

**CECIL COUNTY COMPREHENSIVE PLAN CITIZEN OVERSIGHT COMMITTEE**  
**MEETING MINUTES**  
**24 June 2009**

**Present:** Bennett, John; Broomell, Diana; Buck, Walter; Butler, Eileen; Clewer, Jeff; Colenda, Sarah; Day, Shawn; Denver, John; Derr, Dan; Doordan, B. Patrick; Edwards, Sandra; Folk, Patricia; Gell, Robert; Gilley, Paula; Jackson, Ann; Kilby, Phyllis; Lane, Diane; Priapi, Vic; Polite, Dan; Pugh, Mike; Rossetti, Rupert; Smyser, Chuck; Stewart, Gart; Strause, Vicky; Tapley, Donna; Thorne, Owen; Whitehurst, Dan; Whiteman, Will; Bayer, Michael – ERM; Graham, Clive – ERM; Di Giacomo, Tony; Sennstrom, Eric

**Absent:** Bunnell, John; Cairns, Ed; Deckard, Donna; Duckett, Vernon; Ellerton, Vaughan; Shaffer, Henry; Snyder, Linda; Walbeck, Carl; Wiggins, Kennard

**Call to Order:** Dr. Lane called the meeting to order at 6:07 p.m.

**Approval of Minutes:** Motion was made by Sarah Colenda to approve the 14 June 2009 meeting minutes. Motion was seconded by John Bennett. Diana Broomell clarified her comments relative to property rights to note that maintaining equity value of property rights is a two edged sword. Dan Derr noted that the e-mail he sent earlier in the day had incorrect wording in it and that page 8 of the meeting packet contained the proper language. All members present voted in favor of motion to approve the minutes. Motion carried.

**New Business:** Dr. Lane announced that the COC will break at 7:20 p.m. and reconvene at 7:30 p.m. Dr. Lane asked Dan Derr to present the info he has gathered relative to his motion from the 17 June 2009 meeting. Clive Graham distributed a handout with draft language that could, if the COC finds it acceptable, be inserted into the concept plan under Land Use major policies and actions. Mr. Graham presented the draft text which reads:

“Consider a growth management policy to ensure that development in rural areas does not exceed a desirable share of overall county development.

Between 1999 and 2008 approximately 60 percent of Cecil County building permits were issued for development in growth areas and 40 percent for development outside of growth areas. This Comprehensive Plan, while not adopting a specific desirable share number, recognizes that 40 percent of development outside growth areas exceeds the desirable share. This share should, more likely, be in the range of no more than 10 to 20 percent.

Following adoption of the Comprehensive Plan, appoint a broad based committee to recommend a plan and related ordinances to implement this policy. The plan should consider the following:

- What the desirable growth area versus non-growth area shares of development should be, and how they should be measured, in acres or in lots, for example.
- Whether the policy should be implemented through building permits or through lot creation (subdivision) process.
- A provision that would, in addition to the non-growth areas share of development. Permit the approval of residential building lots (perhaps up to two) between parents and children, or grandparents and grandchildren.
- A fair equitable queuing system for allocating building lots/dwelling units among competing residential projects. This might include phasing of development in large residential projects in non-growth areas that might, on their own, take up a large proportion of the available share of development.
- Allow periodic (annual or biannual) review by the County Commissioners of the policy, share numbers, and implementing regulations.”

Discussion ensued on what would be the proper percentages for growth in and out of the growth area.

