

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Wednesday, January 23, 2019
6:00 p.m.**

PRESENT: Bill Miners, Wyatt Wallace, Don Harmer, Peter Kirsh, Cameron Brown, Esq., Bill Coutz (Ex-Officio), Lloyd Harmon (DEH), Kordell Wilen (LUDS/DPR), Tony Di Giacomo (LUDS/P&Z), Eric Sennstrom (Director/LUDS), Steve O'Connor (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z.)

ABSENT: Pat Doordan - Chairman, Chad Johnston.

MINUTES: Motion was made by Mr. Miners, seconded by Mr. Kirsh and unanimously carried to approve the December 17, 2018, 6:00 p.m.

2019 Cecil County Master Water & Sewer Plan

Eric Sennstrom, Director of Land Use & Development Services, appeared and presented an overview of the plan. Title 9, Subtitle 5, Sub-section 9-503 of the Environment Article of the Annotated Code of Maryland requires the County to have Master Water & Sewer Plan. It also requires a review of the plan on a three (3) year basis. Cecil County is currently operating under the 2015 MW&S Plan. This document is proposed to replace the 2015 document. Per Title 9, Sub-section 9-503 D (1)(ii) and Title 9 Sub-section 9-506 A(1)(ii) of the Environment Article, a copy of the plan was mailed to all municipalities for review and comment. This matter will be introduced before the County Council on February 5, 2019, public hearing on March 5, 2019 and a decision will be made on March 19, 2019. If the Council approves the document, the plan will be sent to MDE, who has sixty (60) days to review and approve the document. If they are unable to render a decision within the initial sixty (60) days, two (2) additional forty-five (45) day periods will be given for review and approval.

HEALTH DEPARTMENT: No Health Department comment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval.

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

VOTE: The recommendation of approval carried.

The next meeting for the review of this plan will be February 5, 2019 before the County Council.

SUBDIVISIONS:

1. Charlestown Crossing, Phase Two, Lots 118-181, Preliminary Plat, Charlestown Crossing Blvd., Morris & Ritchie Associates, Inc., Fifth Election District.

Amy DiPietro, Morris & Ritchie Associates, Inc. and Andy Freeman, Kline Industries, appeared and presented an overview of the project.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Kirsh read the comments of the Health Department:

A Water allocation has been granted for 64 lots by Artesian Water Maryland. A sewer allocation has been granted for 64 lots by Public Works.

A statement that “Use of public water and sewer is in conformance with the Master Water and Sewer Plan” is required on the record plat. Another statement that “Public water and sewer will be available to all lots offered for sale” is also required on the record plat.

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

This project 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:

As originally approved: SR, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal

Current for Phase 2: ST

Density: The SR zone permitted a base density of 1 du/ 1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development.

Per §256 of the Zoning Ordinance, the PUD “Sketch Plat/Special Exception Application” was granted a Special Exception on 9/28/04 by the Board of Appeals¹ – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the “employment” area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);

¹ Because a PUD is permitted in the SR zone only by Special Exception.

- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots^{2, 3} at a density of 2.63/1, was approved⁴ on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;

² On 224.73 SR-zoned acres

³ **The Special Exception that was granted allowed 176 townhouses, in excess of the 118 allowed per §250.2 at that time.**

⁴ The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and
- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

Per §4.1.18, 1-year Preliminary Plat extensions were granted 3/19/07, 1/23/08, & 12/15/08.⁵

The Phase 1 Final Plat, for 50 lots, was approved on 6/16/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) The 10' street tree planting easement being depicted and noted on the Record Plat;
- 5) Deed restrictions for the long-term protection of the street trees & any 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) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's 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;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) A Maintenance Association for the maintenance of the private mini-roads being established prior to recordation; and
- 11) No lots fronting on any of the private roads.

Also on 6/16/08, for INFORMATION ONLY, an amended Preliminary Plat overview was presented to the Planning Commission.

Again for INFORMATION ONLY, an alternate layout for Phase 1 townhouses was presented to the Planning Commission on 3/16/09, when Mr. Bechtel, counsel for Clark Turner Homes indicated that a Variance would be sought from the Board of Appeals. In non-binding action, Planning Commission members agreed that they favored the modified design.

On 4/29/09, a Variance (File No. 3450) was granted to allow more than 4 units per townhouse building, as was reflected in lots 74-78. Variance No. 3450 must be cited on the Record Plat.

Other design modifications included in the revised Phase 1A Final Plat were:

- Single family lots had increased minimum width from 50' to 52'.
- Townhouse lots had increased in length from 80' to 82'.
- The proposed private Henrietta Lane was made 18' wide.
- Common open space parcels were designed into the proposed Charlestown Crossing Blvd. right-of-way to facilitate "entry features" and medians.

⁵ Unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is again extended in the interim, said validity will expire on 12/15/09.

- Common open space parcels were placed adjacent to proposed Lots 66 and 87.
- The TND design included street trees to be planted between the curb and sidewalk.

The revised Phase 1A Final Plat included 14 single family and 36 townhouse lots; it was approved on 6/15/09, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees & any 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) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's 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;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale; and
- 10) The lot numbers' being included in the respective Record Plat title blocks, per §4.2.12 (a) 2.

The Phase 1A recordation plats were signed on 12/11/09 and 3/29/10.⁶

The Special Exception that was granted allowed 176 townhouses.⁷

The Phase 1B (Lots 146-149 & 154-156) & 1C (Lots 141-145 & 157-160) Final Plat was approved on 11/15/10, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any 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) The 10' Street Tree Planting Easement being labels on the Record Plat;
- 7) A Landscape Agreement's being executed prior to recordation;
- 8) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 9) The Record Plat's 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;
- 10) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 11) The Record Plat's signature block for DPW indicating "Director of Chief Engineer" under the signature line;
- 12) The Record Plat's signature blocks for the Health should indicating "Approving Authority" under the signature lines; and
- 13) References to private roads being eliminated from the Record Plat.

⁶ This extended Preliminary approval until 3/29/12.

⁷ In the **SR** zone, no more than **20%** of the PUD dwelling units can be **townhouse** or apartment units.

The Phase 1B (Lots 146-149 & 154-156) & 1C (Lots 141-145 & 157-160) Record Plat was signed on 12/21/10.⁸

The separate Garden Apartment Concept Plat was approved on 12/20/10, conditioned on:

- 1) All DPW requirements being met;
- 2) The TIS and associated transportation issues being resolved to the satisfaction of SHA and DPW prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The granting of the waiver for the parking to 1.8 spaces per dwelling unit, with the additional contingent, future spaces being located and noted on the plat.

The separate Garden Apartment Preliminary Plat was approved on 2/22/11, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The revised FCP and revised Landscape Plan being approved prior to the submission of the Final Plat;
- 4) The major site plan for the clubhouse being approved prior to Final Plat approval(s);
- 5) Documentation of water allocation being provided by the applicant prior to the submission of the Final Plat;
- 6) Documentation of sewer allocation/capacity being provided by the applicant prior to the submission of the Final Plat; and
- 7) 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.

The separate Garden Apartment Final Plat was approved on 8/15/11, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being 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;
- 5) Unless it is to be owned by the HOA, all open space being labeled and referenced as "open space," rather than as common open space;
- 6) The Record Plat's again 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 & Sewer Plan; and
- 7) The Record Plat's also again containing a statement, signed by the owner, to the effect that such facilities will be available to all apt. units offered for lease.

The separate Phase 1 Garden Apartment Recordation Plat was signed on 3/02/12, but that recordation had no bearing on extending the validity of the 4/18/05 Preliminary Plat.

The Phase 1B (Lots 116-125 & 165-170) & 1C (Lots 126-140 & 161-164) Final Plat was approved on 5/21/12, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements⁹ being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any 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;

⁸ Its recordation extended the Preliminary approval until 12/21/12.

⁹ This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners' Association.

- 6) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's 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;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) References to private roads being eliminated from the Record Plat; and
- 11) The Record Plat's containing the current zoning of the property.

The Phase 1B (Lots 38-65 & Lots 102-105) Final Plat was approved on 9/17/12, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements¹⁰ being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any 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) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's 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; and
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

Per §4.1.16, the recordation of a Record Plat from any section of a Preliminary Plat "shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation."

The Phase 1B (Lots 38-65 & Lots 102-105) Record Plat was signed on 2/28/13 (extending the Preliminary Plat's validity until 2/28/15).

A Resubdivision Plat was signed on 11/8/13 (extending the Preliminary Plat's validity until 11/8/15).

At the 6/15/15 Planning Commission review of the Phase 1C Final Plat, the applicant was reminded that unless there was another recordation¹¹ or Preliminary Plat extension granted¹¹ prior to 11/8/15, the Preliminary Plat's approval would expire on that date.

The Phase 1C, Lots 1-37, Final Plat was approved on 6/15/15, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements¹² being met;
- 3) The full balance of the common open space being provided in future phases and sections, with any future phases or section requiring a full accounting of the balance due (combination of open space and/or common open space);
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;

¹⁰ This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners' Association.

¹¹ The recordation of a Final Plat would extend the Preliminary Plat's approval for a period of two (2) years from the date of said recordation.

¹² This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners' Association.

- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any 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) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's 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;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) Variance No. 3450's being cited on the Record Plat; and
- 11) The submission of future phases or sections including an accounting of the dwelling type ratios for consistency with overall project PUD recommendations.

The Phase 1C Recordation Plat was signed on 11/2/15, extending Preliminary Plat validity until 11/2/17.

A revised Phase 1C Recordation Plat was signed on 6/22/16, extending Preliminary Plat validity until 6/22/18.

The separate Phase 2 Garden Apartment Concept Plat was approved¹³ on 12/21/15, conditioned on:

- 1) All Health Department requirements being met;
- 2) All DPW requirements being met;
- 3) The detailed parking plan's being included within the Preliminary Plat, prior to TAC review;
- 4) The parking plan's including details relating to §278.2 and §279;
- 5) The open space sensitive areas thresholds' being calculated and included on the Preliminary Plat, prior to TAC review;
- 6) The requested (Site Data note # 17) design waivers relating to §28.4.a, §28.4.d, §28.4.h and §28.4.i being granted;
- 7) Site Data Note 16's reference to "MUTGD" signage being corrected to "MUTCD;"
- 8) All references to "multifamily Residential" for the RM zone being corrected to "High Density Residential;"
- 9) The Parking Schedule's ADA surface space count being made consistent with what is depicted on the plat;
- 10) The Land Use Summary's spelling of "residents" being corrected;
- 11) The correct nomenclature, "open space", being used in the entirety of all Preliminary and Final Plat submissions;
- 12) The correct spelling of "delineation" being used in Site Data note # 10 for all Preliminary and Final Plat submissions; and
- 13) Fire hydrant locations being selected in consultation w/Charleston Fire Co. and DPW prior to Preliminary Plat submission for TAC review.

