

PLANNING COMMISSION MEETING 2003

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January 21, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Rossetti, Farrell (alternate), Coudon, Smith, Brown, Houston, and Dempsey.

ABSENT: Hair and Sennstrom.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Smith, seconded by Farrell and unanimously carried to approve the December 16, 2002, minutes.

FILE: 2002-13 -APPLICANT: Wilbur R. and Anita J. Rowland.

PROPERTY LOCATION: 2400 Theodore Road, North East, MD 21901, Election District: 5,

Tax map: 19, Parcel: 531.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Rezone 3.2681 from Suburban Residential, (SR) to Business General, (BG) for the

proposed use of Commercial or any other use permitted in a Business General, (BG) zone.

PROPERTY OWNER: Wilbur R. and Anita J. Rowland.

Mr. Keith Baynes, Esquire represented Wilbur R. and Anita J. Rowland in this application. Mr. and Mrs. Rowland purchased this property in 1987 believing at that time that it was zoned either Business General, (BG) or Light Industrial, (M1). There are two commercial industrial type buildings on this property. These buildings have been there for over 50 years and are currently being used in conjunction in an antique business and the storage of furniture and antiques with in these buildings. These buildings go back to the Korean War and have been used for various businesses such as making crates, boxes for ammunition, body shop, packaging companies and plastic bottle companies, machine shops. This parcel has always been used for a light industrial or commercial use. This property will not perk, and it is not suitable for residential. Mr. Baynes pointed out to the Commission that parcels 531, 42, 526, and land to the North was originally one

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parcel. Prior to 1979 the parcel was zoned Light Industrial, (M1). During the Comprehensive Plan in 1979 this property was zoned Residential, (R1). In 1983 the current owner submitted the subdivision, and parcels 42 and 526 were created. All these proceedings were part of an Estate settlement. At that time the owners of these parcels put in a rezoning request to make parcels 42 and 526 Commercial. The property has never been used for Residential, always has been used for Light Industrial. These parcels were rezoned at that time from R1 to C2. As of today these parcels are zoned Business General, (BG) and this is the same zoning that Mr. Rowland is requesting. The mistake with the remaining land, parcel 531 should have been rezoned at the same time. The County Commissioners at the time of the rezoning in 1979 should have made parcel 531 the same as parcels 42 and 526.

Mr. Rowland stated this property has been used for every kind of purpose (commercial or light industrial).

Health Department Report Sanitary Permit No. 8022 issued in 1967 for an assembly building soil conditions were marginal but wastewater flow was limited. Property was tested and disapproved in 1988 for construction of dwelling. Health Department approval for use of the existing septic system would be for a very limited wastewater flow.

Mr. Smith asked what was the date of the actions taken?

Mr. Baynes stated that those actions were both in 1983.

Mr. Walbeck stated that the date on the sketch was done in September 1983.

Mr. Baynes stated that that is when the subdivision went through with rezoning being done at the same time.

Ms. Rossetti asked what the Planning Departments history was on this parcel.

Mr. Cliff Houston, Zoning Administrator stated that he has the same information as Mr. Baynes has explained.

Ms. Rossetti asked if there was any other commercial property on this side of the road?

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Mr. Houston showed Ms. Rossetti the tax map to show the zoning on the other side of the road.

Mr. Walbeck asked if there is activity-taking place on this parcel at the present time.

Mr. Rowland stated that there has been storage there, and they are in the process of cleaning up the property.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Edgar Bibey, 2420 Theodore Road, North East, MD pointed out that there were some errors on the application that Mr. Rowland submitted. Mr. Bibey stated he has lived on that property since 1948 and the parcels have always been Commercial. Prior to 1959 the house on the North side of the road was called the chicken house because they raised chickens on the property. On the South side of the road there was a little two bay garage. Six years later after Mr. Bibey returned from the service there was a machine shop and carpenter shop. The chicken house was then converted into the carpentry shop. To say that this was used for 50 years as commercial is not true; because when he grew up there it was a farmhouse and a barn. The fields used to be plowed. Between 1984 and 1987 when Mr. Rowland bought this property, the building was not in use. Some of the other parcels in the surrounding area are not commercial, as Mr. Rowland has stated on the application, such as Parcels 149, 525 and 531. Parcel 149 is now a Church, Parcel 525 is a lot in the woods, and Parcel 531 he feels this should stay residential. When the deed had been drawn up for Mr. Rowland it stated that the property was zoned R1. He feels this property should stay Suburban Residential, (SR). The Comprehensive Plan has been in affect since 1993, and that area is not part of this Commercial block.

Mr. Kenneth Vaughn, 2370 Theodore Road, North East, MD bought his property in 1986 and feels that this is a high volume traffic area and the property should not be rezoned.

Mr. Sonny Gray, 2824 Biggs Highway, North East, MD stated he owns the farm on the other side of this parcel and is concerned that there will be too much traffic on the road.

Mr. Rowland stated that he understands how Mr. Bibey feels, but Mr. Bibey's brothers and Mr. Vaughn's family worked in the body and machine shop in this building; at that time this parcel was commercial and all he is asking that it be zoned the same as it was.

FILE: 2002-14 -APPLICANT: Sandy Hill Holdings LLC, c/o Greg Joseph, Manager.

PROPERTY LOCATION: 3380 Turkey Point Road, North East, MD 21901, Election District:

January 21, 2003, 7:00 p.m.

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5, Tax map: 46, Parcel: 15.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

REQUEST: Rezone 35.13 acres of Resource Conservation Area, (RCA) to Limited Development Area, (LDA) in order to be consistent with other campgrounds and the existing land use as of 1985.

PROPERTY OWNER: Sandy Hill Holding LLC.

Mr. Rob Jones, Fred Ward Associates working with Sandy Hill LLC to develop the critical area portion of the property, which is to revise and update the cabins. A portion of the existing property is in the critical area. Within the critical area it is currently designated both Resource Conservation Area, (RCA) and Limited Development Area, (LDA). The property is located on Turkey Point Road in the Elk Neck area of Cecil County. The entire property is 211 acres and 67 acres are within the critical area. The property has frontage on the Elk River and to the North and South there are wetlands on the property. This property has been a campground since 1952. There are approximately 40 cabins on the property as well as support buildings, office, storage and small medical area. There is also a residence and conference area as well on the property. The way the map was drawn in 1985 the Critical Area map the lines designating the RCA to the LDA did not fit the use of the property. RCA needs to be changed to LDA to make the property consistent. At the present we have 26 acres remaining as RCA, mostly woods and wetlands. The existing LDA acreage would be a rifle range, soccer fields and additional cabins. This is a requirement that needs to be approved with the County so the site plan can be approved, so the mapping mistake can be fixed.

Mr. Farrell asked what the acreage was on both the LDA and RCA?

Mr. Jones explained the acreage for the LDA is 32 acres and would be increased to 41 acres. RCA is 35 acres and would be dropped to 26 acres.

Mr. Greg Joseph, 3380 Turkey Point Road, North East, MD, Manager of Sandy Hill Holdings LLC, which owns the property and Executive Director of Sandy Hill LLC, which manages the property. Mr. Joseph stated the owners purchased the property in 1990, and he and his wife have been running the camp. They would like to renovate the existing accommodations and build a new site with electric and water and septic. This will be a 6 to 10 year process.

Mr. Robert Palmer, former President of Morning Cheer, Hill Top, Sandy Cove and Sandy Hill, explained the past use of the facility. The facilities need many improvements and need to be upgraded to modernized facilities. The property was bought to be a camp for children, ages 6 thru 16. The cabins need to be

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modernized. This property was set apart for camping. The Northern section is all swamp. The camp is a fine operating camp and needs to be properly zoned.

Health Department Report Site Plan approval required for proposed expansion of camp.

Mr. Smith asked what the expansion process would entail?

Mr. Joseph stated that at the present time there are 36 cabins that are used for accommodations and house 340 people. In the long term those cabins will go away and 12 two-story lodges that hold 600 people will replace the cabins. An indoor gym will be constructed; second pool and new septic field.

Ms. Rossetti asked what are the pipes in the fields as you drive into the camp?

Mr. Joseph stated that MDE put them in the ground to check water levels for the septic fields.

Ms. Rossetti asked if the camp would be used seasonally or all year?

Mr. Joseph stated it primarily will be used seasonally, but they are making provisions to use the camp all year if needed. There will be no permanent residents in the lodges. Most of the lodges will not be heated. The summer camp is for 8-16 year old youths, and the spring and fall camp can be used for Scouts, Youth and Adult Groups.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 2912 - APPLICANT: Gina LaRuffa.

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FOR: Special Exception for a home occupation to operate a dog kennel business.

PROPERTY LOCATION: 27 Slicers Mill Road, Rising Sun, MD 21911, Election District: 6,

Tax Map: 10, Parcel: 699.

PROPERTY OWNER: Lowell McCoy.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR) & Town Residential, (TR).

Ms. Gina La Ruffa, 27 Slicers Mill Road, Rising Sun, MD stated she would like to operate a dog kennel business out of her home. Mr. Lowell McCoy owns the property and has given permission for Ms. LaRuffa to operate this business out of his property. The kennel will be very small, so she can handle this herself without any employees. The business will be mostly grooming. The building will be built off an existing building that Mr. McCoy owns. The building will be 400' from the nearest neighbor. There will a new septic system installed. There will be 20 indoor/outdoor runs that would be covered. A privacy fence will be around the area and timed outing for the animals.

Health Department Report Sanitary Permit R581-85 was issued in 1985 for repair of septic system at dwelling. No application received for water and sewage approval for proposed kennel.

Ms. Rossetti stated this will be mostly grooming, but will you be boarding?

Ms. La Ruffa stated she would be boarding up to 20 animals including the grooming. There are also horses, sheep and goats on this property.

Mr. Walbeck asked about noise, which is always a concern. Has anyone voiced any concern?

Ms. LaRuffa stated she has talked to the neighbors and they were more concerned over the odor, she explained there would be a new septic system installed, and there would be timed outings.

Mr. Walbeck asked what Ms. LaRuffa's qualifications were.

Ms. La Ruffa worked in a Veterinarians office for 11 years and operated a kennel.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Harry Ruff, 621 Pearl Street, Rising Sun, MD is concerned about the noise issue. Living across the street since 1987 there have been no problems. Concerned about the number of dogs that will be at the kennel and is there a limit on the size of the kennel. This kennel will 500 to 600 form his house.

Mr. Cliff Houston, Zoning Administrator stated there is nothing in the County Ordinance against noise or the size of the building. Ms. La Ruffa meets all the requirements of the Zoning Ordinance and any noise issues would have to be addressed by The Maryland Department of the Environment.

Mr. Walbeck asked what would be done about noise suppression?

Ms. La Ruffa stated there would be a roof over the kennels and the runs will be covered, wooden privacy fence, not air conditioned or heated.

FILE: 2913 - APPLICANT: AT & T Wireless of Philadelphia c/o Jon M. Laria, Esquire.

FOR: Special Exception to locate a communication tower for cellular equipment.

PROPERTY LOCATION: 2963 Turkey Point Road, North East, MD 21901, Election District: 5,

Tax Map: 41, Parcel: 135.

PROPERTY OWNER: William L. and Pauline J. Wood & Emma P. Wood Life Estate.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Jon Laria, Esquire, Ballard Spahr Andrews and Ingersoll, LLP, 300 E. Lombard Street, 18th Floor, Baltimore, MD representing AT&T Wireless, PCS of Philadelphia, LLC d/b/a AT&T Wireless Services. Mr. Laria stated they are seeking a Special Exception to locate a 190 lattice communication tower. Introducing three experts through out the presentation. Section 115 and 311 of the Zoning Code under the Communication Towers will be discussed.

