 Liberty Grove Road; Janet Candy, 190 Rock Run Road, Elizabeth Lynch, 278 North Main St.; Christopher Bannon, Sr., Rock Run Road; Todd Schwacke, 449 Rock Run Road; Don Barclay, 392 Rock Run Road and Sue Price, 242 Rock Run Road, all of Port Deposit, Maryland spoke in opposition of this project. Collectively, they all felt that there is a safety issue with having a shooting range so close to homes. They also expressed dismay regarding the noise, hours of operation, environmental pollution and decreased property values that they believe this shooting range brings to the area.

RECOMMENDATION:

Staff recommended disapproval due to the applicant not meeting the setback required within the Zoning Ordinance stating a shooting range must be at least 1000 feet from any boundary of any residential, commercial or industrial zone or a 1000 feet from any residence. This application is short of those requirements.

ACTION: Motion to recommend disapproval based on staff's recommendation made by Mr. Harmer. Motion seconded by Mr. Kirsh.

Members that voted in favor of disapproval were Harmer and Kirsh.

Members that voted in opposition of disapproval were Johnston and Doordan.

VOTE: Due to a tie vote, no recommendation will be forwarded to the Board of Appeals.

The next meeting for this application will be October 23, 2018 before the Board of Appeals.

FILE: 3904 - APPLICANT: Christopher Bainbridge.
FOR: Special Exception to place a Single Wide Mobile Home on the property for agricultural help.
PROPERTY LOCATION: 895 Middleneck Road, Warwick, MD 21912, Election District: 2;
Tax Map: 53, Parcel: 8.
PROPERTY OWNER: Christopher & Kelly Bainbridge.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Christopher and Kelly Bainbridge appeared and presented an overview of the application.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this Special Exception request. Permit # D5732 was issued for a two (2) bedroom mobile home for ground keepers.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval for as long as the applicant owns the property and agricultural help is needed.

ACTION: Motion to recommend approval per staff's conditions made by Mr. Johnston
Motion seconded by Mr. Kirsh.

VOTE: The recommendation of approval for as long as the applicant owns the property and agricultural help is needed was unanimously carried.

The next meeting for this application will be October 23, 2018 before the Board of Appeals.

FILE: 3906 - APPLICANT: Justin R. Ragan.
FOR: Special Exception Renewal to operate a home occupation.
PROPERTY LOCATION: 10 Hawthorn Drive, Port Deposit, MD 21904, Election District: 6;
Tax Map: 17, Parcel: 199, Lot 23.
PROPERTY OWNER: Justin R. Ragan.
PRESENTLY ZONED: Rural Residential, (RR).

Justin Ragan appeared and presented an overview of the application.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

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

ACTION: Motion to recommend approval per staff's conditions made by Mr. Kirsh.
Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval for as long as the applicant owns the property and operates the business was unanimously carried.

The next meeting for this application will be October 23, 2018 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 7:23 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, November 19, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, November 19, 2018
6:00 p.m.

PRESENT: Pat Doordan - Chairman, Chad Johnston, Peter Kirsh, Bill Miners, Wyatt Wallace, Don Harmer, Joyce Bowsbey (Ex-Officio), Steve O'Connor (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen (LUDS/DPR) and Tony Di Giacomo (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace seconded by Mr. Johnston and unanimously carried to approve the October 15, 2018, 6:00 p.m. meeting minutes as mailed with the exception of Mr. Miners who abstained from the vote due to his absence at the October Planning Commission meeting.

SUBDIVISIONS:

No subdivision submittals were received for review by the Planning Commission

SPECIAL EXCEPTIONS:

FILE: 3909 - APPLICANT: Kelly Barb.

FOR: Special Exception to hold festivals and events.

PROPERTY LOCATION: Main Street, Warwick, MD 21912, Election District: 1; Tax Map: 59, Parcel: 169, Lot 1A.