Subsequently, the Phase 2 Preliminary Plat was reviewed by the Technical Advisory Committee (TAC) on 4/6/16, consistent with §'s 4.1.1 & 4.1.2.

The separate Phase 2 Garden Apartment Preliminary Plat was approved¹⁴ on 6/20/16, conditioned on:

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

¹³ This project location is situated within the 2010 Comprehensive Plan's Medium Density Growth Area land use district, and, as established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier II area. 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.

¹⁴ In addition to the Preliminary Plat, a Site Plan for the same project was also submitted, which was confusing and redundant to the review and approval process.

- 3) The requested (Site Data note # 17) design waivers relating to §28.4.a, §28.4.d, §28.4.h and §28.4.i being granted;
- 4) Documentation of water allocation and sewer allocation/capacity being provided by the applicant prior to the Planning Commission's review of the Final Plat;
- 5) The Final and Record Plats' containing a statement to be signed by the Health Department, "approving authority", to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 6) The Final and Record Plats' also containing a statement, to be signed by the owner, to the effect that such facilities will be available to all units offered for lease or rent; and
- 7) The final Forest Conservation Plan (FCP)/Landscape Plan¹⁵ and SWM Final Plan being approved prior to Planning Commission review of the Final Plat.

The separate Phase 2 Garden Apt. Final Plat was approved on 9/19/16, conditioned on:

- 1) All Health Department requirements being met;
- 2) All DPW requirements being met;
- 3) Any sheet(s) submitted being labeled to start as sheet 1 of ... ;
- 4) The Title Block citing this as Phase 2;
- 5) The Title Block citing this as a "Final Plat" (a note can state that with the recordation of this plat, the non-tidal wetland details of the previously recorded Phase 1's sheet 5 of 5 is thus supplanted);
- 6) General Note # 10 being revised or struck so as not to erroneously convey that a Phase 2 Plat was previously recorded;
- 7) General Note # 11 also being revised or struck so as not to erroneously convey that a Phase 2 Plat was previously recorded;
- 8) The unnumbered note referencing "lots created by this subdivision" being corrected;
- 9) General Note # 1 citing the zoning as RM;
- 10) Subdivision Data Note # 5 citing the zoning as RM;
- 11) General Note # 1 being corrected to describe the RM zone as "High Density Residential;"
- 12) Adequate explanatory graphics being provided;
- 13) The inclusion of a citation of required setbacks¹⁶ in addition to a note citing the previously-granted design waivers being included;
- 14) The structures' be demarked by a bold line; and
- 15) A note being included that fully explains all detail changes between the approved Preliminary Plat and the Final/Record Plat.
- 16) The Record Plats' containing a statement to be signed by the Health Department, "approving authority", to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 17) The Record Plats' also containing a statement, to be signed by the owner, to the effect that such facilities will be available to all units offered for lease or rent;
- 18) The Landscape Agreement's being executed prior to recordation;
- 19) 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 Plats; and
- 20) All plat references to "Board of County Commissioners" being changed to "Cecil County Government" prior to recordation.

The separate Phase 2 Garden Apartment Recordation Plat was signed on 9/14/17, but that recordation had no bearing on extending the validity of the 4/18/05 Preliminary Plat.

¹⁵ An FCP and Landscape Plan were approved on 4/29/08. A revised FCP and Landscape Plan were approved on 12/11/09 and 12/14/09, respectively.

¹⁶ This is required, per §4.2.13(i).

As was commented during the Phase 1C (Lots 1-37) Final Plat review, “The submission of future phases or sections will necessitate an accounting of the dwelling type ratios per consistency with PUD requirements.”¹⁷

Currently, per §250.2 recommends that PUDs in ST zone consist of maximums of 30%, 60%, and 40 % for detached, semi-detached/duplex, and townhouse or apartment dwellings, respectively. Since those percentages total 130%, those are obviously maximums, not minimums.

In the previous Zoning Ordinance, under which this PUD was approved, in the SR zone, there was no percentage limit on detached dwellings, 30% on semi-detached/duplex, and 20% on townhouses or apartments. The applicant was reminded that the 16th condition of the 2004 Special Exception approval permitted the project to exceed the number of townhomes allowed, but with no more than 176.

A total of 592 dwelling units were approved for this PUD,¹⁸ and. Again, the 16th condition of the 2004 Special Exception approval allowed for no more than 176 townhomes.

Since all 64 lots are proposed to be single family, the townhouse issue is moot.

As commented at TAC review, since, the purpose of this Preliminary Plat is the revise the Phase 2 details of Preliminary Plat approved on 4/18/05 – which will have expired prior to the Preliminary Plat’s review and possible approval by the Planning Commission – the issue of the validity of the 4/18/05 Preliminary approval is also moot.

With no valid Preliminary approval, we must next examine Concept approval validity. Per §4.0.9 of the Subdivision Regulations, when originally approved, Concept Plats were valid for two years.¹⁹

As a PUD, however, per §256 of the Zoning Ordinance, a Sketch Plat/Special Exception application, approved by the Board of Appeals served in lieu of Concept Plat approval. §’s 256, 307, 308 and 313 were silent as to a Special Exception’s duration of validity.

§312.3 provided that the Board of Appeals may (could) prescribe a time limit, which in it’s 9/28/04 approval, it did not. Therefore, the 9/28/04 Special Exception, serving as this project’s Concept approval, remained valid at the time of the 6/ 6/18 TAC review.

Subsequently, on 10/23/18, the Board of Appeals, considering the evolution of this project, including that:

- the original Special Exception’s including permission to exceed the then-20% recommended maximum for town homes;
- the granting of the Variance (File No. 3450 on 4/29/09) to allow design flexibility with more than 4 units per townhouse building;
- the 424 apartment units, though from a separate applicant, have, in fact, become an integral part of the Charlestown Crossing layout;

APPROVED, the modifications to the Special Exception, conditioned on:

- 1) All still-applicable²⁰ conditions of the original 9/28/04 Special Exception remaining in effect; and
- 2) All provisions of the 4/29/09 Variance (File No. 3450) remaining in effect.

¹⁷ The 2004 Special Exception approval allowed no more than 176 townhomes.

¹⁸ The 332 in the apartment component + the 170 towns and singles will have consumed 502 of the 592 approved.

¹⁹ Currently, per §4.0.9, Concept Plat are valid for three years.

²⁰ The TIS, for example, has already been completed.

This Preliminary Plat is consistent with that reviewed by the TAC on 6/6/18 and the Special Exception Sketch Plat approved by the Board of Appeals on 10/23/18.

One difference between the 4/18/05 Preliminary Plat and this Phase 2 Preliminary Plat is that 64 single family lots are now proposed where there were 59 townhomes. If approved, then that would bring the lot total to 234 of 592.

Another difference is the absence of the then-proposed clubhouse, pool, bocce and tennis courts.²¹

All common open space must continue to be labeled and referenced as 'common open space'.

The lot areas and dimensions have been included, as required.

Site Data Note # 31 needs to cite the 10/23/18 Special Exception.

The Charlestown Fire company has been consulted with respect to the proposed fire hydrant locations and cul-de-sac turning radii.

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

Street trees have not been depicted, so, therefore, APPROVAL can be recommended only with the condition that the Final Plat remedy that omission.

Records indicate that a JD was previously completed. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation.

20% common open space is required in the ST zone.²²

The submission of future sections will necessitate an accounting of the balance due for open space.

Previously a note (Site Data Note # 7) reference a future E.M.S. site. Is one still planned? Ms. DiPietro said no.

The PFCP and Preliminary SWM Plan have been approved.²³

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of planted buffers, street trees & 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/Record Plats.

The Homeowners' Association, for maintenance of common open space, has already been established for improvements. \$50 per each recorded Phase 2 lot must be placed in escrow prior to recordation.

Water allocation documentation must be received prior to Final plat review.

²¹ As previously commented, the proposed **community center** must be served by **water & sewer systems** approved by the **Health Department**. A major site plan submittal shall be required for the community center. Any major site plan must be approved prior to Final Plat approval(s). The requirements of **§291** and **Appendix A** of the Zoning Ordinance must be adhered to.

²² 47% was proposed, overall.

²³ An **FSD** and a **conceptual Environmental Assessment** for the portion within the Critical Area were approved on 9/17/04. The site contains **FIDS** habitat, but it is **not home** to any of rare, threatened, and **endangered species**. The **PFCP** and **Preliminary Environmental Assessment** were previously **approved**.

The **FCP/ Landscape Plan** for Phase 1 (north of the stream) was **approved** on 4/29/08. A revised **FPCP** was approved on 12/11/09, and the Final Forest Conservation Plan for this phase was approved on 7/18/11. A revised **Landscape Plan** was approved on 12/14/09.

Sewer capacity for these 64 proposed lots must be verified prior to Final plat review.

The Final and Record Plats shall contain a statement to be signed by the Health Department, “approving authority”, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.²⁴

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

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. Private drainage easements must be shown for storm drain pipes on the lots.
4. DPR has received the necessary Road Code Variances and made recommendations for approval with conditions to DPW.
5. DPR has reviewed the Road and Storm Drain & Sanitary Sewer Plans and there are only administrative items remaining that are typically completed with the Final Plat submittal. Road and Storm Drain & Sanitary Sewer Plans must be approved prior to grading permit application.
6. An Inspection and Maintenance Agreement for the Stormwater Management Facilities must be prepared.
7. Public Works Agreements for Road and Storm Drain & Sanitary Sewer improvements must be prepared.
8. 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:
 - 8.1 *The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.*
 - 8.2 *Requirements for Stormwater Inspection and Maintenance Agreements.*
 - 8.3 *Requirements for Final Plat - Public Works Agreement for Antego Drive.*
 - 8.4 *Requirements for Driveway paving.*
 - 8.5 *Requirements for the portion of Antego Drive to be dedicated for Public Use.*
 - 8.6 *Compliance with Section 2.13 of the Cecil County Road Code.*

Notes and requirements identified for record:

9. 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.
 - 9.1 *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.”*
 - 9.2 *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.”*
 - 9.3 *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.*
10. Development Plans Review has no objection to the approval of The Preliminary Plat of Charlestown Crossing – Phase 2.

²⁴ The Master Water & Sewer Plan identifies this site as W2 and S2.