Mr. Amid M. Faddah, RF Design Engineer, Wireless Facilities, Inc., Reston, VA. stated why we need this particular site. Mr. Faddah's resume, exhibit number one, a copy is attached for reference. He explained the map differences between the green and the white areas on the map, marked exhibit number two, a copy attached for reference. There is a gap between these two areas and this shows the significant problem areas.

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The proposed antenna is for 190 . This height is good for the terrain in the area and the signal angle. If you have less than 190 it will not work.

Ms. Rossetti asked if 190 antenna would need a light on the top?

Mr. Faddah stated that typically any location that is 200 or less does require marking or lighting by the FAA.

All the facilities will comply with the FCC regulations. There will no other interference with radio s or televisions, (1900 megahertz).

Mr. Laria stated that they have satisfied all the regulations of the Cecil County Code. Exhibit number three concerns Health and Environmental issues, a copy attached for reference. The Telecommunications Act of 1996 mandates these Health issues.

Mr. Cliff Shaffer, 2268 Forest Hills Drive, Harrisburg, PA, Wireless Communication Consultants, Site Acquisition Consultants, resume, exhibit number four, a copy attached for reference. His firm is also associated with a site called Furnace Bay in Charlestown, MD, Robin Road, which is focusing on a co-location at the water at the water tank at the Elk Neck State Park, also, an existing water tower on Shady Beach Road. Theses are the benchmarks, which they were working with on locating a site in the Elk Neck area. He has worked with this type of work since 1983 and since 1995 he has been involved with over 400 sites in surrounding states. His Company tries to find the most expedient and most cost effective way for their clients to get on air. We have complied with the conditions for this site with the Cecil County Code. Any existing structures are used first before an antenna would be built. From this site we went ½ mile either way for the search area. There were no existing structures found that would be suitable to satisfy their clients needs. This site will provide co-location opportunities for others. Exhibit number five, a copy attached for reference shows the proposed site (The Wood s property) from different locations. This site would be screened on the bottom and has high elevation, with mature trees.

Mr. Joseph Burns, III, P.E., Civil Site Engineer, Dewberry and Davis LLC, resume, exhibit number 6, a copy attached for reference. Mr. Burns explained the site plan. There will be a 540 setback from the adjacent property to the West, and 1300 from Turkey Point Road. The 540 meets the 1-1 setback from the adjacent lot and the 1300 meets the 3-1 setback from Turkey Point Road. This meets the setback requirements. The compound site will be 100 x 100 surrounded by a 6 chain linked fence, up against the woods, so there will be no screening needed. As many as four carriers would be able to use this co-location. Screening requirements are meet by the mature trees and co-location has a great premium placed upon it. The code requires that the towers need to be gray. The standards of Section 311 of the code are all meet for the Special Exception.

Mr. Walbeck asked how the utilities would be handled.

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Mr. Laria stated that all the electric and telephone wires would be run under ground. This site would require maintenance once a month. The existing gravel road, (farm road) would be used for access.

Mr. Farrell asked how far this location would be from the Boy Scout Camp?

Mr. Shaffer stated he would look at the survey, but he thought approximately 2,000 feet from the camp on Rodney Road through the woods.

Mr. Smith had some questions on the coverage map exhibit number two; how much area are we talking about covering?

Mr. Faddah stated approximately ½ mile of Turkey Point Road.

Mr. Shaffer explained that this project for AT&T is called project Liberty. This is an augment to their standard wireless footprint that they started out with. This is a digital system that is just not intended to support voice communications, but data transmissions also in the second phase.

Mr. Laria also mentioned that there is no coverage along the water at the present time, so this will be very beneficial to the boaters.

Mr. Smith asked what the base elevation at the tower?

Mr. Shaffer stated it is 146.9 above sea level.

Health Department Report No Sanitary Permit or Health Department approval required for communication tower.

COMMENTS IN SUPPORT: Ms. Elizabeth Parker, daughter of the Woods stated this tower would help her parents financially. This farm has been in the family for over 100 years. There is no cell phone at the present

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time in this area, so you are not able to call 911 or an ambulance. Public safety is an issue and feels that the tower has no health concerns to her or her family. The location is in the back of the property, so the tower will not be visible and does provide a good service to the community.

COMMENTS IN OPPOSITION: Ms. Karen Dunne, M.P.A., 2966 Turkey Point Road, North East, MD stated she lives directly across the road and for the record her cell phone works. Ms. Dunne read a letter from a group of concerned neighbors. Attached with the letter is a petition signed by 30 residents against the tower. A copy attached for reference.

Mr. Matthew Dunne, 2966 Turkey Point Road, North East, MD stated he spoke with more than half of the people who signed this petition and they expressed major concerns: health, and the unsightliness of the tower. Not one person feels that it is a problem that they cannot use cell phones in this area. The goal of the Comprehensive Plan is to maintain the appeal of the area of which you live. He feels that AT&T is asking for an exemption from the Comprehensive Plan. All the neighbors he spoke with asked that the Board please deny this application.

Mr. Terry McCann, 3200 Turkey Point Road, North East, MD has lived in his home for 18 years. He does not need a cell phone in his home he uses the service at his house. This will benefit very few people that live in Elk Neck. This will benefit the Woods and AT&T financially, and the people who come down in the summer.

Mr. Jeffrey Richardson, 3265 Turkey Point Road, North East, MD is a Volunteer Fireman for North East Fire Company. The Fire Company receives numerous phone calls from that area on cell phones and he does not know why we would need a tower in that area. Communications has no problem receiving calls from the river. For the safety of the Elk Neck people they should not be on cell phones on Turkey Point Road, it is a very bad road.

Ms. Diane Starks, 3290 Turkey Point Road, North East, MD does not want a 190' tower with a light on top next to her.

Mr. David Shield, 2881 Turkey Point Road, North East, MD stated he is not for or against this project he just had some questions he would like answered. Since the tower is 190' up, will this help our signal that we have now?

Mr. Faddah explained the sidewalls of the antenna that even if you are on the ground you can still get a good signal.

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Mr. Scott Wilson, 3257 Turkey Point Road, North East, MD had two questions, how many domes are you going to have and are you going to rent this space out?

Mr. Faddah stated there will be two directional antennas per sector and there will be three sectors. The space will be rented, but he cannot speak for them, it depends on their system and which carrier would be renting the space.

Mr. Walbeck stated this space would only be used for cellular tower antennas and that is what this Special Exception is being applied for.

Ms. Sharon Molitor, 141 Arrants Road, North East, MD stated she is concerned that there will be more than one tower. There needs to be 31 ft. for maximum signal level. She feels that one tower is installed then there will be a second, third and so on. If we have all these towers we could not even sub-divide our properties. She is concerned that AT&T could sell out to another carrier in years to come. When she uses her cell phone she has to go a mile away, but as rural country people have always been aware of. When people come from Philadelphia or Baltimore in the summer they want to come to the country not a city. If we have cell phone service we will be providing a service for summer vacation people to use at our expense. There are geese that migrate in this area and they will be killed flying into the tower. She is very much opposed to this tower.

Mr. Ken Kuklewski, 64 Iroquois Drive, North East, MD stated he was at the meeting for another reason, but would like to state he is against this tower. He is concerned whether or not there will be a maximum number of users on the tower. He is concerned about co-location and total out put.

Mr. Laria stated that he thought co-location was a good thing. The whole idea of the code is to co-locate. They will be building a tower and other companies will co-locate because that is what the code requires. It is hard for us to say anything about additional antennas because that is what is required. AT & T would use existing towers if at all possible.

Mr. Faddah explained about the total out put is about 160 watts per channel. We can use up to 5% of the allowed exposure by the FCC.

Mr. Shaffer stated there is only one antenna on Shady Beach Road, so it could not be used for multi-use.

There is no way that antenna could be upgraded to use instead of putting one on the Wood s property or AT&T would do that instead of spending a lot of money to install a new antenna.

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Ms. Deborah Donnelly, 2960 Turkey Point Road is concerned about what kind of health problems that may occur with this tower being installed. Maybe some day they may improve technology that we would not even need a tower.

FILE: 2914 - APPLICANT: Perry O. Grose, Jr.

FOR: Special Exception to establish a private club for the church to use for youth activities and social functions.

PROPERTY LOCATION: 327 Old Bayview Road, North East, MD 21901, Election District: 5,

Tax Map: 19, Parcel: 48.

PROPERTY OWNER: Upper Room Gospel Tabernacle, c/o Rev. Perry Grose, Jr.

PRESENTLY ZONED: Village Residential, (VR).

Mr. Grose, 1500 Clayton Road, Joppa, MD stated he needs additional space for Sunday school classrooms, Boy Scouts meeting rooms and room for Youth Activities. They own the building across the street, 340 Old Bayview Road, North East, MD also. The Church cannot accommodate the meetings we have now. They are affiliated with Churches in Virginia and Pennsylvania

Health Department Report No application received for approval for proposed use food facility plan may be required. (Public sewer is available).

Ms. Rossetti asked what all the markings on the map were for.

Mr. Grose stated that they indicate parking spaces.

Mr. Walbeck stated that the activities that you are speaking of having there bring in people from elsewhere, there are not many parking spaces shown, how are you going to accommodate parking.

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Mr. Grose stated they use the Church parking across the street. Usually there are 50 occupants or less in this building. There have never been any safety problems with children or adults crossing the street. This Church has been there since 1986.

Mr. Walbeck asked if Mr. Carter that lives to the rear of the property is aware of this?

Mr. Houston checked the file and the Carter s were notified of the Special Exception certified mail along with the other adjoining property owners.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Farrell asked if the Boy Scouts meet there.

Mr. Groce stated yes they meet there every other Tuesday and the troop is out of the North East area.

FILE: 2915 - APPLICANT: P. Gail Evans.

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

PROPERTY LOCATION: 2930 Old Elk Neck Road, Elkton, MD 21921, Election District: 3,

Tax Map: 32, Parcel: 366 & 367.

PROPERTY OWNER: P. Gail Evans.

PRESENTLY ZONED: Development Residential, (DR).

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WITHDRAWN, failed to show.

RECOMMENDATIONS:

APPLICANT: Wilbur R. and Anita J. Rowland.

FOR: Rezone 3.2681 from Suburban Residential, (SR) to Business General, (BG) for the proposed use of Commercial or any other use permitted in a Business General, (BG) zone.

Staff recommended approval, based on mistake in Comprehensive Rezoning.

ACTION: Motion made to approve with staff conditions by Smith, seconded by Farrell

VOTE: Four to one to approve, motion carried.

APPLICANT: Sandy Hill Holdings, LLC, c/o Greg Joseph, Manager.

FOR: Rezone 35.13 acres of Resource Conservation Area, (RCA) to Limited Development Area, (LDA) in order to be consistent with other campgrounds and the existing land use of 1985.

Staff recommended approval, based on mistake in 1985 Critical Area Mapping.

ACTION: Motion made to approve with staff conditions by Coudon, seconded by Brown.

VOTE: All in favor to approve, motion carried.

APPLICANT: Gina LaRuffa.

FOR: Special Exception for a home occupation to operate a dog kennel business.

Staff recommended approval for two years.

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ACTION: Motion made to approve with staff conditions by Smith, seconded by Brown.

VOTE: All in favor to approve, motion carried.

APPLICANT: AT&T Wireless of Philadelphia, c/o Jon M. Laria, Esquire.

FOR: Special Exception to locate a communication tower for cellular equipment.

Staff recommended approval.

ACTION: Motion made to disapprove by Smith, seconded by Rossetti.

VOTE: Three to two to disapprove, Mr. Walbeck, Chairman voted to approve, which made the vote three to three to disapprove motion dies due to tie vote.

ACTION: Motion made to approve by Farrell, seconded by Coudon.