Dr. Lane noted that procedural issues related to this motion needed to be discussed and the group need to know how this issue relates to goals coming out of the sub-committees. She stated that the COC needed to consider whether it has been vetted by a sub-committee and was it addressing the goals and recommendations from a sub-committee. B. Patrick Doordan stated that Mr. Derr’s motion did not align with sub-committee goals and recommendations and that it was not discussed in land use. They did not desire to limit growth in rural areas. Will Whiteman opined that incentives and disincentives are handled through densities. Dan Derr noted that growth in the rural areas happens more quickly than growth in the growth area due to the lack of water and sewer infrastructure. B. Patrick Doordan requested that Dr. Lane not entertain the motion due to earlier votes on density. Mr. Doordan was of the opinion that this is a surreptitious method of achieving a downzoning in the rural areas. A recitation of building permits over the last ten years was provided by Mr. Doordan with a breakdown of the percentages in and out of the growth area. John Bennett interjected that the APM subcommittee discussed this issue twice, the legislature ruminated on it last session, and that counties now have the authority to set an appropriate threshold. Mr. Bennett reminded the Committee that the vote on the 17<sup>th</sup> was to look at the details of the motion and bring it back for a vote. He also noted difficulty in following Mr. Doordan’s statistics. Dr. Lane noted that the COC has already voted on the map and the densities associated therewith. Dr. Lane inquired of Mr. Derr as to whether this will remove the opportunity to realize those densities and will it affect the map. Dan Derr responded that this is a growth control measure that will prevent rural build out prior to growth area build out. Will Whiteman stated that this motion has arisen out of thin air and that he agreed with Mr. Doordan that earlier votes already addressed the issue. Mr. Whiteman declared that what the COC was really discussing was a lack of will in addressing growth. He noted that we would be limiting density by restricting it and that only a few members of the COC have experience in administering planning and zoning issues, the rest are only theoreticians. Mr.

Whiteman was concerned that this initiative would lead to an administrative nightmare. Dan Derr agreed with Mr. Whiteman's assertion that it would be a nightmare. Eileen Butler inquired as to whether we would be voting on the motion. Dr. Lane reminded the COC that only motions that were connected to Sub-Committees would be voted on. Dr. Lane continued by indicating that it is appropriate to consider whether it is going in a different direction from an earlier vote and whether it would effectively limit implementation of the Plan. Eileen Butler agreed with Mr. Doordan relative to the Land Use sub-committee and that she hoped the members would bring implementation measures forward. She was mystified by how we could implement goals without a discussion of ideas. Mike Pugh was troubled by the lack of cohesion and the desire to keep dragging to the table without comprehensively looking into the interrelationships. He finds it most disconcerting that this appears to kick the issue down the road in a disjointed manner. Ann Jackson concurred with Mr. Pugh and expressed a desire to have a more contextual understanding of the motion. Owen Thorne agreed with Mr. Derr in that we are not here to come up with regulations but rather to come up with ideas. Mr. Thorne continued by noting that this motion is consistent with the APM sub-committee goals and by noting that it is an implementation of a goal. Mr. Thorne felt that to not consider this would be egregious. Sandra Edwards said that Mr. Derr's motion was aligned with the Priority Preservation Areas goals and that we need a mechanism to protect the PPAs. She also noted that the County was a signatory of an agreement with the Eastern Shore Land Conservancy that contains pledges of land preservation efforts. Owen Thorne opined that this was not a density issue and that it did not impact property densities. He said that all zoning is a restriction and that all members are citizens and all have an equal voice. Sarah Colenda pleaded that COC needed to move forward with the Plan and make a recommendation to the County Commissioners through an implementation section.

Dr. Lane noted that this discussion's time has come. Dan Derr said that this motion did not come from sub-committee discussions but rather from discussions regarding downzoning. John Bennett said it came from discussions on how to satisfy State regulations relative to PPAs. Will Whiteman asked if non PPAs would be included and if it is restricted in time. Gary Stewart said he voted in favor of this last week so it could be reviewed. He noted that this is a tool, not a goal and that he is not in favor of pushing forward at this time due to unintended consequences. Mr. Stewart preferred to delay until a discussion of implementation tools occurs. Clive Graham noted that the goals are the actions that the plan is trying to achieve. He continued that the policies are the items that are implemented after adoption of the plan. Paula Gilley stated that she feels Mr. Derr's proposal is too ambiguous in its wording. She also felt that the language didn't provide enough specificity and that limiting lots is a down zoning. Ms. Gilley was of the opinion that the choice should be left to the landowner. Phyllis Kilby said that after adoption of the plan, the appointment of the implementation committee would be the key. She reflected that this was meant to be a recommendation and that the public is looking for slow growth not no growth. Mrs. Kilby noted that the committee would need to be appointed and the drafting of the implementation language would be their prerogative. Gary Stewart desired to speak with jurisdictions that are already doing similar limitations in their non-growth areas. Diana Broomell noticed that number 4 on page 27 gives the Commissioners the ability to adopt. Sandra Edwards interjected that Mr. Derr's motion