Mr. Di Giacomo read the recommendation of staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPR/DPW requirements²⁵ being met;
- 3) All future phases/sections' accounting for the balance due for common open space to ensure that the ST zone's 20% requirement is met;
- 4) A Site Data Note's citing the 10/23/18 Special Exception prior to the submission of any Phase 2 Final Plat;
- 5) Water allocation documentation's being received prior to the submission of any Phase 2 Final Plat;
- 6) Sewer capacity for these 64 proposed lots being verified prior to the submission of any Phase 2 Final Plat;
- 7) The Landscape Plan's being approved prior to the submission of any Phase 2 Final Plat;
- 8) The Final SWM Plan's being approved prior to the submission of any Phase 2 Final Plat;
- 9) The Final FCP's being approved prior to the submission of any Phase 2 Final Plat;
- 10) The Final and Record Plat's containing a statement, to be signed by the Health Department, "approving authority", to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 11) The Final and Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 12) The 'variances' cited in Site Data Notes 21 and 22 being granted; and
- 13) The requested § 174.1-2 waivers being granted (consistent with those granted in conjunction with the 4/18/05 Preliminary Plat approval).

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

The motion was seconded by Mr. Miners.

All approve. Motion for approval with conditions carried.

AGRICULTURAL PRESERVATION DISTRICT:

FILE CE-19-03 -APPLICANT: Leon King.

FOR: Preservation District Establishment.

PROPERTY LOCATION: Tonys Road, Elkton, MD 21921, Election District: 5, Tax Map: 19, Parcel: 186.

ACREAGE: 101.4091.

PROPERTY OWNERS: Leon King.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Steve O'Connor, Zoning Administrator, appeared and presented an overview of the application. The proposed district property is located at Southwest corner of Warburton and Tony's Roads intersection in Elkton, MD 21921; and further identified as Tax Map 19, Grid 16 Parcel 186. Zoned NAR, the property is located in the 9th Election District, and contains 101.4091 acres. The entire property will be located within the district. The proposed district is located outside of current and planned Master Water & Sewer Plan service areas. Chapter A385-3 of the Code of Cecil County set the regulatory Criteria for the establishment of an Agricultural Preservation District. Subsection C of Chapter A385-3 requires that all Districts consist of a minimum of 50 contiguous acres. This proposed District contains 101.41 acres and does meet this requirement. Subsection D of Chapter A385-3 requires that all districts consist of "a minimum of 50% of USDA soil capability classes I, II, & III; and if the property is wooded than at least 50% of the soils shall be woodland groups 1 and 2. This proposed district contains a total of 40 acres of class I, II, and III soils, and the proposed

²⁵ This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners' Association.

district contains a total of 57.43 (57.1%) acres of woodland groups 1 and 2 soils. Thus 97.4 or 96.91% of the proposed district consists of the required soil types.

HEALTH DEPARTMENT:

No Health Department comment required.

COMMENTS IN SUPPORT: None. Mr. O'Connor stated that a letter of support was received from George and Barbara Balog.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval. Additional, Mr. O'Connor explained that Agricultural Preservation Advisory Board (APAB) also recommended approval for this district.

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

VOTE: The recommendation of approval carried.

The next meeting for this application will be February 5, 2019 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3918 - APPLICANT: Christopher Kendall.

FOR: Special Exception Renewal to operate a sawmill.

PROPERTY LOCATION: 361 Leeds Road, Elkton, MD 21921, Election District: 3; Tax Map: 20, Parcel: 118.

PROPERTY OWNER: Barbara Saletnig, Christopher Kendall & Scott Kendall.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Christopher Kendall appeared and presented an overview of his application. Mr. Kendall explained that he is requesting to have his Special Exception to operate a sawmill, renewed.

HEALTH DEPARTMENT:

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

ACTION: Motion to recommend approval for as long as the applicant owns the property and operates the sawmill 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 sawmill, carried.

The next meeting for this application will be January 29, 2019 before the Board of Appeals

FILE: 3919 - APPLICANT: Paul Felty.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 490 Hopewell Road, Rising Sun, MD 21911, Election District: 6; Tax Map: 10, Parcel: 494.

PROPERTY OWNER: Domenic & Angelina Vadala, LE, and Pete, Nick, Leon Vadala

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Paul Felty appeared and presented an overview of the application. Mr. Felty is looking to purchase approximately an acre of land from the Vadala family. Once purchased, he would like to place a building on the property to which he will run his electrical business.

HEALTH DEPARTMENT:

The Cecil County Health Department has no objection to the Special Exception request. Subdivision of Land must go through the normal subdivision process. Mr. Felty indicated in a phone conversation that approximately 1 acre would be added to his existing lot.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval for three (3) years.

ACTION: Motion to recommend approval, contingent on the applicant acquiring no more than 1.2 acres of land from the Vadala Family and the lesser of 3 years or Mr. Felty no longer operating the business made by Mr. Kirsh.

Motion seconded by Mr. Miners.

VOTE: The recommendation of approval, contingent on the applicant acquiring no more than 1.2 acres of land from the Vadala Family and the lesser of 3 years or Mr. Felty no longer operating the business carried.

The next meeting for this application will be January 29, 2019 before the Board of Appeals.

FILE: 3921 - APPLICANT: Elkton Simperts Solar, LLC c/o Greg Werner.

FOR: Special Exception to operate a power generation facility.

PROPERTY LOCATION: 60 North Simperts Road, Elkton, MD 21921, Election District: 3; Tax Map: 20, Parcel: 896, Lot 3.

PROPERTY OWNER: Charles F. Birney.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Benjamin Wexler, Esq., Greg Werner, Nexamp and Dan Speakman, McCrone, Inc., appeared and presented an overview of the application.

HEALTH DEPARTMENT:

The proposed access road and utility poles run directly through the designated sewage area for lot 3 of Minor Subdivision 3250. If this sewage area is no longer available, lot 3 may lose its status as a building lot.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, conditioned on:

1. A major site plan being submitted and approved by LUDS; and
2. A Bufferyard around the entire perimeter of the site as required in § 22.4 (a) (b) of the Zoning Ordinance.

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

VOTE: The recommendation of approval, conditioned on: 1) A major site plan being submitted and approved by LUDS; and 2) A Bufferyard around the entire perimeter of the site as required in § 22.4 (a) (b) of the Zoning Ordinance carried.

The next meeting for this application will be January 29, 2019 before the Board of Appeals.

FILE: 3922 - **APPLICANT:** Elkton Blue Solar, LLC c/o Greg Werner.

FOR: Special Exception to operate a power generation facility.

PROPERTY LOCATION: 1787 Blue Ball Road, Elkton, MD 21921, Election District: 3; Tax Map: 20, Parcel: 76.

PROPERTY OWNER: Charles F. Birney.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Benjamin Wexler, Esq., Greg Werner, Nexamp and Dan Speakman, McCrone, Inc., appeared and presented an overview of the application.

HEALTH DEPARTMENT:

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, conditioned on: 1) A major site plan being submitted and approved by LUDS; and 2) A Bufferyard around the entire perimeter of the site as required in § 22.4 (a) (b) of the Zoning Ordinance

ACTION: Motion to recommend approval, conditioned on:

1. A major site plan being submitted and approved by LUDS; and
2. A Bufferyard around the entire perimeter of the site as required in § 22.4 (a) (b) of the Zoning Ordinance with the caveat that bufferyard requirements may be modified by staff through the review process made by Mr. Kirsh.

Motion seconded by Mr. Miners.

VOTE: The recommendation of approval, conditioned on: 1) A major site plan being submitted and approved by LUDS; and 2) A Bufferyard around the entire perimeter of the site as required in § 22.4 (a) (b) of the Zoning Ordinance with the caveat that bufferyard requirements may be modified by staff through the review process carried.

The next meeting for this application will be January 29, 2019 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 7:22 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Wednesday, February 20, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Thursday, February 21, 2019
6:00 p.m.**

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

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

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Miners and unanimously carried to approve the January 23, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISIONS:

1. REMANDED FROM CIRCUIT COURT - North East Developers, LLC, Lots 1-5, Preliminary / Final Plat, Range Road, McCrone, Inc., Fifth Election District. *Postponed until the March Planning Commission meeting.*

SPECIAL EXCEPTIONS:

FILE: 3893 - APPLICANT: SGC c/o Bruce Wilson.

FOR: Special Exception to install a power generation facility.

PROPERTY LOCATION: Telegraph Road, Elkton, MD 21921, Election District: 4; Tax Map: 12, Parcel: 34.

PROPERTY OWNER: Alan S. & Pamela A. Mason.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Dwight Thomey, Esq. and Bruce Wilson, SGC, appeared and presented an overview of the project.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Robert Boddiford, 159 Gina Court, Charlotte Dodge, 72 Fairview Road, Elizabeth Boddiford, 159 Gina Court, Holly Rodriguez, 17 Marie Lane, Peg West, 159 Gina Court, Marge Troy, 164 Middlecroft Road and Amy Brown, 176 Middlecroft Road, all of Elkton, Maryland spoke in opposition of this project. Collectively, they cited concerns with the potential of decreased property values, gas or harmful chemicals from the panels, dust accumulation from the panels, the project growing larger than what currently is proposed and failure to understand why this property was selected for the facility.

Mr. Thomey and Mr. Wilson discussed the concerns of the opposition.

RECOMMENDATION:

Staff recommended approval, conditioned on a bufferyard meeting the standards in Section 22.4 of the Zoning Ordinance (Bufferyard C) and a major site plan being submitted to and approved by the Division of Planning & Zoning.

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

VOTE: The recommendation of approval conditioned on a bufferyard meeting the standards in Section 22.4 of the Zoning Ordinance (Bufferyard C) and a major site plan being submitted to and approved by the Division of Planning & Zoning, carried.

The next meeting for this application will be February 26, 2019 before the Board of Appeals.

FILE: 3917 - APPLICANT: SGC c/o Bruce Wilson.

FOR: Special Exception to install a power generation facility.

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

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

PRESENTLY ZONED: Business General, (BG).

Dwight Thomey, Esq. and Bruce Wilson, SGC, appeared and presented an overview of the project.

HEALTH DEPARTMENT: – The Cecil County Health Department has no objection to this proposal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval.

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

Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval carried.

The next meeting for this application will be February 26, 2019 before the Board of Appeals.

FILE: 3923 - APPLICANT: Donna Racine.

FOR: Special Exception to place a SWMH on the property for security purposes.

PROPERTY LOCATION: 2741 Biggs Hwy, North East, MD 21901, Election District: 9; Tax Map: 19, Parcel: 627.

PROPERTY OWNER: 2741 Biggs Hwy, LLC, Donna Racine – Resident Agent.

PRESENTLY ZONED: Business General, (BG).

Donna Racine appeared and presented an overview of the application.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to mobile home remaining on property.

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 with staff's conditions made by Mr. Wallace.
Motion seconded by Mr. Miners.

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

The next meeting for this application will be February 26, 2019 before the Board of Appeals.

FILE: 3925 - APPLICANT: Aaron L. Esh.

FOR: Special Exception to operate a farmer's market.

PROPERTY LOCATION: 20 Alpine Drive, Conowingo, MD 21918, Election District: 8; Tax Map: 16, Parcel: 164.