VOTE: Three to two to approve, motion carried.

APPLICANT: Perry O. Grose, Jr.

FOR: Special Exception to establish a private club for the Church to use for youth activities and social functions.

Staff recommended approval as long as Church owns the property.

ACTION: Motion made to approve with staff conditions by Brown, seconded by Smith.

VOTE: All in favor, motion carried.

APPLICANT: P. Gail Evans.

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

WITHDRAWN, failed to show.

GENERAL DISCUSSION: None.

The meeting was adjourned at 9:45 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday February 18, 2003 at 7:00 p.m.

February 24, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Brown, Coudon, Farrell, Prickett, Sennstrom, Houston, and Graham.

ABSENT: Murray and Smith.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES - Motion made by Coudon, seconded by Brown, and unanimously carried to approve the January 21, 2003, 7:00 p.m., minutes, as mailed.

NOMINATION FOR HISTORIC DESIGNATION:

APPLICANT: Clendenin-Freeman Farm

FOR: Historic Designation

PROPERTY LOCATION: 91 Freeman Circle, Port Deposit, MD 21904

PROPERTY OWNER: James and Ann Freeman

TAX MAP: 17, PARCELS: 16 & 17

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

ELECTION DISTRICT: 6

Eric Sennstrom, Director OPZ, presented the application. He advised that the application was reviewed by the Historic District Commission at their meeting on 2/4/03, and they recommended it be designated as a historic

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site. The Freeman family has owned the farm since 1870. The main house, tenant house, barn and wagon shed represent an interesting record of the changing needs of the family and farming since the 1870 s. The tenant house has had few changes over the years and represents a 19th century farm house. The main house was originally erected in the 19th century as a stone/stucco dwelling.

The Health Department had no comments.

No one spoke either in favor of or in opposition to the application.

APPLICANT: England Family Farm

FOR: Historic Designation

PROPERTY LOCATION: 961 England Creamery Road, Rising Sun, MD 21911

PROPERTY OWNERS: Robert C. England, William Gerald England, George W. England, and Isabella E. Marshall

TAX MAP: 11, PARCELS: 9 & 369

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

ELECTION DISTRICT: 9

Eric Sennstrom, Director OPZ, presented the application. He advised that the Historic District Commission reviewed this application at their meeting on 2/4/03, and they recommended it be designated as a historic site. Joseph England purchased 500 acres in 1723. Samuel England, Joseph s son, erected a home and barn on the property in 1739. Additional buildings were erected by Samuel in 1785. The buildings are still in use today. Some restoration was done to the farmhouse circa 1860. The Mason/Dixon survey of PA/MD border in 1787 cost the farm 231.5 acres. The dwelling and outbuildings exemplify 18th and 19th century building techniques. The basic log house is still on the property.

The Health Department had no comments.

No one spoke either in favor of or in opposition to the application.

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REZONING:

FILE 2003-01 APPLICANT: Sarina, Inc. by Jay C. Emrey III, Esquire

PROPERTY LOCATION: 39 Elwoods Road South of Bay View, North East, MD; Election District 5; Tax Map 25; Parcel 16.

PRESENTLY ZONED: Business General (BG) & Development Residential (DR)

REQUEST: Rezone the portion of Development Residential (DR) to Business General (BG) for the proposed use of Hotel/Motel or any other use permitted in a Business General (BG) zone.

PROPERTY OWNER: Sarina, Inc.

Jay Emrey presented the application on behalf of the property owner. He submitted zoning maps and letters, marked Exhibit 1 and in the file for reference. He explained that the zoning map is in error. The first sheet of Exhibit 1 is a copy of the zoning map showing approximately 6.08 acres, which has a small portion zoned DR. He believes this is a Department of Assessment and Taxation mapping error. Parcel 15 doesn't exist. A letter from Dale Deweese confirms that Parcel 15 had previously been shown behind Parcel 12 and surrounded by Parcel 16. According to the assessment records, it was believed that Parcel 15 existed as shown on a tax map that Mr. Emrey submitted for Planning Commission perusal. That parcel was zoned DR. He believes, however, that Parcel 15 never existed. The blank area shown on the tax map in Exhibit 1 doesn't have a parcel number, and is, in fact, a part of Parcel 16. However, during the Comprehensive Rezoning of 1993, the DR portion of Parcel 16 was never changed to BG. A survey was done by Michael McAllister in 1992 on the property, marked Exhibit 2 and in the file for reference.

Mr. Farrell asked if any research has been done to see if a proposed subdivision was ever done on the property? Mr. Emrey stated that it either never existed or existed somewhere else. He didn't look for a recorded subdivision because the 1992 survey doesn't show any subdivision of the property. Typically, a surveyor will show that on a survey.

Mr. Walbeck asked if Parcel 10 is significant to this request? Mr. Emrey stated that parcel is zoned RM and has no effect on this property or proposal.

Mr. Brown read the Health Department comments, a copy attached for reference.

No one spoke either in favor of or in opposition to the application.

February 24, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING 2003

SPECIAL EXCEPTIONS:

FILE 2916 - APPLICANT: Ronald J. Arches

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

PROPERTY LOCATION: 2235 Blue Ball Road, Elkton, MD, 21921; Election District 3; Tax Map 20; Parcel 220.

PROPERTY OWNER: Ronald J. Arches.

PRESENTLY ZONED: Business General (BG)

Mr. Arches presented the application to renew his Special Exception to keep the manufactured home on the property for security purposes. He operates a mini storage and the tenants of the manufactured home are there for security of those as well as the adjoining building on the property.

Mr. Brown read the Health Department comments, a copy attached for reference.

In reference to the Health Department comments, Mr. Walbeck asked if there is a permit for the septic system. Mr. Arches stated there is a working septic system on the property. They filed an application to put in a new drainfield closer to the home, and a date has been set in April to do that.

Mr. Walbeck asked if the storage units are constructed? Mr. Arches stated they are modular units that are not fixed to the ground. There is also storage space in the adjoining building.

No one spoke either in favor of or in opposition to the application.

FILE 2918 - APPLICANT: Charles and Susan Jennifer Taylor

FOR: Special Exception for a home occupation to operate a gun shop.

February 24, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING 2003

PROPERTY LOCATION: 2650 Crystal Beach Road, Earleville, MD, 21919; Election District 1; Tax Map 56; Parcel 38.

PROPERTY OWNERS: James and Gail Price

PRESENTLY ZONED: Southern Agricultural Residential (SAR)

Mr. and Mrs. Taylor presented this application for a Special Exception to operate a gun shop on the family farm. 2½ years ago Mr. Taylor became disabled and unable to return to his former occupation. There was a gun shop in Cecilton that went up for sale last year. They had considered buying it but were financially unable to do so. They have exhausted a good bit of savings because of Mr. Taylor's medical problems. There is no sporting goods supply for rifles, handguns, or firearms in the lower part of the County. There are a couple of gun dealers in Cecil County that are home occupations, but they are part time. Operating a gun shop is a rather complex undertaking because of State regulations, but he feels it would be worth the effort. There is a demand for it in this area. They would like to operate the shop on the farm because they can't afford to purchase a commercial building. The farm is 155 acres. There is a 30 x 40 pole barn that they wish to use for the business. It will be a full-time retail business open to the general public.

After discussions with OPZ, they were advised that the main problem would be putting the shop in a pole barn. Mr. Taylor advised that they could possibly attach something to the home, but that would be very difficult. There are three scenarios attached to their application indicating their first, second, and third choice of locations for the shop, which he explained. He believes the intent of the Zoning Ordinance is to keep properties looking the same as they did prior to having the home occupation. Putting the shop in an outbuilding would not change the appearance of this property. They would prefer to put the shop in the building that is near the road because that would be the least expensive. The building would be color matched to the house. They plan to stone the road for customers and parking would be provided in the rear, which would accommodate seven vehicles.

Most of the business would occur in the fall. They don't anticipate any traffic problems. Hunting is an integral part of the community. A lot of farmers lease their land for hunting. Since the gun shop in Cecilton closed, there has been a void.

Two of the main concerns in having the shop attached to the house is there will be black powder in the shop. That will not only increase their homeowner's insurance, but more importantly it would endanger the lives of their three young children. Further, there is always the potential for people to break into the gun shop, but if it is not attached to the home, then the potential burglars would not be coming through their house.

The following information was ascertained from the applicants after questioning from the Planning Commission members:

PLANNING COMMISSION MEETING 2003

The closest full-time firearm dealer is in Aberdeen. There is a small rifle dealer in North East, but he doesn't deal in hand guns. By the end of five years, they hope to be doing firearm sales, archery, and firearm repairs. The repairs will be limited in the beginning, but eventually full scale repairs would be done. Mr. Taylor would go to gunsmithing school. If the business does well enough at the end of five years, they could possibly move off the farm to a commercial establishment.

Mr. Farrell asked if the parents filed anything with the Zoning Administrator? Mr. Houston advised that they signed the application.

Mr. Walbeck advised the applicants of the signage limitation. Mr. Sennstrom confirmed that the sign would be limited to three square feet, unlighted.

Mr. Taylor informed the Planning Commission of his security plans for the shop. An alarm and video system would be installed. Gas would also be attached to the alarm system. All the handguns would be stored in a gun safe at night.

James Price appeared in favor of the application. He is the property owner and would very much like to see the application approved.

No one appeared in opposition.

RECOMMENDATIONS

NOMINATION FOR HISTORIC DESIGNATION:

PLANNING COMMISSION MEETING 2003

APPLICANT: Clendenin-Freeman Farm

FOR: Historic Designation

PROPERTY LOCATION: 91 Freeman Circle, Port Deposit, MD 21904

PROPERTY OWNER: James and Ann Freeman

TAX MAP: 17, PARCELS: 16 & 17

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

ELECTION DISTRICT: 6

Staff recommended approval.

ACTION: Motion made by Farrell, seconded by Prickett, to recommend approval.

VOTE: All in favor, motion carried.

APPLICANT: England Family Farm

FOR: Historic Designation

PROPERTY LOCATION: 961 England Creamery Road, Rising Sun, MD 21911

PROPERTY OWNERS: Robert C. England, William Gerald England, George W. England, and Isabella E. Marshall

TAX MAP: 11, PARCELS: 9 & 369

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

ELECTION DISTRICT: 9

Staff recommended approval.

ACTION: Motion made by Coudon, seconded by Brown, to recommend approval.

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VOTE: All in favor, motion carried.

REZONING:

FILE 2003-01 APPLICANT: Sarina, Inc. by Jay C. Emrey III, Esquire

PROPERTY LOCATION: 39 Elwoods Road South of Bay View, North East, MD; Election District 5; Tax Map 25; Parcel 16.

PRESENTLY ZONED: Business General (BG) & Development Residential (DR)

REQUEST: Rezone the portion of Development Residential (DR) to Business General (BG) for the proposed use of Hotel/Motel or any other use permitted in a Business General (BG) zone.

PROPERTY OWNER: Sarina, Inc.

Staff recommended approval based on mistake in the 1993 Comprehensive Rezoning.

ACTION: Motion made by Coudon, seconded by Farrell, to recommend approval based on mistake in the 1993 Comprehensive Rezoning.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

FILE 2916 - APPLICANT: Ronald J. Arches

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

PROPERTY LOCATION: 2235 Blue Ball Road, Elkton, MD, 21921; Election District 3; Tax Map 20; Parcel 220.

PROPERTY OWNER: Ronald J. Arches.

PRESENTLY ZONED: Business General (BG)

PLANNING COMMISSION MEETING 2003

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

ACTION: Motion made by Farrell, seconded by Brown to recommend approval for as long as applicant owns the property and operates the business.

VOTE: All in favor, motion carried.