PROPERTY OWNER: Kelly Barb.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Kelly Barb appeared and presented an overview of the application. Ms. Barb stated that she would like to hold events such as weddings, education/fitness events, etc. There will be a maximum of 120 people per event. Parking will be provided on the property. All aspects of the event, i.e. food, tent, traffic, security, will be the responsibility of the person renting the space. Electric will be run to the site and portable bathrooms will be available at each event.

HEALTH DEPARTMENT: Submit proposal to the Health Department for review, include type of festivals and events, food, number of people, time frame and how often.

COMMENTS IN SUPPORT: Lisa Barb, 36 Main Street, Warwick, Maryland appeared in favor of this application.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval per staff's conditions made by Mr. Miners.
Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval for two (2) years was unanimously carried.

The next meeting for this application will be November 27, 2018 before the Board of Appeals.

FILE: 3910 - APPLICANT: Amanda Racine & Terry L. Irwin.
FOR: Special Exception to place a single wide manufactured home on the property for hardship purposes.
PROPERTY LOCATION: 306 Old Mill Road, Conowingo, MD 21918, Election District: 8; Tax Map: 1, Parcel: 92.
PROPERTY OWNER: Dale E. & Terry L. Irwin.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Amanda Racine and Terry Irwin appeared and presented an overview of the application. Ms. Racine explained that she would like to place a singlewide manufactured home on her parent's vacant lot for her and her family to reside.

HEALTH DEPARTMENT: Wet season soil testing and plat submittal required if soil evaluations are satisfactory.

COMMENTS IN SUPPORT: Dale Irwin, 810 Connelly Road, Rising Sun, Maryland spoke in favor of the application.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval, for five (5) years.

ACTION: Motion to recommend approval per staff's conditions was made by Mr. Johnston. Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval for five (5) years was unanimously carried.

The next meeting for this application will be November 27, 2018 before the Board of Appeals.

FILE: 3912 - APPLICANT: Mark & Theresa Washington
FOR: Special Exception to place a double wide manufactured home on the property for hardship purposes.
PROPERTY LOCATION: 335 Gwendolyn Drive, Warwick, MD 21912, Election District: 1; Tax Map: 53, Parcel: 25, Lot 2C
PROPERTY OWNER: Mark & Theresa Washington.
PRESENTLY ZONED: Rural Residential, (RR).

Mark Washington appeared and presented an overview of this application. Mr. Washington stated that due to medical reasons, he would like to place a doublewide manufactured home on his property to care for his parents who are 84 and 89 years of age. He explained that the home would be removed once his parents are no longer living there.

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

COMMENTS IN SUPPORT: Theodore Heath, 111 Ohio Avenue, Earleville, Maryland spoke in favor of the application. Mr. Heath explained that he is Mr. Washington's closest neighbor as well as the only neighbor that will be able to see the manufactured home from his own home. He has no issues with the placement of the manufactured home.

COMMENTS IN OPPOSITION: Kenneth Holt, 303 Gwendolyn Road and Freida Van Wontergem-Van Eyndhoven, 373 Gwendolyn Road both of Warwick, Maryland spoke in opposition of this application. Mr. Holt cited the potential of increased traffic on the existing private road, possible effects on the Critical Area and possible depreciation of property values to the surrounding properties. In addition, Mr. Holt stated that he would support an addition being built on the home to accommodate Mr. Washington's parents. Ms. Van Wontergem-Van Eyndhoven stated that there is possibly a conflict with deed restrictions of the subdivision known as Franklin Estates as it relates to home size and number of homes on each lot.

Discussion ensued regarding the possibility of an addition being built onto the existing home for Mr. Washington's parents.

RECOMMENDATION:

Staff recommended approval for as long as the applicant owns the property and Mr. Washington's parents reside in the manufactured home.

ACTION: Motion to recommend approval with staff's conditions was made by Mr. Johnston. Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval for as long as the applicants own the property and Mr. Washington's parents reside in the manufactured home was unanimously carried.