PROPERTY OWNER: Aaron L. Esh.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Aaron Esh and Samuel Esh appeared and presented an overview of the application.

Discussion ensued regarding the proposed hours of operation. Mr. Esh explained that he plans to be open on Mondays, Wednesdays, Thursdays, Fridays, and Saturdays.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the Special Exception. A Food Service License will be required prior to sale of any milk products, eggs, or any regulated food items.

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. Miners
Motion seconded by Mr. Johnston.

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

The next meeting for this application will be February 26, 2019 before the Board of Appeals.

FILE: 3926 - APPLICANT: Stephen McMahon.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 724 New Bridge Road, Rising Sun, MD 21911, Election District: 8; Tax Map: 2, Parcel: 193, Lot 4.

PROPERTY OWNER: Scott N. McMahon & Gretchen McMahon – Revocable Trust

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Stephen McMahon appeared and presented an overview of the application.

HEALTH DEPARTMENT: Mr. McMahon has been in touch with the Health Department and proposed a commissary for a food truck in part of the referenced dwelling. Food plans must be reviewed and approved, and a building permit obtained for the required renovations. A Food Service License is required prior to operating.

COMMENTS IN SUPPORT: Adam Bastian, 724 New Bridge Road, Rising Sun, explained that he has no concerns with Mr. McMahon operating the commercial kitchen within his residence.

COMMENTS IN OPPOSITION: Wanda Ewing and Arthur Bullins, both of 722 New Bridge Road, Rising Sun, Maryland spoke in opposition of this application. They feel that this operation will create safety issues on their shared driveway with the applicant as well as possible additional wear and tear on the driveway.

Discussion ensued regarding ownership and proposed improvements to the existing driveway(s).

RECOMMENDATION:

Staff recommended tabling the project until the driveway concerns are discussed with the Division of Development Plans Review.

ACTION: Motion to recommend approval conditioned on the driveway requirements meet County regulations made by Mr. Wallace.

Motion seconded by Mr. Miners.

Discussion ensued regarding the concerns of the driveway and insurance concerns.

Mr. Wallace withdrew his motion to approve. Mr. Miners withdrew his second.

ACTION: Motion to table per staff's recommendation made by Mr. Johnston.

Motion seconded by Mr. Harmer.

VOTE: No recommendation was forwarded to the Board of Appeals.

The next meeting for this application will be February 26, 2019 before the Board of Appeals.

GENERAL DISCUSSION

Discussion ensued regarding rules of procedure and the remand from Circuit Court regarding North East Developers, LLC.

The meeting adjourned at 7:29 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, March 18, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, March 18, 2019
6:00 p.m.**

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

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

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Miners and unanimously carried to approve the February 21, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

1. REMANDED FROM CIRCUIT COURT - North East Developers, LLC, Lots 1-5, Preliminary / Final Plat, Range Road, McCrone, Inc., Fifth Election District. **POSTPONED**

SPECIAL EXCEPTIONS:

FILE: 3927 - APPLICANT: Shelly Wyatt.

FOR: Special Exception Renewal to operate a home occupation.

PROPERTY LOCATION: 475 Telegraph Road, Elkton, MD 21921, Election District: 6; Tax Map: 10, Parcel: 13.

PROPERTY OWNER: J. Harvey Meadows, Life Estate and Richard & Brenda Meadows.

PRESENTLY ZONED: Suburban Transition, (ST).

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

FILE: 3929 - APPLICANT: David Eccles.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 60 Blossom Lane, Elkton, MD 21921, Election District: 5; Tax Map: 42, Parcel: 114.

PROPERTY OWNER: Judith Bennett.

PRESENTLY ZONED: Low Density Residential, (LDR).

David Eccles appeared and presented an overview of the application. Mr. Eccles explained that he is looking to do gun repairs and appraisals in his home. If this Special Exception application is approved, he will then apply for his Federal Firearms License. He explained that he will not have customers coming to his home on a regular basis as most transactions will be at gun shows or sent via mail / package carrier.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

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

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

The next meeting for this application will be March 26, 2019 before the Board of Appeals.

FILE: 3931 - APPLICANT: Thomas, Jr. & Nicalette Gentry.

FOR: Special Exception to place a guest house on a parcel with less than 50 acres.

PROPERTY LOCATION: 711 Harrisville Road, Colora, MD 21917, Election District: 10; Tax Map: 10, Parcel: 20.

PROPERTY OWNER: Thomas, Jr. & Nicalette Gentry.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Thomas and Nicalette Gentry appeared and presented an overview of the application. Mrs. Gentry explained that the existing home was built in 1802. They would like to build a home on the property and use the existing home as a guest home.

HEALTH DEPARTMENT: Percolation testing required to delineate adequate sewage area for proposal. Contact the Health Department.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

ACTION: Motion to recommend approval, conditioned on construction beginning within two (2) years made by Mr. Johnston.

Motion seconded by Mr. Miners.

VOTE: The recommendation of approval, conditioned on construction beginning within two (2) years, unanimously carried.

The next meeting for this application will be March 26, 2019 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 15, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, April 15, 2019
6:00 p.m.**

PRESENT: Pat Doordan - Chairman, Chad Johnston, Bill Miners, Wyatt Wallace, Don Harmer, Joyce Bowsbey, Alternate, Bill Coutz (Ex-Officio), Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Peter Kirsh, Lloyd Harmon (DEH), Cameron Brown, Esq., Kordell Wilen (LUDS/DPR), Steve O'Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Miners and unanimously carried to approve the March 18, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

SPECIAL EXCEPTION:

FILE: 3933 - APPLICANT: James E. Backert, Jr.

FOR: Special Exception Renewal to place a singlewide manufactured home on the property 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 E., Jr. & Marlene Backert

PRESENTLY ZONED: Rural Residential, (RR).

James Backert appeared and presented an overview of the application. Mr. Backert explained that his original application for a Special Exception was for his mother in-law to reside in the manufactured home. He stated that his mother in-law has passed away. He would like to move his mother into the manufactured home for a portion of the year to help take care of her. Mr. Backert's mother is currently living with his sister.

Discussion ensued regarding whether the Zoning Ordinance has regulations that state whether a manufactured home that is approved through the Special Exception process has a stipulation as to how many months of the year the occupant must live there.

Mr. Johnston asked Mr. Backert for his mother's name. Mr. Backert stated that her name is Harriett M. Backert.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this renewal proposal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

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

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

The next meeting for this application will be April 23, 2019 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:10 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, May 20, 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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, May 20, 2019
6:00 p.m.

PRESENT: Pat Doordan - Chairman, Chad Johnston, Peter Kirsh, Wyatt Wallace, Don Harmer, Joyce Bowsbey, Alternate, Bill Coutz (Ex-Officio), Eric Sennstrom (LUDS), Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Ed Arellano (DEH), Cameron Brown, Esq., Kordell Wilen (LUDS/DPR), Steve O'Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace, seconded by Mr. Johnston and unanimously carried to approve the April 15, 2019, 6:00 p.m. meeting minutes as mailed.

Mr. Lightner announced that the North East Developers subdivision review had been postponed, therefore it will not be heard at this meeting. It will be scheduled for a future date.

2018 ANNUAL REPORT

Eric Sennstrom, Director – Land Use & Development Services, appeared and gave an overview of the 2018 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, rezonings, agricultural preservation, special exceptions, variances, appeals, building permits and zoning violations.

The 2018 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 Appendices 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 2018 Annual Report was made by Mr. Johnston. The motion was seconded by Mr. Harmer.

All approve. Motion carried.

With the adoption of the 2018 Annual Report, the report will be filed with the County Council of Cecil County and sent to the Maryland Department of Planning.

SUBDIVISION:

I. REMANDED FROM CIRCUIT COURT - North East Developers, LLC, Lots 1-5, Preliminary / Final Plat, Range Road, McCrone, Inc., Fifth Election District. *Postponed until further notice.*

REZONING:

FILE: 2019-01 APPLICANT: York Building Products Co., Inc.

REQUEST: Request to rezone 1.753 acres from Rural Residential, (RR) to Rural Residential, (RR) and Mineral Extraction B, (MEB).

PROPERTY LOCATION: 258 Principio Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 29, Parcel: 633, Lot 2.

PROPERTY OWNER: Glenda Webb.

PRESENTLY ZONED: Rural Residential, (RR)

[Mr. Johnston explained that he is a minority shareholder in an entity that does business with York Building Products. With that said, he sees no need to recuse himself.]

Jim Gawthrop, York Building Products and Michael Pugh appeared. Mr. Pugh suggested that both applications be heard at the same time, as the testimony will be identical for both parcels. Mr. Sennstrom stated that staff has no objection to merging the applications but each application will need to be voted on individually as well as separate recommendations being forwarded to the County Council. Discussion ensued regarding the applications having different reasons for requesting each rezoning. Chairman Doordan asked for a motion pertaining to hearing both applications together.

Mr. Johnston made a motion to hear File #2019-01 and #2019-02 together. The motion as seconded by Mr. Kirsh.

All approve. Motion to hear both applications together, carried.

Mr. Gawthrop presented the Commission with a PowerPoint presentation (see file). Mr. Pugh explained that he and his clients believe that due to the surrounding mining operations and locations of the subject parcels, the larger parcels in the area of the county should have received the MEB overlay zone during the 2011 Comprehensive Rezoning. In their opinion, this constitutes a mistake in the 2011 Comprehensive Rezoning. In addition, the surrounding areas have also received Special Exceptions for the mining operations therefore there is now a notice of change in the character of the neighborhood since the 2011 Comprehensive Rezoning.

Discussion ensued regarding a time line of operation and the required reclamation of the land once the mining is complete.

HEALTH DEPARTMENT: If the existing house is to be abandoned or the parcel actively mined, the existing drilled well must be abandoned and sealed by a licensed well driller.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Rodney Young, 318 Principio Road and Darlene Ostroski, 270 Principio Road, both of Port Deposit, Maryland spoke regarding both applications. Both Mr. Young and Ms. Ostroski

explained that they are not against this operation but do have some questions regarding the operation. Mr. Young asked the following questions: 1) If York Building Products do not buy the two parcels in question, would the zoning revert back to what it was prior to this rezoning request; 2) What is the current easement/access to the Merriman property as it appears to be landlocked; 3) Does the overlay have an expiration; 4) Is data collected prior to mining in regard to the effect on the wells located on surrounding properties, and 5) Details on the reclamation. Discussion ensued regarding Mr. Young's concerns.

Ms. Ostroski stated that there is currently a buffer established between her property and the other surrounding properties. York/Stewart Companies are working with the property owners; she requests that this buffer remain. She stated that the York Building Products Company have been very neighborly to the surrounding lands. She has some concerns with a small strip of property between her property and the Webb property as it relates to required buffers for mining operations. Ms. Ostroski asked how the public is made aware of future meetings regarding these applications. Mr. Sennstrom explained the course of action the applications will take as well as all avenues of public notification for all future local hearings.