FILE 2918 - **APPLICANT:** Charles and Susan Jennifer Taylor

FOR: Special Exception for a home occupation to operate a gun shop.

PROPERTY LOCATION: 2650 Crystal Beach Road, Earleville, MD, 21919; Election District 1; Tax Map 56; Parcel 38.

PROPERTY OWNERS: James and Gail Price

PRESENTLY ZONED: Southern Agricultural Residential (SAR)

Staff recommended approval for two years conditioned on the gun shop being attached to the dwelling.

ACTION: Motion made by Brown, seconded by Coudon, to recommend approval for two years, conditioned on the gun shop being attached to the dwelling.

Discussion followed.

ACTION: Motion made by Prickett, seconded by Farrell, to amend the motion by striking the condition to attach the gun shop to the dwelling.

VOTE: All in favor, motion to amend carried.

VOTE: All in favor to recommend approval for two years, with no conditions.

PLANNING COMMISSION MEETING 2003

NEXT PLANNING COMMISSION MEETING: Monday, March 17, 2003 at 7:00 p.m.

Meeting adjourned at 8:00 p.m.

March 17, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Farrell (alternate), Brown, Coudon, Sennstrom, Houston, and Dempsey.

ABSENT: Murray, Prickett and Smith.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience. Please turn off cell phones.

MINUTES- Motion made by Coudon, seconded by Brown and unanimously carried to approve the February 24, 2003, 7:00 p.m., minutes, as mailed.

TRANSFER OF DEVELOPMENT RIGHTS REPORT: Postponed until meeting on March 31, 2003, at 7:00 p.m., Administrative Office, 107 North Street, Elkton, MD 21921.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Mary Elizabeth Brown. FOR: Establishing as Agricultural Preservation District. PROPERTY LOCATION: 145 State Line Road, Rising Sun, MD 21911. Tax Map: 4, Grid: 14, Parcel: 8, Acreage: 55.56 Acres, 9th Election District. PROPERTY OWNER: Mary Elizabeth Brown. PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Postponed until April 21, 2003 Planning Commission Meeting at 7:00 p.m.

SPECIAL EXCEPTIONS:

FILE: 2919 - APPLICANT: Robert and Karen Seymour.

FOR: Special Exception for a home occupation to conduct a hair salon business.

PLANNING COMMISSION MEETING 2003

PROPERTY LOCATION: 9 Balsam Drive, Elkton, MD 21921, Election District:
5, Tax Map: 37, Parcel: 487 & 495.

PROPERTY OWNER: Robert and Karen Seymour.

PRESENTLY ZONED: Suburban Residential, (SR).

Robert and Karen Seymour presented the application. Ms. Seymour would like to have a hair salon in the basement of her home. There is a separate entrance and exit through the garage. There will be one working chair, one dryer and one sink. There is a separate bathroom for the salon. There is a long driveway with adequate parking on her 3 1/2 acres.

Health Department Report Sanitary Permit C0700 issued in 1987 for dwelling satisfactory with upgrade of septic system.

Mr. Farrell asked if it would just be one employee.

Ms. Seymour stated, yes . She has been a hairdresser for fifteen (15) years. She wants to have this in her home, so she can be home for her children.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2920 - APPLICANT: Julia L. Abbott.

FOR: Special Exception for a home occupation to conduct a nail salon business.

PROPERTY LOCATION: 30 Spring Lane, Elkton, MD 21921, Election District:
5, Tax Map: 26, Parcel: 436.

PROPERTY OWNER: Julia L. Abbott.

PRESENTLY ZONED: Suburban Residential, (SR).

PLANNING COMMISSION MEETING 2003

Ms. Abbott stated she wants to have a nail salon business in her home. She received her nail license in the year 2000, and wants to work for herself, so she does not have to split the profit. She has a small clientele, about 20 clients a week. The house is located on 4 acres of land and is not visible from the road.

Health Department Report Sanitary Permit R567-85 issued in 1985 for repair of existing septic system satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2922 - APPLICANT: Scott Kendall.

FOR: Special Exception to operate a sawmill.

PROPERTY LOCATION: 361 Leeds Road, Elkton, MD 21921, Election District:

3, Tax Map: 20, Parcel: 118.

PROPERTY OWNER: Chris Kendall.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Kendall presented this application. He would like to have a Special Exception to operate a sawmill. Mr. Kendall's property consists of 62 acres all wooded. His brothers, father and himself are all wood workers and they cut very large trees. Mr. Kendall and his brother are both engineers and they built a portable sawmill. They use double headed chainsaws up to 72" wide and a ban saw that cuts horizontally. Most of the wood they have has been cut off site. If the tree is too large we cannot move it, so we go to the site and bring the slabs back. There is a trailer that the saw can ride on to the sites. Mr. Kendall stated he has been woodworking for about 15 years and cutting trees for only 5 years. The trees take a good 5 to 6 years to dry that is why we have to stack the wood on the property.

Health Department Report Building Permits F7597 and G1983 have been issued for Pole Barns, in 2000 and 2002 respectively, with no sanitary facilities or water supply. If a commercial operation with employees is proposed, appropriate permits must be obtained and proper sanitary facilities must be provided.

PLANNING COMMISSION MEETING 2003

Mr. Kendall stated as of the present time the land is used for hunting and recreational use as a hobby.

Mr. Kendall stated that they are cutting and storing wood on site. The neighbors have complained, but they do not know why.

Mr. Walbeck asked if there is noise associated with this?

Mr. Kendall stated that chain saws are very loud when they run. There is a diesel engine that powers the generator, and also a welder. There is no electric on the property, which is why they need a generator. The chainsaw work is done outside and the ban saw work is done inside.

Mr. Coudon asked what the hours of operation would be.

The hours start at 3:00 p.m. until dark. They will not cut wood in the dark, it is not safe.

Mr. Coudon asked how long the machinery runs when you are cutting.

Mr. Kendall stated about 2 to 3 hours on a Saturday. They do not cut wood during the week because his children get home from school and he has to be home to care for them.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Richard Canzoneri, 1991 Blue Ball Road, Elkton, MD stated he owns the property that touches the backside of the Kendall property. He has a problem with them cutting wood on a Saturday and Sunday, those are the days he and his wife are home and want to enjoy some quiet time. Neither one of the Kendall s live in Maryland, they come to Maryland to ride their motorbikes and do woodworking where Mr. Canzoneri resides. He does not want to listen to the loud saws on his weekends.

Mr. Canzoneri asked if any trees are being cut down in the woods?

PLANNING COMMISSION MEETING 2003

Mr. Kendall stated no . There were some trees cut down to put up the pole barn and those are is the only trees that were cut. The noise is a problem and also we are concerned about fire. There is not any quick access out of the woods.

Ms. Debbie Carman, 2009 Blue Ball Road, Elkton, MD stated her biggest concern is the noise. She has horses and she does not want them frightened or startled.

Mr. Charles Birney, 433 Leeds Road, Elkton, MD has some questions on the setbacks. He was under the impression that you had to be 300 off the property line for a sawmill. The setbacks that the Kendall s have are 140 .

Mr. Kendall explained that was 140 from the Conectiv Power right of way not from the property line.

Mr. Birney asked how the Kendall s would be getting rid of the debris? Would the debris be burned? He does not want to hear the saws running when he gets up in the morning. They have been bringing in big trees on 6 and 10 wheelers. Also, there are no bathroom facilities on the property. He feels there should be a curfew put on the Kendall s for the sawing.

Mrs. Mary Hamm, 2021 Blue Ball Road, Elkton, MD was unable to attend the meeting tonight, but she is opposed to the sawmill. Her husband has had three strokes and the noise would really bother him.

Mr. Walbeck asked Mr. Kendall what about debris and how would you dispose of it?

Mr. Kendall stated he has a chipper because the land is very wet and they use the chips to build a bed for a dry lawn and driveway. This past winter they burned, as it was cold and they had a fire going every day in a fire pit.

Mr. Walbeck stated that Mr. Kendall get in touch with the Health Department about the burning.

Mr. George Carman, 2009 Blue Ball Road, Elkton, MD stated that he understands that they will be starting work at 3:00 in the afternoon, but what is the end time? There also will be a lot of mud on the roads from the heavy trucks. There is no sanitation on site.

PLANNING COMMISSION MEETING 2003

Mr. Canzoneri asked if there has been a survey of the property?

Mr. Walbeck stated that there is a sketch of the property, but there has been no survey done.

FILE: 2923 - APPLICANT: P. Gail Evans.

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

PROPERTY LOCATION: 2930 Old Elk Neck Road, Elkton, MD 21921, Election

District: 3, Tax Map: 32, Parcel: 366 & 367.

PROPERTY OWNER: John S. and Patricia G. Evans.

PRESENTLY ZONED: Development Residential, (DR).

Ms. Gail Evans presented her application. Her daughter who was living in the doublewide built a huge home across the street and now her son is living in the doublewide that is up for renewal. Her son is married with two children. When her daughter moved out her son moved in.

Mr. Walbeck asked when was that?

Ms. Evans stated that it was the last week of January 2003. Ms. Evans son is a Minister and has just started a Church in Cecil County. He was an Associate Pastor in another Church, transferred to Elkton and there are not a lot of people attending the Church yet. This is a brand new Church and the income is not as large. The doublewide has adequate room for her son's family. There are two separate septic systems. There has not been any great improvement on the property, because they do not know how long the doublewide will be needed, eventually it will be moved out. She would like to keep the doublewide there for a few more years until her son has a chance to build up his Church. Ms. Evans baby-sits for the children, and it makes it very convenient for her to have them right next to her home. She is the primary child-care provider for her family.

Mr. Walbeck asked Ms. Evans about her old Special Exception.

Ms. Evans stated that the first time she applied she received a period of four years for the hardship. The second time there was a lot of opposition from Mr. Martinuk stating that he could not sell his property across

PLANNING COMMISSION MEETING 2003

the street because of the Modular Home. Since that time there have been 6 new homes built on that property with the starting price of \$200,000. Ms. Evans is requesting the maximum she can have for this hardship.

Mr. Walbeck stated the day your daughter moved out the Special Exception expired.

Ms. Evans was unaware of that rule.

Mr. Walbeck stated this would be a new application instead of a renewal. Ms. Evans changed the basis of the hardship with having her daughter moving out and her son and family moving in.

Health Department Report Sanitary Permit F3552 issued in 1998 satisfactory.

Mr. Walbeck asked what are the prospects of your son having sufficient income to move out of the doublewide?

Ms. Evans stated she really does not know, as he just started this Church in September 2002. Currently they are meeting in the Elkton Middle School, so there is no Church yet built. They are in the process of looking for a building or a piece of land to build on.

Mr. Coudon asked what her sons name is.

Ms. Evans replied Reverend Jason Evans. Ms. Evans has become a licensed Minister since her political days, and is helping him also.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ms. Dawn Turner, 2940 Old Elk Neck Road, Elkton, MD stated when she moved into Cecil County she moved into a one house and one property area. She does not want to be in a housing development. There are three separate families living on her property in different housing arrangements. If this would be short term, she does not have a problem, but this seems to be long term.

PLANNING COMMISSION MEETING 2003

RECOMMENDATIONS:

APPLICANT: Robert and Karen Seymour.

FOR: Special Exception for a home occupation to conduct a hair salon business.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Coudon, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Julia L. Abbott.

FOR: Special Exception for a home occupation to conduct a nail salon business.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Scott Kendall.

FOR: Special Exception to operate a sawmill.

Staff recommended approval for two years. Hours of operation limited to 6:00 p.m., subject to Board of Appeals granting Variance to the Conectiv Power property.

ACTION: Motion made to approve with staff conditions by Brown, seconded by Farrell.

VOTE: All in favor, motion carried.