The next meeting for this application will be November 27, 2018 before the Board of Appeals.

REZONING:

FILE: 2018-04- APPLICANT: Dawn & Gregory Hartzell.

REQUEST: Request to rezone 10.218 acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).

PROPERTY LOCATION: 2108 Theodore Road, Rising Sun, MD 21911, Election District: 5, Tax Map: 24, Parcel: 219.

PROPERTY OWNER: Dawn & Gregory Hartzell.

PRESENTLY ZONED: Rural Residential, (RR)

Dawn Hartzell appeared and presented an overview of the application. Ms. Hartzell explained that she feels there was a mistake in the 2011 Comprehensive Rezoning due to her farmette being surrounded by several NAR zoned properties. She feels her property should also be zoned NAR. Ms. Hartzell explained that should she receive approval of the rezoning, she would like to operate a kennel on the property.

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

COMMENTS IN SUPPORT: Gregory Hartzell, 2108 Theodore Road, Rising Sun, Maryland spoke in favor of the rezoning request.

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. Wallace.

Motion seconded by Mr. Miners.

VOTE: The recommendation of approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning was unanimously carried.

The next meeting for this application will be January 8, 2019 before the County Council.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:43 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, December 17, 2018 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, December 17, 2018
6:00 p.m.**

PRESENT: Pat Doordan - Chairman, Chad Johnston, Peter Kirsh, Bill Miners, Wyatt Wallace, Don Harmer, Steve O'Connor (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Coutz (Ex-Officio), Cameron Brown, Esq., Lloyd Harmon (DEH), Kordell Wilen (LUDS/DPR) and Tony Di Giacomo (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace seconded by Mr. Johnston and unanimously carried to approve the November 19, 2018, 6:00 p.m.

SUBDIVISIONS:

No subdivision submittals were received for review by the Planning Commission

SPECIAL EXCEPTIONS:

FILE: 3914 - APPLICANT: Joshua Greene & Autumn Gilley-Greene.

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

PROPERTY LOCATION: 98 Murray Road, Elkton, MD 21921, Election District: 3; Tax Map: 19, Parcel: 345.

PROPERTY OWNER: Melanie Gilley.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Melanie Gilley and Autumn Gilley-Greene appeared and presented an overview of the application. Ms. Gilley stated that her daughter and son-in-law, Autumn and Joshua Greene, are currently living with her on the property. They would like to place a DWMH on the property for Mr. and Mrs. Greene to reside in and help care for Mrs. Greene's grandmother at 96 Murray Road as well as help maintain the land on which they live.

HEALTH DEPARTMENT: Soil evaluations are required for any additional living units to be established on this lot. Please contact the Cecil County Health Department.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mark and Dara Ruff, 62 Murray Road and Bill and Gertrude McElroy, 119 Murray Road, both of Elkton spoke in opposition. Collectively, they feel that due to the already existing Special Exception which allows the current mobile home at 98 Murray Road, another mobile home is not necessary. They feel that between Ms. Runyon's single family dwelling at 96 Murray Road and the existing mobile home that Ms. Gilley resides in, there is ample room for Mr. and Mrs. Greene to live. They are also concerned with the lack of assistance in maintaining Murray Road and the placement of a second mobile home negatively effecting property values.

Discussion ensued regarding the history of the existing Special Exception.

RECOMMENDATION:

Staff recommended disapproval, as there is already an existing mobile home on the property by Special Exception for hardship purposes.

ACTION: Motion to recommend disapproval, due to the already existing approved Special Exception on the property that allows a mobile home for hardship purposes made by Mr. Wallace.
Motion seconded by Mr. Harmer.

VOTE: The recommendation of disapproval, due to the already existing approved Special Exception on the property that allows a mobile home for hardship purposes, carried.

The next meeting for this application will be December 26, 2018 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:37 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Tuesday, January 22, 2019 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

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