RECOMMENDATION:

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

Mr. Wallace explained that he is concerned that due to all the previous rezoning/special exceptions in the area, that in itself is creating a mistake in the 2011 Comprehensive Rezoning. He is concern with the close proximity the mining operations are getting to the homes in the area.

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

Motion seconded by Mr. Johnston.

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

The next meeting for this application will be June 18, 2019 before the Cecil County Council.

FILE: 2019-02 APPLICANT: York Building Products Co., Inc.

REQUEST: Request to rezone 6.487 acres from Rural Residential, (RR) to Rural Residential, (RR) and Mineral Extraction B, (MEB).

PROPERTY LOCATION: E/S Principio Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 29, Parcel: 712.

PROPERTY OWNER: Carolyn Diane Merriman.

PRESENTLY ZONED: Rural Residential, (RR)

See above testimony as both items were heard together.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this renewal proposal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: See public comments for File 2019-01.

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. Kirsh.
Motion seconded by Mr. Johnston.

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

The next meeting for this application will be June 18, 2019 before the Cecil County Council.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:47 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, June 17, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, June 17, 2019
6:00 p.m.**

PRESENT: Wyatt Wallace – Acting Chair, Peter Kirsh, Bill Miners, Don Harmer, Joyce Bowsbey, Alternate, Eric Sennstrom (LUDS), Bryan Lightner (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan - Chairman, Chad Johnston, Ed Arellano (DEH), Cameron Brown, Esq., Bill Coutz (Ex-Officio), Kordell Wilen (LUDS/DPR), Steve O’Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Kirsh, seconded by Mr. Harmer and unanimously carried to approve the May 20, 2019, 6:00 p.m. meeting minutes as mailed. Mr. Miners abstained from voting as he was not present at the May Planning Commission meeting.

2019 DRAFT MASTER WATER & SEWER PLAN – TABLE AMENDMENT

- **Table 10 – Amendment to combine the sewerage services for the Conowingo Mobile Home Court and Maybelle Manor Mobile Home Park into one treatment system.**

Eric Sennstrom, Director of Land Use & Development Services, appeared and gave an overview of the amendment. Mr. Sennstrom explained that the County received a request to amend the Draft Master Water and Sewer Plan to include changes to Table 10 to reflect a proposal to combined the sewer treatment facilities of Conowingo Mobile Home Court and Maybelle Manor Mobile Home Park into one plant. This proposal was submitted by Nave Newell, Engineering Consulting Firm on behalf of the owner of Conowingo Mobile Home Park. Included in the Commission’s packet was a draft of Table 10 to reflect the amendment to show that Maybelle Manor Mobile Home Park will no longer have its own on-site treatment plant and that the Conowingo Mobile Home Park will have a new wastewater plant that will service both Maybelle Manor and Conowingo Mobile Home Park.

Should the Planning Commission vote favorably on this amendment, it would then go before the County Council to review and approve. It would then be sent to the Maryland Department of the Environment for final action.

HEALTH DEPARTMENT: The Cecil County Health Department supports the proposed amendment to facilitate repair of failing on-site septic systems at both parks.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval.

ACTION: Motion to recommended approval, was made by Mr. Miners.
Motion seconded by Mr. Kirsh.

VOTE: The recommendation of approval unanimously carried.

The next meeting for this application will be July 2, 2019 before the County Council.

SUBDIVISION:

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

SPECIAL EXCEPTIONS:

FILE: 3937 - APPLICANT: Daniel & Allaire Hummel.

FOR: Special Exception to hold events.

PROPERTY LOCATION: 284 Great House Farm Lane, Chesapeake City, MD 21915, Election District: 2; Tax Map: 53, Parcel: 20.

PROPERTY OWNER: Great House Farm LLC

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

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

FILE: 3938 - APPLICANT: Kenneth R. McMullen.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 462 Linton Run Road, Port Deposit, MD 21904, Election District: 7; Tax Map: 23, Parcel: 378.

PROPERTY OWNER: Kenneth R. McMullen & Paul D. McMullen.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Kenneth McMullen appeared and presented an overview of the application. Mr. McMullen explained that he would like to operate his medical mobile company from his garage/shop. He assembles motorized scooters for veterans as well as installs stair lifts, vertical platform lifts, vehicle lifts and ramps. He would like to be able to receive the unassembled scooters and lifts at this shop/garage, and then assemble them before delivering to either Perry Point VA Hospital or the individual veterans. Some scooter will be picked up at his home although he does not expect an increase in traffic. Those installations would be done at the veteran's homes but deliveries would be received at this location. The operation only requires the use of hand tools so he does not believe noise will be an issue.

Discussion ensued regarding the shop/garage being located on a separate parcel from the home.

Ms. Bowlsbey asked how many deliveries he expects to receive per week. Mr. McMullen said approximately 1-3.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to special exceptions.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommended approval for two (2) years provided that Mr. McMullen retains ownership of parcels 646 and 378, was made by Mr. Kirsh.

Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval for two (2) years provided that Mr. McMullen retains ownership of parcels 646 and 378 unanimously carried.

The next meeting for this application will be June 25, 2019 before the Board of Appeals

FILE: 3941 - APPLICANT: Deinna Anderson.
FOR: Special Exception Renewal to hold events.
PROPERTY LOCATION: 140 McKeown Road, Elkton, MD 21921, Election District: 2; Tax Map: 38, Parcel: 612.
PROPERTY OWNER: Ronald & Deinna Anderson
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Deinna Anderson appeared and presented an overview of the renewal application.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to renewal of special exceptions.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Ms. Bowlsbey asked how many weddings were held on the property in 2018. Ms. Anderson stated that she held 6 weddings on the property in 2018.

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

ACTION: Motion to recommend approval for as long as the applicant owns the property, was made by Mr. Miners.
Motion seconded by Mr. Harmer.

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

The next meeting for this application will be June 25, 2019 before the Board of Appeals

FILE: 3942 - APPLICANT: Joe Tiley.
FOR: Special Exception to operate a farmer's market.
PROPERTY LOCATION: 1025 Augustine Herman Highway, Elkton, MD 21921, Election District: 2; Tax Map: 38, Parcel: 516.
PROPERTY OWNER: Joseph Seward – LE and Ann Seward – LE.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Joseph Tiley appeared and presented an overview of the application. Mr. Tiley explained that this farm has been in his family for eighty (80+) plus years. Through the years, they have sold produce from this location. He is also looking to sell gravel, mulch and sand from this location.

Discussion ensued regarding whether those items are included under the definition of a farmer's market.

HEALTH DEPARTMENT: The Health Department had no objection to special exception. Property owner should be aware that any slicing or processing of produce may require a food service license. Contact the Cecil County Health Department for more information.

COMMENTS IN SUPPORT: Sophia Grim, 45 Locust Point Road and Mary Sheldon, 58 Locust Point Road, both of Elkton, Maryland spoke neither in favor nor in opposition of this application. Both speakers inquired about whether the small access road located off Locust Point Road would be used as the main access to the farmer's market or if the entrance on MD Route 213 would be used. They have concerns with the large vehicles using the Locust Point Road access.

COMMENTS IN OPPOSITION: None.

Mr. Tiley stated that he would be willing to have the delivery trucks and customers use the MD Route 213 access for the farmer's market.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

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

Discussion ensued regarding whether a condition of which access to allow for traffic should be added to the motion.

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

The next meeting for this application will be June 25, 2019 before the Board of Appeals

Mr. Lightner called for representatives of File 3937. No one appeared; application is withdrawn.

GENERAL DISCUSSION

None.

The meeting adjourned at 6:44 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, July 15, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, July 15, 2019
6:00 p.m.**

PRESENT: Pat Doordan - Chairman, Chad Johnston, Wyatt Wallace, Bill Miners, Don Harmer, Joyce Bowsbey, Alternate, Bill Coutz (Ex-Officio), and Bryan Lightner (LUDS/P&Z).

ABSENT: Peter Kirsh, Ed Arellano (DEH), Cameron Brown, Esq., Kordell Wilen (LUDS/DPR), Steve O'Connor (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the June 17, 2019, 6:00 p.m. meeting minutes as mailed.

Mr. Lightner explained that Files 3943 & 3951 have been postponed and will be heard at the August Planning Commission meeting.

SUBDIVISION:

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

SPECIAL EXCEPTIONS:

FILE: 3943 - APPLICANT: New Cingular Wireless PCS, LLC c/o Greg Rapisarda, Esq.
FOR: Special Exception for placement of a cell tower.
PROPERTY LOCATION: 100 Buttonwood Beach Road, Earleville, MD 21919, Election District: 1; Tax Map: 51, Parcel: 25.
PROPERTY OWNER: Elizabeth A. Barclay Green
PRESENTLY ZONED: Manufactured Home, (MH).

FILE 3943 – POSTPONED UNTIL THE AUGUST 19, 2019 PLANNING COMMISSION MEETING.

FILE: 3945 - APPLICANT: Robert L. Jackson.
FOR: Special Exception to expand salvage yard area.
PROPERTY LOCATION: 1479 Jacob Tome Memorial Hwy, Port Deposit, MD 21904, Election District: 6; Tax Map: 23, Parcel: 78.
PROPERTY OWNER: Robert L. & Jane S. Jackson.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Robert Jackson and Sarah Jackson Taylor appeared and presented an overview of the application.

Discussion ensued regarding the need for this request as well as the zoning designations for the surrounding properties.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval as long as the requirements of §138 of the Zoning Ordinance are followed.

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

VOTE: The recommendation of approval, for as long as the requirements of §138 of the Zoning Ordinance are followed, unanimously carried.

The next meeting for this application will be July 23, 2019 before the Board of Appeals.

FILE: 3946 - APPLICANT: William F. Riddle, Esq.

FOR: Special Exception modification to allow for limited extended hours.

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

PROPERTY OWNER: Brian & Kristy Barno.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Will Riddle, Esq., Brian Barno and Kristy Barno appeared and presented an overview of the application. Mr. Riddle explained that his clients are looking to extend the hours of operation for a limited amount of time. Mr. Barno stated that they are looking to offer a haunted hayride on Friday and Saturday nights beginning the last Friday and Saturday of September through the first Friday and Saturday of November from 7:00 p.m. – 11:00 p.m. Mr. Barno explained that there will be paintball guns mounted on the ride. Riders will be able to shoot at actors dressed up as zombies. The hayride is located outside of the Critical Areas. Mr. Barno said that noise should not be an issue and no additional traffic issues should arise, as this will have less traffic than their normal operation.