March 17, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING 2003

APPLICANT: P. Gail Evans.

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

Staff recommended approval for two years or as long as Jason Evans resides in the doublewide manufactured home and John and Patricia Evans own property, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Coudon.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 7:55 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 21, 2003 at 7:00 p.m.

March 31, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Brown, Prickett, Smith, Kilby, Sennstrom, and Graham.

ABSENT: Murray and Coudon.

Chairman Walbeck called the meeting to order at 7:10 p.m. and explained the meeting procedures to the audience.

transfer of development rights report:

Eric Sennstrom, Director OPZ, explained how the TDR Study came to be. The Comprehensive Plan recommends the County adopt a TDR Program. The Board of County Commissioners initiated a grant opportunity in the spring of 2002 to start the process. This is a culmination of that effort. A six-member committee worked with the consultant and staff of OPZ to develop the study. The program is incentive based. It identifies a receiving area in the properties zoned DR and SR, provided certain criteria are met, and establishes sending areas in the NAR and SAR zones, if certain criteria are met. This is another tool that will be available to implement the goals and objectives of the Comprehensive Plan. If the Board of County Commissioners adopts the program, then it will be codified to the Zoning Ordinance to make that work.

Mr. Chris Rogers with URS Corporation, the consultant on the project, submitted a handout that briefly describes the program. He summarized it as follows: The Comprehensive Plan recommends: agricultural preservation tools, i.e. use of zoning; concentration of growth in the Rte. 40/I-95 corridor; and consideration of a TDR Program. The specific language states that the County should consider a TDR Program when new sewers and roads are programmed for water service areas.

There are existing purchase of development rights programs in place. One is the MALPF Program, which offers funds to purchase development rights from property owners through the State. Another is the Maryland Rural Legacy Program. That program offers funding to preserve different resources, such as forest, agriculture, and culture.

PLANNING COMMISSION MEETING 2003

He explained that a TDR Program is a tool which allows landowners to transfer the right to develop a property in one part of the County to a property in another part of the County. Usually the property owner sells development rights to the highest bidder. The goal is to protect agricultural resources. Issues that the Cecil County TDR Oversight Committee considers are:

- **Agricultural vs. Incentive Based Program**

Should the TDR be ag based or incentive based? In an ag-based program, the sending area is down-zoned at a relatively low density. However, the development rights can be transferred at a higher density. For instance, the SAR zoning would be one unit per 20 acres, but the property owner could transfer the development rights to the current density of one unit per 5 acres or one unit per 8 acres. The property owner can get more equity by transferring as opposed to developing. In the incentive-based program, the incentive to use TDRs is with the sending area. The zoning would remain the same as they are today. The incentive would be on the receiving area by allowing property owners to develop at slightly higher density than that permitted. The committee chose to go with the incentive-based program. Public support is needed to have an effective program. The ag-based program would seem mandatory. It was felt that downzoning would not be an effective way to have a TDR Program in Cecil County.

- **Receiving Areas in NAR or SAR**

The Committee questioned whether the NAR and SAR zones should have receiving areas. To complement the Comprehensive Plan, it was felt that would not be a good idea.

- **Relationship with Rural Legacy Program**

The Committee studies whether this program should compliment the Rural Legacy Program. In another words, should the sending areas only be in those areas that are Rural Legacy Areas? The Committee decided that the sending area should be available to the entire NAR and SAR. There is already a tool available to those people in the Rural Legacy Areas.

- **Sending Area Limited to SAR Zone**

The Committee asked if the sending areas should be limited to the SAR zone. There is the conception that maybe the NAR-zoned area has become so fragmented that it should not be a sending area. The Committee decided there is still viable ag land in the NAR zone and it would be unfair to limit the

PLANNING COMMISSION MEETING 2003

sending area only to the SAR zone.

• Non-Residential TDRs

There was a question of whether there should be non-residential TDRs, such as higher intensity commercial zone. The Committee felt it was best not to get into that at the beginning of a Program.

Mr. Rogers explained the sending area criteria. It would be NAR and/or SAR zoned areas. The minimum acreage would be 100 contiguous acres because the Committee wanted the sending areas that have the best opportunity to flourish as agriculture. The soils criteria would be a minimum of 50% of the total soils would have to be classified as Class I, II, or III and/or Woodland Group I or II.

Mr. Rogers then explained the receiving area criteria. All residential zones, other than NAR and SAR, were scrutinized. It was decided that the receiving areas would be the SR and/or DR zones. The VR zone is intended to mimic the density of the village it is in, therefore the Committee felt it would be inappropriate to allow TDRs there. The TR zone is property that is subject to annexation and therefore, subject to the town's zoning densities. The minimum acreage of a receiving area would be ten acres. Anything below ten acres would not be a compact community. Further, the receiving area would be designated for water and sewer service within ten years in the Water & Sewer Plan.

Mr. Rogers gave the statistics of the sending area calculations and receiving area calculations. The sending areas consist of 6200 TDRs in the NAR zone and 5060 TDRs in the SAR zone. These figures comprise only parcels over 100 acres and not currently in a MALPF District or Easement or other private easement. They tried to achieve a one unit per one acre ratio. The receiving areas consist of 6600 TDRs in the SR zone (density of four units per one acre), and 4800 TDRs in the DR zone (12 units per one acre). These figures comprise only parcels equal or greater than 10 acres and designated for water and sewer service within ten years per the Cecil County Draft Water and Sewer Plan. In order to determine the densities of the SR and DR zone, the Committee looked at the practical bonus density that would yield approximately 11,000 receiving units, since there would be 11,260 sending units.

Lastly, Mr. Rogers explained the implementation issues of a TDR Program. There should be a concept plat submitted of the receiving parcel accompanied by a concept plat of the sending parcel. Easements would have to be recorded. Easements have to be transferred to some entity that can hold the easements. There has to be a plat recorded of the TDR area. Three things have to be addressed before the County could codify a TDR Program. One is the development standards in the receiving areas. There should be additional development standards in the receiving areas. It wouldn't be appropriate to use all units in townhouse developments. Developments should have to work harder to develop the way the County desires. Another issue that would have to be addressed is the impact to roads, schools, etc. The Committee felt it would be unwise to give bonus density until more strength is given to community facilities. This will be key in order for the TDR

PLANNING COMMISSION MEETING 2003

Program to be successful. The third issue to be addressed is the towns and annexations. Most of the water and sewer in the County is provided by the towns. The County has to continue its dialogue with the towns in order to get the towns to use development rights in their receiving areas.

At this point, Mr. Sennstrom identified the members of the TDR Oversight Committee present at the meeting. They were Gene Herman, Chick Hamm, Rex Sizemore, and Tim Smith. The members not present are Dan Derr and Ron Guns.

Ms. Kilby asked why the committee chose to go with bonus density as opposed to base density? Mr. Sennstrom stated the intent was to truly set it up as an incentive based program. If an owner develops their property, there is no guarantee that they would get bonus density.

Mr. Walbeck confirmed that impacts to community facilities and annexations by the towns would make or break this program. The residents may not want it because of overcrowding and the towns may not want it because they can develop at the higher density without it. Mr. Rogers stated there could be a long-term plan that would have joint authority. There is much greater communication and willingness to cooperate with the Counties. He feels it is a worthy incentive to pursue it with the towns. It would be for the good of the County. The towns have to get the County's approval on some issues, and the County may have to get hard.

Ms. Prickett asked if the committee consulted with other states that have tried TDRs? Mr. Sennstrom answered in the affirmative. It shows in the report the successes and failures of TDRs in other parts of the country. Mr. Rogers advised that one of the best examples of a successful TDR Program is Montgomery County, Maryland. That program is agriculture based.

Mr. Walbeck questioned the last sentence, second paragraph, page 2-7, which states "The gravity of this issue cannot be understated with regard to Cecil County." He asked what that means. Mr. Rogers advised that may be a little overstated. If it is easy to get rezonings, then there is no need to get bonus density.

Mr. Walbeck asked why a sending area had to consist of 100 acres? Why not 50 acres? Mr. Smith stated that 100-acre parcels get you into the ballpark very quickly. You may only get 50 acres of farmland on 100-acre parcels. Per acre, the administrative cost will be lower. If you go to 50 acres, then you should consider changing the soils criteria. Mr. Walbeck feels that if it is to be an incentive-based program, then the acreage of the sending parcels should possibly be reduced to 50 acres minimum. Also, that would give more sending area rights. Mr. Rogers advised that it could be handled like the MALPF Program.

Mr. Walbeck questioned the last sentence in paragraph six, page 4-2, which reads: "For the purpose of Cecil County, we have established a ratio of 1:1 as the target ratio between TDRs that can be generated in the

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sending area and TDRs that can be accommodated in the receiving area. He doesn't think the numbers in the handout appear to be 1:1. Mr. Rogers explained that it is not a density. There are just as many sending development rights as there are receiving development rights.

Mr. Walbeck questioned the end of the second paragraph on page 5-1 concerning rezoning approval not being required by the County Commissioners if the zoning is substantially the same. He doesn't believe that going from two units per acre density to 12 units per acre density is substantially the same. Mr. Sennstrom advised that State law in Maryland states that if a municipal corporation wants to annex a piece of property, and they are proposing a zone that permits uses that are substantially different than what it is permitted in the current zone, then the Board of County Commissioners would have to grant approval of that change, or the Town would have to wait five years after annexation. A residential use going from two units per acre to ten units per acre is not substantially different, as long as the town allows the type of dwelling that is previously allowed. The density is not the issue. Mr. Walbeck feels the sentence needs to be made clearer. Mr. Smith suggested changing the word "would" to "may".

Mr. Walbeck feels that the sentence under *Adequate Public Facilities*, on page 5-2, which reads: "That is, it will be difficult, if not impossible, to retain public support for a TDR program if new development with bonus density in the receiving areas is occurring in areas characterized by overcrowded schools, unsafe roads, inadequate fire and police protection and inadequate regional or community recreational facilities." should be highlighted.

Also, page 5-3, third paragraph, third word, should be changed from "and" to "any". Page 1-3, under **Zoning Ordinance**, first sentence, the word "Ordinance" should be added after the word "Zoning".

Mr. Walbeck advised that he received an e-mail from Russell Farrell, alternate Planning Commission member. Mr. Farrell feels the names of the Oversight Committee should be listed in the report. Without that, report bias cannot be determined. Further, he feels an Adequate Facilities Ordinance and Town/County Agreements must be in place as preconditions for approval of a TDR Implementation Ordinance. Mr. Smith concurred that the Committee agrees this can't happen until there is a receiving area with water, sewer and roads.

Mr. Walbeck continued with Mr. Farrell's e-mail, stating that he feels much of the SR and DR parcels are located in the Critical Area. Mr. Rogers stated the majority of the SR and DR parcels that are in the Critical Area are not in the water and sewer service area.

Mr. Walbeck advised that Mr. Farrell thinks the Town Districts around Chesapeake City and Rising Sun should be considered for receiving areas. Mr. Smith stated that in order to get started, the County must focus on the most likely receiving areas, which the Committee felt was in the growth corridor. Mr. Sennstrom advised that the areas around Cecilton, Rising Sun, and Chesapeake City presently zoned TR are those areas

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that were contemplated to be annexed by those towns at some point in the future.

At this time, the floor was opened up to the TDR Oversight Committee for their comments. Mr. Herman noted the statement by Russ Farrell referring to bias. He advised that he has no bias. It would be a simple proposition if you could transfer from NAR and SAR, but nobody wants to receive them. As a proponent of development, he would support this document because it would give higher densities. However, the County will spend a lot more resources, but nothing will be accomplished for the County unless it is in a position to accommodate the Program. It can't work without a market and the only way to have a market is to have infrastructure in the receiving areas. If it depends on the towns providing infrastructure, it won't work because the parcels can be annexed and the increased density can be obtained without buying development rights. His second comment was directed at Ms. Kilby's statement regarding bonus density. He asked why would developers buy the rights if they can't get bonus density?