aligned with goal 58 and if we massaged it, we could fit it in under agricultural preservation policies. Clive Graham said that this language was not about density or preserving land, but rather was about scaling back growth in the rural areas. Dr. Lane reminded the COC that we need to vote it up or down in order to move forward. Paula Gilley asked what would occur if a landowner missed the limit. Dan Derr responded that the details need to be worked out by the study committee. Sarah Colenda concurred with Ms. Gilley. Clive Graham stated that there are different methods of implementation and that it was left purposely vague. Will Whiteman queried Sandra Edwards relative to the amendment's language with specific concerns about her comments, the numbers to be used, whether it could be re-worded, and if this is something that could be studied later. Rupert Rossetti exclaimed that the motion by Mr. Derr is congruent with the concept map that was adopted and communicates where we are headed. B. Patrick Doordan inquired as to the standards that are necessary to bring up re-voting on other issues that have already been decided if we vote on Dan Derr's motion. Dr. Lane said that the COC will not re-visit votes already taken, if there were issues based on goals that have not yet been decided, votes would be taken. Dr. Lane continued by stating that decisions must be made, is it growth management, is it density management. She said the COC would not re-visit issues already decided and would not take motions on items not contained in the matrix. Walter Buck said he needs to understand how others make their programs work. Sandra Edwards stated that that is irrelevant since the implementation will be left to others.

Motion was made by Dan Derr to adopt his motion as presented and place it in major policies and actions between 3 & 4 on page 27 of the 6/17/09 meeting minutes. Motion was seconded by John Bennett. 13 members voted in favor of motion. 9 members voted in opposition. 5 members did not vote. Motion carried.

Clive Graham presented a summary of page 7 of the white paper dealing with transportation. Mr. Graham noted that there is a high level of detail concerning questions about goals and objectives, multi-modal options, and the emphasis on expansion of the U.S. Route 40 road network. Paula Gilley questioned what an address street is. John Bennett noted that bullet 5 needs further clarification. Rupert Rossetti queried as to why the 1<sup>st</sup> and 2<sup>nd</sup> to last bullets were so far apart. Clive Graham said there was no specific reason. Dona Tapley inquired as to why there is no mention of moving the I-95 toll. Mr. Graham noted that it will be in the draft plan. Dr. Lane said that if it is not a goal, it will be in the implementation section. John Denver observed that the issue of moving the toll was discussed in sub-committee. Rupert Rossetti opined that Vernon Duckett would be concerned by the lack of rail prominence and that it is too road centric. Owen Thorne interjected that rail needs to be a part of the plan. Mike Pugh observed that rail was emphasized by the transportation sub-committee. Dr. Lane noted that rail would be moved up on the list.

Donna Tapley inquired as to what was meant by the 4<sup>th</sup> bullet from the bottom and what would be reduced based on what would need to increase based on infrastructure investments. Discussion ensued on who would bear the burden of the cost of road infrastructure. Diana Broomell asked if impact fee language would be removed from the document. Mr. Graham noted that impact fees are contained in item 9 .

Paula Gilley asked why Route 222 wasn't included under 3 along with Routes 272 and 213. Clive Graham said only those roads included in the State long range plan were listed. Discussion ensued on the potential alignment of a new ring road around Elkton, potential U. S. Route 40 cross sections, and input from SHA on said cross sections. Dr. Lane will talk to Dr. Gell regarding rail emphasis and funding contribution language.

Clive Graham segued into the Water Resources portion of the white paper and proceeded to summarize the findings of Ben Sussman's earlier presentation. Discussion ensued on de-nitrifying septic systems and the priority to establish sewer and water infrastructure. Mike Pugh and B. Patrick Doordan were concerned that the COC may be exceeding State law with the requirements for de-nitrifying septic systems. Rupert Rossettii noted that it is prudent to use BAT.

Dr. Lane ended discussion at that point in the meeting. She stated that the COC will re-convene on Wednesday, 7/1/09. Dr. Lane asked the COC to choose a date for the public forum. The COC choose Wednesday, 7/29/09 for the public forum. The COC will meet on 7/1/08 and 7/8/09 from 6:00 p.m. to 9:00 p.m. to get through the remaining items in the white paper.

**Adjournment:** Dr. Lane adjourned the meeting at 9:04 p.m.

Respectfully submitted:

---

Eric S. Sennstrom, AICP  
Director – Planning & Zoning