Discussion ensued regarding the previously approved Special Exception.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Don Rice, 117 Fox Valley Road, Jeffrey Foster, Jr. and Sarah Schneck, 38 Wilmon Street, and Jeffrey, Sr. and Kim Foster, 54 Wilmon Street, all of Chesapeake City, spoke with concerns. Collectively, they have concerns with the late hours of operation, the noise that will result from the late night operation as well as the potential impact on the surrounding wildlife in the area. Mr. Foster (Sr.) stated that he was also speaking on behalf of two other surrounding property owners, Alan Burkhardt and Butch Brooks.

Mr. Lightner read a letter received from the Critical Area Commission. See file.

RECOMMENDATION:

Staff recommended approval so long as the paintball activity is conducted outside of the Critical Area Buffer.

ACTION: Motion to recommend disapproval until a site plan is submitted and approved per the Critical Area Commission's request was made by Mr. Wallace.
Motion died due to lack of a second.

ACTION: Motion to recommend to table this application until a site plan is submitted and approved per the Critical Area Commission's request was made by Mr. Wallace.
Motion seconded by Ms. Bowsbey.

VOTE: No recommendation is forwarded to the Board of Appeals.

The next meeting for this application will be July 23, 2019 before the Board of Appeals.

FILE: 3947 - **APPLICANT:** Thomas & Nancy Cochran.
FOR: Special Exception Renewal to hold festivals or events.
PROPERTY LOCATION: 680 Cherry Grove Road, Earleville, MD 21919, Election District: 1;
Tax Map: 51, Parcel: 3.
PROPERTY OWNER: Thomas & Nancy Cochran.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Thomas Cochran appeared and presented an overview of the application.

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

COMMENTS IN SUPPORT: William Jeans, Jr., 100 Cherry Grove Road, Philip and Beverly Pierce, 725 Cherry Grove Road, both of Earleville, Maryland spoke in favor of this application. Collectively, they feel that the Cochrans are good neighbors who maintain a well-kept property and neither have had any complaints in regards to events held there.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval for as long as the applicants own the property.

ACTION: Motion to recommended approval per staff's recommendations, was made by Mr. Miners.
Motion seconded by Mr. Wallace.

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

The next meeting for this application will be July 23, 2019 before the Board of Appeals.

FILE: 3949 - **APPLICANT:** Chesapeake Solar, LLC.
FOR: Special Exception to operate a power generation facility.
PROPERTY LOCATION: 1679 Augustine Herman Hwy, Elkton, MD 21921, Election District:
2; Tax Map: 38, Parcel: 615.
PROPERTY OWNER: J.R. Crouse Holdings, LLC.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Adam Taylor, Dwight Thomey, Esq., Reed Wills, SunEast Development and Daniel Speakman, McCrone, Inc. appeared and presented an overview of the application. An information handout was presented to the Planning Commission. See file.

HEALTH DEPARTMENT: Property was formerly the site of the proposed Brickhouse Farm Estates subdivision. Construction of power generation facility may impact previously approved sewage areas.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Michael Gullespie 1759 Augustine Herman Highway, Elkton, spoke of concerns with drainage and water run-off from the project. Greg Shelton, 57 Elk Forest Road, Elkton spoke of concerns for the existing historical home on the property. He fears the historic building located on this property is not being taken care of and does not believe the proposed fence to be placed around this structure is enough to preserve the home. Lastly, Joe and Barb Grajek, 144 Spears Hill Road, Elkton, spoke of concerns for devalued property values due to the solar panels. They do not want to see a large fence and solar panels from their home.

Discussion ensued regarding the concerns of the neighbors.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

ACTION: Motion to recommend approval for as long as the applicant owns the property and Chesapeake Solar, LLC operates the facility, was made by Mr. Johnston.

Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval for as long as the applicant owns the property and Chesapeake Solar, LLC operates the facility unanimously carried.

The next meeting for this application will be July 23, 2019 before the Board of Appeals.

FILE: 3950 - APPLICANT: WIN Team, LLC.

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

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

PROPERTY OWNER: Restore Church.

PRESENTLY ZONED: Low Density Residential, (LDR).

Laura Muller, WIN Team, LLC appeared and presented an overview of the application.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for as long as the applicant operates the facility.

ACTION: Motion to recommended approval per staff's recommendation, was made by Mr. Miners.

Motion seconded by Mr. Wallace.

VOTE: The recommendation of approval, for as long as the applicant operates the facility unanimously carried.

The next meeting for this application will be July 23, 2019 before the Board of Appeals.

FILE: 3951 - APPLICANT: New Cingular Wireless PCS, LLC c/o Greg Rapisarda, Esq.
FOR: Special Exception for placement of a cell tower.
PROPERTY LOCATION: 415 Lock Street, Chesapeake City, MD 21915, Election District: 2;
Tax Map: 43, Parcel: 1.
PROPERTY OWNER: GBASIL, LLC
PRESENTLY ZONED: High Density Residential, (RM).

FILE 3951 – POSTPONED UNTIL THE AUGUST 19, 2019 PLANNING COMMISSION MEETING.

GENERAL DISCUSSION

None.

The meeting adjourned at 7:24 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, August 19, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, August 19, 2019
6:00 p.m.**

PRESENT: Pat Doordan - Chairman, Chad Johnston, Wyatt Wallace, Peter Kirsh, Bill Miners, Don Harmer, Joyce Bowsbey, Alternate, Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Coutz (Ex-Officio), Ed Arellano (DEH), Kordell Wilen (LUDS/DPR), and Steve O'Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Johnston seconded by Mr. Wallace and unanimously carried to approve the July 15, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

SPECIAL EXCEPTIONS:

FILE: 3943 - APPLICANT: New Cingular Wireless PCS, LLC c/o Greg Rapisarda, Esq.

FOR: Special Exception for placement of a cell tower.

PROPERTY LOCATION: 100 Buttonwood Beach Road, Earleville, MD 21919, Election District: 1; Tax Map: 51, Parcel: 25.

PROPERTY OWNER: Elizabeth A. Barclay Green

PRESENTLY ZONED: Manufactured Home, (MH).

Christopher Burns, Esq. appeared and presented an overview of the application. Mr. Burns explained that with him are three witnesses that can speak to their particular expertise as it pertains to this application. Their names are William Leonard, Site Acquisition Specialist, Andrew Petersohn, Principal RF Engineering with DBM Engineering and Roger Johnson, Managing Partner and Principal Engineer, Valore, LLC.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval.

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

VOTE: The recommendation of approval unanimously carried.

The next meeting for this application will be August 27, 2019 before the Board of Appeals.

FILE: 3951 - APPLICANT: New Cingular Wireless PCS, LLC c/o Greg Rapisarda, Esq.
FOR: Special Exception for placement of a cell tower.
PROPERTY LOCATION: 415 Lock Street, Chesapeake City, MD 21915, Election District: 2;
Tax Map: 43, Parcel: 1.
PROPERTY OWNER: GBASIL, LLC
PRESENTLY ZONED: High Density Residential, (RM).

Christopher Burns, Esq. appeared and presented an overview of the application. Mr. Burns explained that with him are three witnesses that can speak to their particular expertise as it pertains to this application. Their names are Steve Wilcox, Site Identification and Acquisition Consultant, Andrew Petersohn, RF Engineering and Michael Moore, Professional Engineering and Project Manager for Dewberry Engineering.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Rebecca Mann, 208 Biddle Street, Linda Dykeman, 71 Port Herman Road, John Watson, 205 Third Street, Jim Dykeman, 71 Port Herman Road, Susie Campbell, and Andrew Jodlbauer, 220 Biddle Street, all of Chesapeake City spoke in opposition of this application. Collectively, they expressed concerns with the location of this tower as they feel it deters from the character of the area. They feel that a different location further out of view would be a better placement for a cell tower in this area.

Discussion ensued regarding why this location was chosen for a cell tower as well as the alternatives to the type of tower proposed.

RECOMMENDATION:
Staff recommended approval.

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

Members in favor of motion to recommend approval was Johnston, Miners and Wallace.
Members in opposition of motion to recommend approval was Kirsh and Harmer.

VOTE: The recommendation of approval, carried.

The next meeting for this application will be August 27, 2019 before the Board of Appeals.

FILE: 3953 - APPLICANT: Daniel & Allaire Hummel.
FOR: Special Exception to hold events.
PROPERTY LOCATION: 284 Great House Farm Lane, Chesapeake City, MD 21915, Election District: 2; Tax Map: 53, Parcel: 20.
PROPERTY OWNER: Great House Farm LLC.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Allaire Hummel appeared and presented an overview of the application. Ms. Hummel explained that she would like to hold approximately six to ten (6-10) events per year with a maximum capacity of 140 people at each event.

HEALTH DEPARTMENT: Applicant is advised to protect the existing septic tank and well from parking traffic. The Cecil County Health Department has no objection to the special exception request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Lightner read the comments received from the Critical Area Commission (see file).

RECOMMENDATION:

Staff recommended approval for two (2) years so long as the MALPF approval process has been completed prior to holding the first event.

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

VOTE: The recommendation of approval for two (2) years so long as the MALPF approval process has been completed prior to holding the first event, unanimously carried.

The next meeting for this application will be August 27, 2019 before the Board of Appeals.

FILE: 3954 - APPLICANT: William L. Sumner.

FOR: Special Exception to place a singlewide manufactured home on the property for security purposes.

PROPERTY LOCATION: 385 Mt. Zoar Road, Conowingo, MD 21918, Election District: 8; Tax Map: 8, Parcel: 284.

PROPERTY OWNER: William L. & Loretta J. Sumner.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

William and Loretta Sumner appeared and presented an overview of the application. Ms. Sumner explained that they have experienced some break-ins and theft from their business therefore they would like to place a singlewide manufactured home on the property for security purposes.

HEALTH DEPARTMENT: During a stormwater plan review in 2016, the Health Department discovered that a bathroom had been constructed in an existing pole barn and a sewage holding tank installed without any permits. A permit was issued in 2017 to install a proper sewage system, but it has not been installed. No additional permits can be approved by the Health Department until this is resolved. Currently, insufficient sewage area exists to support an additional mobile home on this property. Previous soils testing suggests that finding adequate sewage area is unlikely. Unless 30,000 sq. ft. of compliant sewage area can be found, the Health Department would not be able to approve a permit for a mobile home.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended disapproval based on the need of the Health Department to identify adequate sewage area for a singlewide manufactured home.

ACTION: Motion to recommend approval conditioned on Health Department requirements being met was made by Mr. Wallace.

Motion seconded by Mr. Miners.

VOTE: The recommendation of approval conditioned on Health Department requirements being met, unanimously carried.

The next meeting for this application will be August 27, 2019 before the Board of Appeals.

FILE: 3955 - APPLICANT: Jay C. Emrey, III.

FOR: Special Exception to hold festivals / events.