Chick Hamm stated the prerequisites for making this work are in the report. He advised that farmers come into his bank every day looking for money. This is another tool where farmers can get value from their property and still keep the county rural. His concern would be the County moving forward and not having those controls listed in the report in place.

Rebecca Demmler asked how far along the report is? Mr. Walbeck stated this is the first step in processing the plan. Mr. Rogers advised this is not recommended changes to the Zoning Ordinance or the Comprehensive Plan. It is just a report. There would be many more meetings if it is adopted. Ms. Kilby explained that the County Commissioners will either accept it or reject it at their meeting.

Elaine Ore stated that it appears densities would be changing. She asked how it would be implemented and who would be responsible for handling it? Mr. Walbeck stated this will be a tool that will be considered by the Comprehensive Plan Review Committee. Before any density changes would be made, there would have to be meetings. Mr. Sennstrom advised if the County Commissioners adopt the program, then the next step would be to amend documents.

Sally Cairns questioned the previous conversation relating to two units per acre being increased to 12 units per acre. She asked if that is something that has been decided by the courts? Mr. Sennstrom answered in the affirmative. As long as the use remains the same, and only the density changes.

Ewing McDowell asked if a TDR concept is recession proof? Mr. Rogers stated that is one of the reasons the committee decided it would be voluntary. If the economy is such that a property owner couldn't get their price for the development rights, then they could develop the property. Mr. Sizemore advised that the development rights will be more valuable when there is more demand and less valuable when there is less demand. That is the same way things work during a recession.

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Mr. McDowell asked why there is no commercial incentive in the program? Cecil County is in dire need of commercial enterprises. Mr. Rogers stated the committee discussed that quite a bit, but wanted to keep it simple in its infancy. Further, there are no performance standards in the commercial zone that you could apply incentives to.

Mr. McDowell advised that he is concerned about the brokerage. Mr. Rogers advised there are programs that have banks were a government agency has purchased the development rights and sold them to developers. The committee felt it should be kept solely in the free market.

Clay McDowell asked if the vote tonight would be to endorse the concept of the report or the details of the report? Mr. Walbeck advised the Planning Commission would probably vote to adopt the plan as it is, or not. Mr. McDowell stated he would like to see the Planning Commission only adopt the concept of a TDR.

Jim Mullen stated he likes the idea that there is another plan other than MALPF and Rural Legacy. He asked how the value of the rights would be determined? Mr. Rogers stated it is whatever the farmer thinks it is worth to the developer to get bonus density. It would be a free market system.

Mr. Mullen stated developers are willing to put infrastructure in place. In Middletown, Delaware, the developers are willing to pay for whatever is needed in order for them to get their density. He questions why Cecil County can't do the same? Mr. Walbeck advised there are three developments in Cecil County that have been waiting to put in sewer treatment plants for two to three years and they are in no hurry.

Louis DeAngelis stated if the County could figure up how much money they are losing in tax revenue, then they could come up with a plan of attack to address the situation. Mr. Walbeck advised that the County can do nothing without legislative approval.

Mr. Walbeck asked Bud Felty, engineer for McCrone, Inc., how he thinks the TDR would be received by the developers? Mr. Felty informed Mr. Walbeck that he was only attending the meeting to listen. He feels if some of the development rights could be transferred to the NAR and SAR zones that adjoin the Village Districts, it would allow some transition from true farm areas. But he doesn't know how those lines would be determined, and which properties to allow that on. Until there is infrastructure, he doesn't think TDR will work at all. He does think villages should be allowed to expand a little.

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There were no further comments.

RECOMMENDATIONS

transfer of development rights report:

Staff made no recommendation.

ACTION: Motion made by Smith, seconded by Brown, to recommend approval, with the report of the Transfer of Development Rights Oversight Committee being used as a blueprint for a TDR Program when mechanism for a well-defined receiving area is in place, with changes made to the report as suggested by Chairman Walbeck.

VOTE: All in favor, motion carried.

Meeting adjourned at 8:45 p.m

April 21, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Coudon, Prickett, Murray, Brown, Sennstrom, Houston and Dempsey.

ABSENT: Smith, Farrell, (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Coudon, seconded by Brown and unanimously carried to approve the March 17, 2003, 7:00 p.m., minutes as mailed.

MINUTES- Motion made by Prickett, seconded by Murray and unanimously carried to approve the Transfer of Development Rights Report minutes from the meeting on March 31, 2003.

Mr. Walbeck announced that the Rezoning that was scheduled for this evenings meeting was withdrawn from the agenda.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Mary Elizabeth Brown. FOR: Establishing an Agricultural Preservation District. PROPERTY LOCATION: 145 State Line Road, Rising Sun, MD 21911. Tax Map: 4, Grid: 14, Parcel: 8, Acreage: 55.56 Acres, 9th Election District. PROPERTY OWNER: Mary Elizabeth Brown. PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Eric Sennstrom, Director of Planning and Zoning presented the application on the Agricultural Preservation District. Mary Brown, 145 State Line Road, Rising Sun, MD would like to establish an Agricultural Preservation District. This application was presented to the County Agricultural Advisory Board in April 2003, and they voted to disapprove the application. The concern regards the amount of acreage withheld, the small size of the proposed district, and the property's relative isolation from other preserved

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properties.

Ms. Prickett asked if the property was not contiguous?

Director Sennstrom indicated not to another agricultural district.

Ms. Murray asked how many acres there were in the Marshall Farm next to the Brown Farm.

Mr. Sennstrom stated approximately 60-70 acres.

Health Department Report- No comment required.

Ms. Nicole Williams, 2502 Singerly Road, Elkton, MD had one question about the acreage, as she could not hear the comments Mr. Sennstrom stated.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

HISTORIC DESIGNATIONS:

HDC 2003-03

NAME: Upper Wickwire.

April 21, 2003, 7:00 p.m.

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FOR: Historic Designation.

LOCATION: 836 Pond Neck Road, Earleville, MD 21919.

PROPERTY OWNER: Steven Warren & Beth Fisher Jones.

ELECTION DISTRICT: First PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Mr. Eric Sennstom, Director of Planning and Zoning presented this application on Upper Wickwire. Items of historical note are that the house was built in 1857. There have been agricultural activities conducted on the property since the late 17th century. This parcel was originally part of a 900-acre tract known as Larrimore's Addition. Items of architectural significance include two porches. The house is an example of the Italianate style, a low-hipped roof with tin cover and original shutters and reflects the wealth generated by agriculture in Cecil County. The house, pump house and shed are subject to this application.

Health Department Report No comment required.

COMMENTS IN SUPPORT: Gerry Purnell, Lots 7 & 8, Edgewater Drive, Earleville, MD stated he wants to see this application passed.

COMMENTS IN OPPOSITION: None.

HDC 2003-04

NAME: Brown Farm.

FOR: Historic Designation.

LOCATION: 480 Sylmar Road, Rising Sun, MD 21911.

PROPERTY OWNER: Peter Joseph & Margaret Rees Lenhoff.

ELECTION DISTRICT: Ninth PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Eric Sennstrom, Director of Planning and Zoning presented this application also on the Brown Farm. This property is one of the original Nottingham lots. The initial settlement of the property occurred in 1701. The Mason/Dixon line is approximately 300' to the North. The Brown family resided on this property from 1700's to 1974. Items of architectural note are that the original section of the house reflects the building materials and practices of the late 18th century. The house was built circa 1777 and had an addition built on in

PLANNING COMMISSION MEETING 2003

1850. The renovation was completed in 1974.

Health Department Report No comment required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE: 2003-02 -APPLICANT: Christopher Diebold.

PROPERTY LOCATION: 324 Old Bayview Road, Election District: 5, Tax map: 19,

Parcel: 468.

PRESENTLY ZONED: Village Residential, (VR).

REQUEST: Rezone .94 acres from Village Residential, (VR) to Multifamily Residential,
(RM)

for the purpose of Apartments.

PROPERTY OWNER: Christopher J. Diebold.

WITHDRAWN.

SPECIAL EXCEPTIONS:

FILE: 2925 - APPLICANT: Amy L. Fierro.

FOR: Special Exception renewal of a Home Occupation to operate a holistic therapy business
on

a part-time basis.

April 21, 2003, 7:00 p.m.

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PROPERTY LOCATION: 1124 Irishtown Road, North East, MD 21901, Election District: 5,

Tax Map: 36, Parcel: 346 & 424.

PROPERTY OWNER: Amy L. Fierro.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Amy Fierro, 1124 Irishtown Road, North East, MD presented her application to renew her special exception for a business of Holistic Therapy in her home part time. Nothing has changed since she presented her case two years ago. There is not a lot of traffic, no signs on her property. She will perform aromatherapy and massages. Ms. Fierro is a Registered Nurse and has a lot of experience in Medical Care.

Ms. Murray asked if this would be performed on a part time basis.

Ms. Fierro stated yes, she has a full time job also.

Health Department Report Sanitary Permit R2518 issued in 2000 for repair of existing septic system satisfactory for proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2926 - APPLICANT: Melinda J. Cool-Bedford.

FOR: Special Exception to operate a group day care.

PROPERTY LOCATION: E/S Singerly Road, Elkton, MD 21921, Election District: 4, Tax
Map:

13, Parcel: 40.

PROPERTY OWNER: Melinda J. Cool-Bedford.

PRESENTLY ZONED: Multifamily Residential, (RM).

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Ms. Cool-Bedford wants to open a Group Day Care in Cherry Hill Maryland. She has been in the childcare business for eighteen years in Delaware. She has helped over 1,500 families with their children. She teaches Spanish, dance and music to the children along with many other subjects. The facility will hold up to 120 children in the age bracket of 18 months through school age. This facility will be located across from the Cherry Hill Middle School. There will be extensive parking for parents and teachers. There will not be any more traffic than there already is on Rte. 213. She has contacted the Department of Transportation and they request she put in a turning lane. At the present time this property is a wooded lot and construction would be started after the Board of Appeals would hear her application. Ms. Cool-Bedford stated she had received a letter from Commissioner Bill Manlove wishing her good luck. The building will be 7,500 square feet and it will be a licensed daycare.

Ms. Prickett asked anyone would be living at the facility?

Ms. Cool-Bedford stated no ; it will be strictly a childcare facility.

Mr. Coudon asked how many teachers there would be?

Ms. Cool-Bedford stated there would be approximately 20 teachers.

Health Department Report Parcel 40 is the Remaining Lands of Minor Subdivision No. 2455, designated to be connected to public sewer when capacity becomes available at the Cherry Hill Wastewater Treatment Plant. Site Plan approval required for Child Care Center, also approval of the Child Care Administration.

COMMENTS IN SUPPORT: Nicole Williams, 2502 Singerly Road, Elkton, MD lives adjacent to this property and she would rather see a Child Care Center rather than 3 homes built on this lot.

COMMENTS IN OPPOSITION: None.

FILE: 2928 - APPLICANT: Betty Weed.

FOR: Renewal of a Special Exception Home Occupation for a Real Estate Office.

PROPERTY LOCATION: 288 Weed Lane, Elkton, MD 21921, Election District: 5, Tax Map:

PLANNING COMMISSION MEETING 2003

37, Parcel: 479.

PROPERTY OWNER: Mildred Weed.

PRESENTLY ZONED: Suburban Residential, (SR).

Betty Weed, 288 Weed Lane, Elkton, MD presented this application of renewal for her Real Estate Office.

Ms. Weed stated she has had no complaints or problems since her last meeting two years ago. Everything still remains the same on her property.

Health Department Report Satisfactory for proposed use no Sanitary Permit required.

Ms. Weed stated that very few clients come to her home and she has one small sign stating which door to enter.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2930 - APPLICANT: Ralph V. Tome.

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

PROPERTY LOCATION: 86 Craigtown Road, Port Deposit, MD 21904, Election District: 7,

Tax Map: 29, Parcel: 267.

PROPERTY OWNER: Ralph V. Tome.

PRESENTLY ZONED: Business General, (BG).

Mr. Ralph Tome, 86 Craigtown Road, Port Deposit, MD is renewing his Special Exception to retain a singlewide mobile home for security purposes. The manufactured home has been at this location for the past five years for security for his junkyard. Mr. Tome owns Craigtown Auto, which is adjacent to this property.

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There are a lot of kids riding motorcycles on his property, so he needs this manufactured home there so he will have security.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2931 - APPLICANT: George and Pauline Jones.

FOR: Special Exception for a home occupation to conduct a hair salon business.

PROPERTY LOCATION: 12 Hopewell Court, Port Deposit, MD 21904, Election District: 6,

Tax Map: 17, Parcel: 552.

PROPERTY OWNER: George and Pauline Jones.

PRESENTLY ZONED: Rural Residential, (RR).

Pauline Jones, 12 Hopewell Court, Port Deposit, MD would like to operate a hair salon business out of her home.

Ms. Jones has a 12-year-old son at home and would like to work out of her home to be closer to him. The business she is working at presently is closing, so she felt this was a good opportunity to open her own business. Her sister and niece will be working with her at the hair salon. She would need at least two chairs, as there would be three employees.

Mr. Walbeck stated that usually the Planning Commission does not allow more than one chair in a home salon.

Health Department Report Sanitary Permit D6820 issued in 1994 for a dwelling satisfactory with upgrade of septic system.

COMMENTS IN SUPPORT: Karin Sauners, 1990 Hopewell Road, Rising Sun, MD stated she feels it is very important to be home with your children, so she is supporting Ms. Jones. Also, the Jones keep their home

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and yard immaculate. There will be no impact on the neighborhood with this business.

COMMENTS IN OPPOSITION: None.

Mr. Walbeck asked Ms. Jones if there would be ample parking.

Ms. Jones Stated yes , and she probably would be widening her driveway in the future.

FILE: 2932 - APPLICANT: Gerald P. and Doris M. Purnell.

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

PROPERTY LOCATION: 1828 Conowingo Road, Rising Sun, MD 21911, Election District:
6,

Tax Map: 9, Parcel: 169.

PROPERTY OWNER: Gerald P. and Doris M. Purnell.

PRESENTLY ZONED: Business General, (BG).

Mr. Gerry Purnell, 104 Duff Road, Newark, DE stated he would like to locate a singlewide manufactured home for security reasons on his property. He owns and runs a furniture store at 1828 Conowingo Road, Conowingo, MD where the security is needed. The building is 27,000 sq.ft. block and frame building. He would like to have someone live in the singlewide manufactured home for two different reasons. Mr. Purnell is very concerned about a fire starting and if he had security someone could at least call the fire company instead of installing an alarm system that may go off by mistake. He also has had seven out of ten new windows shot out with bee-bee guns. Also his sign for the store is always having the lettering taken off and stolen. He needs this security to protect his property.

Health Department Report No application received for water and sewage approval for proposed use.

Ms. Murray asked Mr. Purnell if he had anyone in mind to live in the manufactured home.

Mr. Purnell stated yes , one his present employees.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2933 - APPLICANT: Sheila and Adam H. Wolle.

FOR: Special Exception for a home occupation to conduct an embroidery business.

PROPERTY LOCATION: 5891 Telegraph Road, Elkton, MD 21921, Election District: 4, Tax

Map: 14, Parcel: P/O 0358.

PROPERTY OWNER: Sheila and Adam H. Wolle.

PRESENTLY ZONED: Suburban Residential, (SR).

Adam Wolle, 5891 Telegraph Road, Elkton, MD wants to start an embroidery business out of his home. He has two vacant rooms in his house and would like to cut down on the overhead by establishing a business out of the house. He would do all his marketing at different events such as, Chamber of Commerce, Fair Hill Horse Races, Cecil County Fair, etc.

Mr. Walbeck asked Mr. Wolle how this procedure was done.

Mr. Wolle explained he has read a lot of books and the embroidery is created on the computer by telling the computer where to print. This machine weighs 500 pounds and is 3x5 in size. There would not be any problem with parking, as no one comes to the house.

Health Department Report Satisfactory for proposed use no Sanitary Permit required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

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RECOMMENDATIONS:

AGRICUTURAL PRESERVATION DISTRICT:

APPLICANT: Mary Elizabeth Brown.

FOR: Establishing an Agricultural Preservation District.

Staff recommended disapproval.

ACTION: Motion made to approve by Murray, seconded by Brown.

Discussion followed.

ACTION: Motion made to disapprove by Prickett, seconded by Coudon.

VOTE: Three to one to disapprove, motion carried.

HISTORIC DESIGNATIONS:

APPLICANT: Upper Wickwire.

FOR: Historic Designation.

Staff recommended approval.

ACTION: Motion made to approve by Prickett, seconded by Murray

VOTE: All in favor, motion carried.

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APPLICANT: Brown Farm.

FOR: Historic Designation.

Staff recommended approval.

ACTION: Motion made to approve by Coudon, seconded by Brown.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Amy L. Fierro.

FOR: Special Exception renewal of a home occupation to operate a holistic therapy business on a part-time basis.

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

ACTION: Motion made to approve with conditions by Brown, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: Melinda J. Cool-Bedford.

FOR: Special Exception to operate a group daycare.

Staff recommended approval for five years or as long as applicant owns property and operates the daycare, whichever shall sooner occur.

ACTION: Motion made to approve as long as applicant owns property and operates the daycare by Murray,
seconded by Coudon.

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VOTE: All in favor, motion carried.

APPLICANT: Betty Weed.

FOR: Renewal of a Special Exception Home Occupation for a Real Estate Office.

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

ACTION: Motion made to approve with conditions by Prickett, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: Ralph V. Tome.

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

Staff recommended approval, as long as applicant operates salvage yard and owns property.

ACTION: Motion made to approve with condition by Coudon, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: George and Pauline Jones.

FOR: Special Exception for a home occupation to conduct a hair salon business.

Staff recommended approval, for two years or as long as applicant operates business and owns property, limited to two chairs, whichever shall sooner occur.

ACTION: Motion made to approve with conditions by Brown, seconded by Coudon.

VOTE: All in favor, motion carried.

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APPLICANT: Gerald P. and Doris M. Purnell.

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

Staff recommended approval, for two years or as long as applicant owns property and operates the business, whichever shall sooner occur.

ACTION: Motion made to approve with conditions by Prickett, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: Sheila and Adam H. Wolle.

FOR: Special Exception for a home occupation to conduct an embroidery business.

Staff recommended approval, for two years or as long as applicant owns property and operates the business. The business must be conducted in the home, whichever shall sooner occur.

ACTION: Motion made to approve with conditions by Murray, seconded by Prickett.

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 8:10 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 19, 2003 at 7:00 p.m.

May 19, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Coudon, Smith, Murray, Prickett, Kilby, Sennstrom, Houston and Dempsey.

ABSENT: Brown, Farrell (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Coudon, seconded by Murray and unanimously carried to approve the April 21, 2003, 7:00 p.m., minutes as mailed.

Mr. Keith Baynes, member of the Board of Directors of the S.P.C.A. appeared to request a continuance for the Cecil County S.P.C.A.- Special Exception to locate a doublewide manufactured home for security, hardship and employee residence until June 16, 2003 Planning Commission hearing.

Motion made to approve the continuance by Smith, seconded by Coudon. All in favor to approve, motion carried.

REZONINGS:

FILE: 2003-03- APPLICANT: Franklin Ragan, Jr.

PROPERTY LOCATION: 20 Deer Trail Lane, Conowingo, MD, Election District: 8, Tax map: 8, Parcel: 199.

PRESENTLY ZONED: Rural Residential, (RR).

REQUEST: Rezone 2.75 acres from Rural Residential, (RR) to Business General, (BG) for the

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proposed use of Motor Vehicle Sales or any other use permitted in a Business General, (BG) Zone.

PROPERTY OWNER: Franklin D. and Rhonda Lynn Ragan, Jr.

Mr. Joseph Mahoney, Esquire represented Mr. Ragan in this application for rezoning. Mr. Ragan, 20 Deer Trail Lane, Conowingo, MD has a wholesale business and wants to rezone to have a retail business for motor vehicle sales. Mr. Ragan has resided at this property for 12 years. Mr. Ragan is requesting a rezoning on substantial change in the area.

Mr. Mahoney showed the Board photos numbered 1-17, and Mr. Ragan indicated the location of the properties and roads in relation to his property. Photos 1-4 show the Power Plant and Old Mill Road. Photo 5 shows the Natural Gas Line Station. Photo 6 shows Rte. 222 and Trailer Park. Photo 7 shows Oakwood Road and Rte. 222. Photos 8-10 show Deer Trail Lane and Oakwood Road. Photo 11 shows Johnston's Storage. Photo 12 shows Texaco and US Rte. 1. Photo 13 shows a storage building on Woody Brown Road. Photos 14-15 shows The Royal Farms Store. Photo 16 shows Vandyke Trucking. Number 17 shows Mike Vandyke Auto Sales. Photos are located in the file for reference in the Planning and Zoning Office. All of these businesses came into existence since the last comprehensive rezoning.

Mr. Mahoney entered into the record six letters from homeowners in the area. Letters attached for reference numbered exhibits 1-6.

Health Department Report Sanitary Permit C4367 issued in 1989 for dwelling; Permit F2764 issued in 1997 for detached garage ; Permit F7739 issued in 2000 for extension to existing garage . No application received for water and sewage approval for commercial use Site Plan approval required.

Mr. Coudon asked how many vehicles do you anticipate having on the lot.

Mr. Ragan stated 5 to 10 vehicles maybe.

Mr. Walbeck stated that this would be direct retail sales, is that correct?

Mr. Ragan replied, yes .

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COMMENTS IN SUPPORT: Mr. Frank Ragan, Sr. (Father) stated the Power Plant has been a significant change in the area. He feels this area needs to have the zoning changed for small businesses. The County needs to loosen up their regulations on the zoning, so small businesses have a chance in these bad times, where you need two jobs to survive. His son can wholesale, but cannot retail because of the State of Maryland's laws.

COMMENTS IN OPPOSITION: None.

Mr. David Ferrall, 43 Bay Circle Drive, Perryville, MD 21903 questioned whether or not Mr. Ragan would be selling cars or trucks?

Mr. Ragan stated there would be not be any truck sales.

Mr. Mahoney stated that the property is not visible from the road. The garage will be the same size as it is at the present time, the only difference will there will be 5-10 cars being worked on to sell. The only reason this zoning is being requested is so Mr. Ragan can be properly licensed through the State of Maryland. This is not an auto repair shop; the repairs will be just on vehicles to be sold.

FILE: 2003-04 -APPLICANT: David and Kathleen Collette.

PROPERTY LOCATION: N/S Pulaski Highway, Election District: 7, Tax map: 29,

Parcel: 637.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Rezone 6.2529 acres from Suburban Residential, (SR) to Business General,
(BG)

for the proposed use of Towing Services or any other use permitted in a Business General,

(BG) Zone.

PROPERTY OWNER: Kathryn Asher.