PROPERTY LOCATION: 248 Spears Hill Road, Elkton, MD 21921, Election District: 2; Tax Map: 38, Parcel: 29.

PROPERTY OWNER: Jeffrey H. Rimmel & Judith L. Rimmel.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jay Emrey, Esq., Alberto and Heather Vasquez appeared and presented an overview of the application. Mr. Emrey explained that Mr. and Mrs. Vasquez have a contract to purchase this property. They would like to operate a rodeo on the property. The rodeo would be held once per month with approximately 400-500 people in attendance. They also propose to have a stage for bands, disc jockeys, etc. to play music. Ms. Vasquez stated that they would employ off duty police officers for security purposes as well as helping with traffic flow.

HEALTH DEPARTMENT: Applicant should submit written proposal to the Health Department providing information on the frequency of events, location of arena, whether food will be provided/served, and plans for sanitary facilities.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Barbara Grajek, 114 Spears Hill Road, Hillary Thomas, 152 Spears Hill Road and Lamar Gehman, 250 Spears Hill Road, all of Elkton, Maryland spoke in opposition of this application. Collectively, they expressed concerns with potential traffic, noise, hours of operation, trash, intoxicated patrons as well as the condition of Spears Hill Road.

Discussion ensued regarding the current condition of Spears Hill Road and the effects this operation may have on it.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

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

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

VOTE: The recommendation of disapproval was unanimously carried.

The next meeting for this application will be August 27, 2019 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 7:40 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, September 16, 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

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, September 16, 2019
6:00 p.m.

PRESENT: Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Bill Miners, Don Harmer, Bill Coutz (Ex-Officio), Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Pat Doordan - Chairman, Joyce Bowsbey - Alternate, Ed Arellano (DEH), Kordell Wilen (LUDS/DPR), and Steve O'Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Johnston seconded by Mr. Wallace and unanimously carried to approve the August 19, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

FILE: 3962 - APPLICANT: Brantwood Family Services, LLC.
FOR: Special Exception to operate a nursing care facility.
PROPERTY LOCATION: 1190 Augustine Herman Highway, Elkton, MD 21921, Election District: 2; Tax Map: 38, Parcel: 539.
PROPERTY OWNER: 213 Farms, LLC c/o Ted Mercer.
PRESENTLY ZONED: Low Density Residential, (LDR).

Dwight Thomey, Esq., Ted Mercer and Mary Gamble appeared and presented an overview of the application. The applicants are requesting to operate a nursing care facility.

HEALTH DEPARTMENT: Water and Sewer are adequate for the proposed use.

COMMENTS IN SUPPORT: Ken Collins, Director for Addiction Service, Cecil County Health Department spoke in favor of this application explaining that this operation has the support of the Health Department.

COMMENTS IN OPPOSITION: Christel Petrizzo, 48 Augusta Drive, Elkton, Maryland had questions regarding the administering of medication at this facility, whether adequate staff will be available and how visitation from will be handled with family and friends of the patients.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

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

VOTE: The recommendation of approval, for two (2) years carried with a 4-0 vote; Mr. Harmer recused himself from this vote.

The next meeting for this application will be September 24, 2019 before the Board of Appeals.

AGRICULTURAL PRESERVATION DISTRICT:

FILE CE-19-01 -APPLICANT: William S. & Wanda Creeger.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 669 Wilson Road, Rising Sun, MD 21911, Election District: 9, Tax Map; 11, Grid: 9, Parcel: 155.

ACREAGE: 96.908.

PROPERTY OWNERS: William & Wanda Creeger.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Devyn King, MALPF Administrator, LUDS/P&Z, appeared and present an overview of the application.

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

COMMENTS IN SUPPORT: Mr. Lightner read comments that were received from Victoria and Al Snyder who are in favor of this preservation district receiving approval.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval.

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

Motion seconded by Mr. Harmer.

VOTE: The recommendation of approval unanimously carried.

The next meeting for this application will be October 1, 2019 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3956 - APPLICANT: Charles Blanford.

FOR: Special Exception Renewal for 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 D. Blanford.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Charles Blanford appeared and presented an overview of the application for renewal of a special exception to store work vehicles on this property.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

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

Motion seconded by Mr. Harmer.

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 September 24, 2019 before the Board of Appeals.

FILE: 3958 - APPLICANT: Linda Fountain.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 287 Fletchwood Road, Elkton, MD 21921, Election District: 3; Tax Map: 21, Parcel: 799, Lot 7.

PROPERTY OWNER: Linda Fountain.

PRESENTLY ZONED: Urbanized Residential, (UR).

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

FILE: 3959 - APPLICANT: Jacqueline McMillan.

FOR: Special Exception Renewal for a home occupation.

PROPERTY LOCATION: 1034 Oldfield Point Road, Elkton, MD 21921, Election District: 5; Tax Map: 37, Parcel: 468.

PROPERTY OWNER: Jacqueline & Jerry McMillan.

PRESENTLY ZONED: Low Density Residential, (LDR).

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

FILE: 3960 - APPLICANT: Deborah Van Dyke.

FOR: Special Exception to hold festivals / events.

PROPERTY LOCATION: 615 Liberty Grove Road, Port Deposit, MD 21904, Election District: 7; Tax Map: 22, Parcel: 239, Lot 6.

PROPERTY OWNER: Deborah G. & James B. Van Dyke.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Deborah Vandyke appeared and presented an overview of the application for a special exception to hold weddings and other events on her property.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval for two (2) years.

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

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

The next meeting for this application will be September 24, 2019 before the Board of Appeals.

FILE: 3963 - APPLICANT: Chad & Donna Albrecht.
FOR: Special Exception to operate an home occupation.
PROPERTY LOCATION: 82 Augusta Drive, Elkton, MD 21921, Election District: 2; Tax Map: 38, Parcel: 528.
PROPERTY OWNER: Chad & Donna Albrecht.
PRESENTLY ZONED: Low Density Residential, (LDR).

Chad and Donna Albrecht appeared and presented an overview of the application for a special exception to operate an internet-based gunsmithing and gun repair business.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Christel Petrizzo, 48 Augusta Drive, Elkton, Maryland stated that she has concerns regarding the possible appeal of guns to any would be criminals as well as the amount of residential businesses that are being located in the neighborhood.

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

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

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

The next meeting for this application will be September 24, 2019 before the Board of Appeals.

FILE: 3964 - APPLICANT: York Building Products, Inc.
FOR: Special Exception to perform mineral extraction.
PROPERTY LOCATION: E/S Principio Road, Port Deposit, MD 21904, Election District: 7; Tax Map: 29, Parcel: 712.
PROPERTY OWNER: Carolyn Diane Merrimen.
PRESENTLY ZONED: Rural Residential / MEB Overlay, (RR).

Jim Gawthrop, York Building Products Co., Inc. and Michael Pugh, Corridor, appeared and presented an overview of their application for special exception to conduct mining. A PowerPoint presentation was given; see file.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval so long as the applicant meets the requirements of Section 67 of the Zoning Ordinance.

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

VOTE: The recommendation of approval so long as the applicant meets the requirements of Section 67 of the Zoning Ordinance unanimously carried.

The next meeting for this application will be September 24, 2019 before the Board of Appeals.

FILE: 3965 - APPLICANT: York Building Products, Inc.
FOR: Special Exception to perform mineral extraction.
PROPERTY LOCATION: 258 Principio Road, Port Deposit, MD 21904, Election District: 7;
Tax Map: 29, Parcel: 633, Lot 2.
PROPERTY OWNER: Glenda Webb.
PRESENTLY ZONED: Rural Residential / MEB Overlay, (RR).

Jim Gawthrop, York Building Products Co., Inc. and Michael Pugh, Corridor, appeared and presented an overview of their application for special exception to conduct mining.

HEALTH DEPARTMENT: If the existing house is to be abandoned or the parcel actively mined, the existing drilled well must be abandoned and sealed by a licensed well driller.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:
Staff recommended approval so long as the applicant meets the requirements of Section 67 of the Zoning Ordinance.

ACTION: Motion to recommend approval so long as the applicant meets the requirements of Section 67 of the Zoning Ordinance and Health Department requirements being met was made by Mr. Wallace.
Motion seconded by Mr. Kirsh.

VOTE: The recommendation of approval so long as the applicant meets the requirements of Section 67 of the Zoning Ordinance and Health Department requirements being met, unanimously carried.

The next meeting for this application will be September 24, 2019 before the Board of Appeals.

GENERAL DISCUSSION

None.

The meeting adjourned at 7:15 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, October 21, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, October 21, 2019
6:00 p.m.**

PRESENT: Pat Doordan - Chairman , Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Bill Miners, Don Harmer, Joyce Bowlsbey – Alternate, Bill Coutz (Ex-Officio), Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Ed Arellano (DEH), Kordell Wilen (LUDS/DPR), and Steve O’Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Miners seconded by Mr. Wallace and unanimously carried to approve the September 16, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

SPECIAL EXCEPTIONS:

FILE: 3972 - APPLICANT: Joseph & Susan Giubardo.

FOR: Special Exception Renewal for a home occupation.

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

PROPERTY OWNER: Joseph & Susan Giubardo.

PRESENTLY ZONED: Low Density Residential, (LDR).

Joseph and Susan Giubardo appeared and presented an overview of the application. Mr. Giubardo explained that they would like to receive a renewal of their special exception for their culinary business.

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

COMMENTS IN SUPPORT: Bernadette Huss, 206 Atlanta Court, Elkton, spoke in favor of this application explaining that she feels that this home business causes no obtrusive noise or traffic. She also stated that she does not feel that there is any safety issues pertaining this home occupation.

COMMENTS IN OPPOSITION: Robert Pasek, 202 Atlanta Court, Eileen Brophy, 100 Rhett Court and Dave Larason, all of Elkton spoke in opposition to this application. Mr. Pasek explained that he would not be against the Giubardo’s receiving another two year approval. All opposing speakers felt that his application should not receive a permanent approval. They feel that the aesthetics of the neighborhood changes with having the brightly colored bus parked on the property. Collectively, they also feel that there is potential safety issues with having the bus in a residential area.

Mr. Lightner stated that letters of opposition were received from Joe Clancy and Tanya Beresh. They also feel that the brightly colored bus effects the character of the neighborhood. Mr. Clancy stated that he would oppose a permanent approval for this business. Ms. Beresh stated that she believes this business should be operated on a commercially zoned property.

Discussion ensued regarding off site locations for the business as well as the specifics of the previous approval.

RECOMMENDATION:

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

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

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

VOTE: The recommendation of approval for as long as the applicants own the property and operate the business carried.

The next meeting for this application will be October 29, 2019 before the Board of Appeals.

FILE: 3974 - APPLICANT: Linda Fountain.

FOR: Special Exception to operate a home occupation.

PROPERTY LOCATION: 287 Fletchwood Road, Elkton, MD 21921, Election District: 3; Tax Map: 21, Parcel: 799, Lot 7.

PROPERTY OWNER: Linda Fountain.

PRESENTLY ZONED: Urbanized Residential, (UR).

Linda Fountain appeared and presented an overview of the application. Ms. Fountain explained she would like to operate an office for her photography business.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding possible signage on the property.

RECOMMENDATION:

Staff recommended approval for two (2) years.

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

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

The next meeting for this application will be October 29, 2019 before the Board of Appeals.

FILE: 3975 - APPLICANT: Jerry & Elaine Roark.

FOR: Special Exception to place a doublewide manufactured home on property for ag help.

PROPERTY LOCATION: 100 Weaver Meadows Road, Conowingo, MD 21918, Election District: 8; Tax Map: 9, Parcel: 366, Lot 9.

PROPERTY OWNER: Jerry & Elaine Roark.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jerry and Elaine Roark appeared and presented an overview of the application. Mr. Roark stated that they are in need of assistance to take of their property. They would like to place a doublewide manufactured home on the property to provide housing for agricultural help.

HEALTH DEPARTMENT: Percolation testing required to delineate adequate sewage area for proposal. Contact the Health Department. The Health Department also provide a letter dated 10/21/19 that was mailed to the applicants. See file for letter.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding the location of the proposed driveway.

RECOMMENDATION:

Staff recommended approval for two (2) years.

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

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

The next meeting for this application will be October 29, 2019 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:35 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, November 18, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, November 18, 2019
6:00 p.m.**

PRESENT: Pat Doordan - Chairman , Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Bill Miners, Don Harmer, Joyce Bowlsbey – Alternate, Bryan Lightner (LUDS/P&Z), and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Coutz (Ex-Officio), Ed Arellano (DEH), Kordell Wilen (LUDS/DPR), and Steve O’Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Miners seconded by Mr. Kirsh and unanimously carried to approve the October 21, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

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

REZONING:

FILE: 2019-03 APPLICANT: Wood Family Properties, LLC.

REQUEST: Request to rezone 1.9 acres from High Density Residential, (RM) to Business General, (BG).

PROPERTY LOCATION: 5233 Pulaski Hwy, Perryville, MD 21903, Election District: 7, Tax Map: 800, Parcel: 682.

PROPERTY OWNER: Wood Family Properties, LLC, Ron Wood – Managing Member.

PRESENTLY ZONED: High Density Residential, (RM).

Jay Emrey, Esq. and Ronald Wood, owner appeared and presented an overview of the application. Mr. Emrey explained that the property was zoned BG prior to the 2011 Comprehensive Rezoning. He believes this change was made in error due to the use of the property not changing over the last several years.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

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

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

The next meeting for this application will be December 3, 2019 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3977 - APPLICANT: Mar Del Auto Wholesalers.

FOR: Special Exception for home occupation.

PROPERTY LOCATION: 118 Kirks Mill Lane, North East, MD 21901, Election District: 9;

Tax Map: 18, Parcel: 432, Lot 3B.

PROPERTY OWNER: Mark & Deborah Miller.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mark and Deborah Miller appeared and presented an overview of the application. Mr. Miller explained that they would like to operate their business office out of their home. Mrs. Miller stated that neither cars nor customers will be brought to the home as only office duties will be performed from this location.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Discussion ensued regarding why a special exception was required for this home office.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

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

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

The next meeting for this application will be November 26, 2019 before the Board of Appeals.

FILE: 3978 - APPLICANT: James F. Taylor.

FOR: Special Exception Renewal for placement of a singlewide manufactured home for ag help

PROPERTY LOCATION: 197 Red Pump Road, Rising Sun, MD 21911, Election District: 6;

Tax Map: 3, Parcel: 2.

PROPERTY OWNER: Still Waters Investment Property, LLC, c/o Patricia Wagner.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Lightner explained that the agenda erroneously stated the request was for a home occupation. This request is for a renewal of a special exception to place a singlewide manufactured home on the property for ag help.

WITHDRAWN, due to the applicant's failure to appear

FILE: 3979 - APPLICANT: Michael & Lauren Lyon.
FOR: Special Exception to operate a home occupation.
PROPERTY LOCATION: 147 Watson Way, North East, MD 21901, Election District: 5; Tax Map: 24, Parcel: 343, Lot 107.
PROPERTY OWNER: Michael & Lauren Lyon.
PRESENTLY ZONED: Suburban Transition, (ST).

Michael Lyon appeared and presented an overview of the application. Mr. Lyon explained that he and his wife make signs and shirts. All the work is done in their basement. They will not have any signs advertising the business and customers will park in the driveway when picking up their orders.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

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

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

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

The next meeting for this application will be November 26, 2019 before the Board of Appeals.

GENERAL DISCUSSION:

Per Chairman Doordan's request, the commission members were given statistics on the number of lots created in the county as well as the number of special exception reviewed in 1999, 2009 and so far in 2019 by the Planning Commission. Chairman Doordan asked that the members look over the information and come up with ideas that would enhance the County's economic activity.

The meeting adjourned at 6:29 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Monday, December 16, 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

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, December 16, 2019
6:00 p.m.**

PRESENT: Pat Doordan - Chairman , Chad Johnston - Vice Chair, Wyatt Wallace, Peter Kirsh, Don Harmer, Joyce Bowsbey – Alternate, Bill Coutz (Ex-Officio), Deborah Sniadowski, Esq., Bryan Lightner (LUDS/P&Z), Bethany Boniface (LUDS/P&Z) and Jennifer Bakeoven (LUDS/P&Z).

ABSENT: Bill Miners, Ed Arellano (DEH), Kordell Wilen (LUDS/DPR), and Steve O’Connor (LUDS/P&Z).

MINUTES: Motion was made by Mr. Wallace seconded by Mr. Kirsh and unanimously carried to approve the November 18, 2019, 6:00 p.m. meeting minutes as mailed.

SUBDIVISION:

- 1. Minor Subdivision #3709 – Edwin B. Fockler, III., Critical Area Intra- family subdivision, transfer of property located at Little River Road (73 Greenbank Road), North East, 21901.**

Chris and Lori Angelucci appeared and presented an overview of the request. Mr. Angelucci explained that they purchased the property from Ashton Properties who had previously purchased it from Edwin B. Fockler. Mr. Kirsh explained that the requirement that is being addressed at this hearing is the intra-family transfer provision that was noted on the subdivision plat in 2007. The Angelucci’s are asking for relief from this provision for the property.

HEATH DEPARTMENT COMMENTS:

The Cecil County Health Department has no objection.

Ms. Boniface read the comments from Alexandra DeWeese, Critical Area Commission:

The applicant is requesting relief from the Intra-Family Transfer provisions for Parcel 654 in order to transfer ownership of the property from the Fockler Family to the Angelucci Family, followed by construction of a single family dwelling. This 2.23-acre property is located entirely within the Critical Area on lands designated as a Resource Conservation Area (RCA) and within the Low Density Residential (LDR) zoning district.

Provided that the Planning Commission has determined that the applicant has met all of the conditions listed within the Cecil County Zoning Ordinance, Article XI, Part I, Section 193.4, including demonstration of a change in circumstances, this office has no objections. However, we note that any future development on this property is still subject to the County’s Critical Area requirements.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Approval, lifting the restriction of the intra-family transfer.

Motion to approve, per staff’s recommendation was made by Mr. Wallace and seconded by Mr. Johnston.

All approved, motion carried.

REZONING:

FILE: 2019-04 APPLICANT: Michael & Rachel Good.

REQUEST: Request to rezone 4.8 acres from High Density Residential, (RM) to Employment Mixed Use, (EMU).

PROPERTY LOCATION: 776 West Pulaski Hwy, Elkton, MD 21921, Election District: 3, Tax Map: 32, Parcel: 4.

PROPERTY OWNER: Michael & Rachel Good.

PRESENTLY ZONED: High Density Residential, (RM).

Michael Good and Jason Good appeared and presented an overview of the application. Jason Good provided the Commission with an information handout (see file). Mr. (J) Good explained that there are at least two parcels surrounding this property that are currently zoned Employment Mixed Use (EMU) and others close by that are zoned Business General (BG). The Goods feel that the current residential zoning designation was a mistake due to the surrounding property's zoning designations and location of the parcel being located on Route 40. Also, they feel that there has been a change to the character of the neighborhood due to the sewer lines being installed in that area of Route 40. Their future plans are to open a year round food store which would be approximately 12,000 square feet.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

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

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

The next meeting for this application will be January 21, 2020 before the County Council.

SPECIAL EXCEPTIONS:

FILE: 3981 - APPLICANT: Jonathan Seidenberg & Jen Podos.

FOR: Special Exception Renewal for a home occupation.

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

PROPERTY OWNER: Jonathan Seidenberg & Jen Podos.

PRESENTLY ZONED: Low Density Residential, (LDR).

Jonathan Seidenberg and Jen Podos appeared and presented an overview of the application. Ms. Podos explained that she has operated a yoga studio at this property for the past two years. She would like to continue to operate her studio.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the special exception request. Please contact the Health Department regarding an old existing dug well.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

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

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

VOTE: The recommendation of approval for as long as the applicants own the property and operate the business, unanimously carried.

The next meeting for this application will be December 23, 2019 before the Board of Appeals.

FILE: 3983 - APPLICANT: Blake & Lisa Ward.

FOR: Special Exception Renewal for a home occupation.

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

PROPERTY OWNER: Blake & Lisa Ward

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

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

FILE: 3985 - APPLICANT: Lynne D. Robinson.

FOR: Special Exception for a home occupation.

PROPERTY LOCATION: 14 South Parkway, Elkton, MD 21921, Election District: 4; Tax Map: 14, Parcel: 203.

PROPERTY OWNER: Lynne D. Robinson.

PRESENTLY ZONED: Low Density Residential, (LDR).

Winston Robinson appeared and presented an overview of the application. Mr. Robinson explained that his wife, Lynne, creates art out of their home. She will not have sales directly from her home as all of her sales are typically done at local festivals. She occasionally has a student over to teach them her craft.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

Staff recommended approval, for two (2) years.

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

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

The next meeting for this application will be December 23, 2019 before the Board of Appeals.

FILE: 3986 - APPLICANT: William, Jr. & Erika Hawley.
FOR: Special Exception Renewal for placement of a doublewide manufactured home on the property for hardship purposes.
PROPERTY LOCATION: 3541 Telegraph Road, Elkton, MD 21921, Election District: 4; Tax Map: 13, Parcel: 637.
PROPERTY OWNER: William, Jr. & Erika Hawley.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

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

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:40 p.m.

NEXT PLANNING COMMISSION MEETING: The next meeting will be on Wednesday, January 22, 2020 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