Mr. David Parrack, Esquire is representing the Collette's in this application for rezoning. Mr. and Mrs. Collette wish to purchase a piece of property from Ms. Kathryn Asher for their towing business. The

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Collette s have signed a contract to purchase this piece of property. One of the reasons for this request is the new access road to the Ikea Plant, which has some impact with his present location. This rezoning request is for towing services and a storage area for larger trucks that would be towed. They feel there has been both a change and a mistake in the comprehensive rezoning. The property is part of the Perryville Urban Boundary Growth area. The property is adjacent to Business General, (BG) property. Across the street the property is zoned Commercial and in the corporate limits of the Town of Perryville. The frontage is on Rt. 40 and the rearage on the CSX railroad tracks. Mr. Parrack wishes the board to look at the purpose of the Suburban Residential, (SR) zone as it is referred to in the Zoning Ordinance. On page 48 of the Zoning Ordinance it states that the Suburban Residential, (SR) zone is to act as a transitional zone between rural and development areas. The zone is attended to reduce development pressures on rural areas. Permit uses that are consistent with suburban character.

Mr. Parrack presented a map marked exhibit 1, attached for reference. He referred to the Zoning Ordinance on page 115 concerning towing services. There would be evergreens planted along the fence for screening. On the Easterly end of this property it is 12 -15 above Rt. 40.

Health Department Report Percolation tests and soil evaluations conducted in April 2003 found a satisfactory area for on-site sewage disposal Site plan approval required.

Mr. Smith asked about which parcel had been recently rezoned?

Mr. Parrack stated that it was parcel 395, about 2.7 acres. This parcel was disapproved by a 3 to 2 vote by the Planning Commission and the County Commissioners approved it by a 2 to 1 vote. The Collette s have made arrangements to have percolation tests done and Engineers contacted to look at the storm water management. The State Highway Administration will deal with access to the property.

Ms. Murray stated that this business is no different that the Collette s have been doing all these years, is that correct?

Mr. Parrack stated that is correct. At the present time the Collette s own about an acre of ground and they need this other property to give them more room. This business is needed in the County and the Collette s need to expand.

COMMENTS IN SUPPORT: None.

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COMMENTS IN OPPOSITION:

Mr. William Gray, 25 Chartwell Court, Perryville, MD stated he is opposition. He had a few questions about the creek running through the property, and whether or not soil tests have been performed.

Mr. Parrack stated that at the 7 1/2 foot end is Mill Creek. Soil tests would be performed at the necessary time.

Mr. Gray wants to know why other properties in the area that are already zoned commercial, why can't the Collette's use them for a towing business. The traffic is dangerous at the present time and with big tractor and trailers trying to make the turn into this parcel it will be dangerous. The drivers that are driving these big trucks do not pay attention to safety at the present time, this will just add to congestion in the area.

Ms. Cheryl Nejus, 62 River View Drive, Perryville, MD. presented the Planning Commission with some charts showing advertisements of the yellow pages where the Collette's advertise their towing business. She is concerned about the children's safety in the Townhouses located across the street. This area is a residential area and all the residents are very concerned about the following items: Children, pets, property values decreasing in the area, noise of large trucks 24 hours a day, leakage from trucks, that this parcel will become a junk yard, there have been no traffic studies performed. The following residents stated they are opposed for the same effect on adjoining businesses reasons.

Mr. John Anthony, 23 Chartwell Court, Perryville, MD.

Mr. Charles Williams, 110 Starboard Court, Perryville, MD.

Mr. Steve Fazzell, 102 Fender Court, Belair, MD.

Mr. Steve Bowman, 31 Bay Circle Drive, Perryville, MD.

Ms. Mary Martin, 4899 Pulaski Highway, Perryville, MD.

Mr. Bill Putland, 315 Ranch House Drive, Perryville, MD.

Ms. Cindy Brice, 6 River View Drive, Perryville, MD.

Mr. Sean Jackson, 51 River View Drive, Perryville, MD.

Ms. Charlotte Jones, 52 Oxford Court, Perryville, MD.

Ms. Marian Jones, 120 Starboard Court, Perryville, MD.

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Mrs. Williams, 110 Starboard Court, Perryville, MD.

Ms. Tracy Walton, 74 Starboard Court. Perryville, MD.

Ms. Patty Jackson, 51 Riverview Drive, Perryville, MD.

Mr. Dave Ferrell, 43 Bay View Circle, Perryville, MD.

Ms. Marcy Isle, 55 Bay Circle Drive, Perryville, MD.

Mr. George Skinner, 18 Riverview Drive, Perryville, MD.

Mr. Charles Williams, 110 Starboard Court, Perryville, MD stated that as a community we are one, and want to join together because of the environment and our children.

Mr. Cliff Houston, Zoning Administrator received two letters that need to be entered into the record from Ms. Shannon Benner, 137 Starboard Court, Perryville, MD and Bernie and Theresa Randolph, 75 Starboard Court, Perryville, MD in opposition to this rezoning application. Letters attached for reference.

FILE: 2003-05 -APPLICANT: John and Michelle Guy.

PROPERTY LOCATION: 25 Guys Lane, Election District: 5, Tax map: 31, Parcel:
1257.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Rezone 0.9348 acres from Suburban Residential, (SR) to Multifamily Residential,

(RM) for the proposed use of Residential or any other use permitted in the Multifamily Residential, (RM) Zone.

PROPERTY OWNER: John W. and Michell B. Guy.

Mr. John and Michelle Guy presented their zoning application. He would like to build a single family home on the property presently zoned Suburban Residential, (SR) and also has water and sewer access. Mr. Guy spoke to Mr. Robert Webb, (Surveyor) to see if the lot shape could be changed. There have been changes in the area on Razor Strap Road, North East, MD, approximately 500 down East on Razor Strap Road. North Woods development are already zoned Multifamily Residential, (RM). Also a mile East is Lakeside Trailer Park, which is a high-density zone.

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Health Department Report Sanitary Permit C3698 issued in 1989 for dwelling on parcel 1257. Further development of this parcel would require the provision of public water and sewage.

Ms. Guy stated that they went to see Mr. Chuck Smyser, Cecil County Health Department, to see the location of the sewer system. Mr. Smyser suggested to the Guy s hook-up to the Town of North East water and sewer system.

Mr. Smith asked if this home would be a single-family dwelling.

Mr. Guy stated, yes .

Ms. Murray asked if the house was for Mr. Guy.

Mr. Guy stated that the house would be for his children, as his Father had provided for him and his family. The home he would build would be of equal value to the other homes on Guy s Lane.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 2935 - APPLICANT: Arnold Yates.

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

PROPERTY LOCATION: 896 Glebe Road, Earleville, MD 21919, Election District: 1, Tax

Map: 52, Parcel: 464.

PROPERTY OWNER: Arnold Yates.

PRESENTLY ZONED: Rural Residential, (RR).

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Mr. Arnold Yates, 896 Glebe Road, Earleville, MD wishes to locate a singlewide mobile home for hardship purposes. He has 2.2 acres and he wishes to put a small modular home on it. Mr. Yates, Sr. would like to retire in a year and needs his son to help him with the chores around the house and he has some health issues also. At the present time he lives in a two-story home and he needs to be on one floor as he has arthritis in his hips and knees. Mr. Yates has three children ranging from 9 to 14, which he does not feel it would be good for his father to be around on a full time basis. After the Father would pass on the modular home would be removed from the property.

Health Department Report Sanitary Permit D 3711 issued in 1992 for dwelling; satisfactory with installation of septic tank and connection to existing system.

Mr. Walbeck asked where the son works?

Mr. Yates responded driving a truck for a local company based out of Newark, DE. He is able to go home everyday after work. Mr. Yates is getting married soon.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2937 - APPLICANT: William T. and Lorraine A. Knott, Jr.

FOR: Special Exception for a home occupation to conduct selling of phone cards.

PROPERTY LOCATION: 61 Fox Fire Drive, Port Deposit, MD 21904, Election District: 6,
Tax

Map: 17, Parcel: 14.

PROPERTY OWNER: William T. and Lorraine A. Knott, Jr.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. and Mrs. Knott, 61 Foxfire Drive, Port Deposit, MD would like to have a home-based business. There will be no change to the area, no signs or any equipment. They would be selling phone cards to local

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businesses, long distant service, and cell phones. The U.P.S. truck would be the only traffic coming to the home every two weeks.

Health Department Report Sanitary Permit D3680 issued in 1992 for dwelling; no anticipated increase in water usage and no Sanitary Permit required satisfactory.

Mr. Walbeck asked if there would be any employees.

Mr. Knott stated no .

COMMENTS INSUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2939 - APPLICANT: Tammy Jane Dean.

FOR: Special Exception renewal of a home occupation to conduct a hair salon business.

PROPERTY LOCATION: 145 Plum Creek Road, North East, MD 21901, Election District: 5,

Tax Map: 36, Parcel: 488.

PROPERTY OWNER: Tammy Jane Dean.

PRESENTLY ZONED: Suburban Residential, (SR).

Ms. Dean, 145 Plum Creek Road, North East, MD wishes to renew her in-home hair salon business. She would like to have this special exception extended plus make it permanent.

Mr. Walbeck stated he has no problems with her business except for her little dog nipping at his legs.

Ms. Dean stated that the dog nips at his legs because he has **nice looking LEGS!!!!**

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Health Department Report Sanitary Permit F2507 issued in 1997 for dwelling satisfactory for renewal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Smith asked her if she had any employees?

Ms. Dean stated no , just herself.

RECOMMENDATIONS:

APPLICANT: Franklin Ragan, Jr.

FOR: Rezone 2.75 acres from Rural Residential, (RR) to Business General, (BG) for the proposed use of Motor Vehicle Sales or any other use permitted in a Business General, (BG) Zone.

Staff recommended disapproval, no demonstrated change since last comprehensive rezoning, and no demonstrated mistake in the last comprehensive rezoning.

ACTION: Motion made to approve based on change in the character of the neighborhood since the last comprehensive rezoning by Smith, seconded by Murray.

VOTE: Three to one to approve, motion carried.

APPLICANT: David and Kathleen Collette.

FOR: Rezone 6.2529 acres from Suburban Residential, (SR) to Business General, (BG) for the proposed use of Towing Services or any other use permitted in a Business General, (BG) Zone.

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Staff recommended disapproval, no demonstrated change since last comprehensive rezoning, and no demonstrated mistake in the last comprehensive rezoning.

ACTION: Motion made to approve based on a mistake in the last comprehensive rezoning by Smith, seconded

by Murray.

VOTE: Three to one (abstained) to approve, motion carried.

APPLICANT: John and Michelle Guy.

FOR: Rezone 0.9348 acres from Suburban Residential, (SR) to Multifamily Residential, (RM) for the proposed use of Residential or any other use permitted in the Multifamily.

Staff recommended disapproval, no demonstrated change since last comprehensive rezoning, and no demonstrated mistake in the last comprehensive rezoning.

ACTION: Motion made to approve based on mistake in the last comprehensive rezoning by Murray, seconded
by Coudon.

VOTE: All in favor, motion carried.

APPLICANT: Arnold Yates.

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

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Smith, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICATION: William T. and Lorraine A. Knott, Jr.

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FOR: Special Exception for a home occupation to conduct selling of phone cards.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Prickett, seconded by Smith.

VOTE: All in favor, motion carried.

APPLICATION: Tammy Jane Dean.

FOR: Special Exception renewal of a home occupation to conduct a hair salon business.

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

ACTION: Motion made to approve with staff conditions, by Coudon, seconded by Smith.

VOTE: All in favor, motion carried.

NEXT PLANNING COMMISSION MEETING: Monday, June 16, 2003 at 7:00 p.m.

June 16, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Brown, Murray, Prickett, Sennstrom, Houston, and Graham.

ABSENT: Coudon and Smith.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

Minutes: Motion made by Prickett, seconded by Murray, and unanimously carried to approve the May 19, 2003 minutes, as mailed.

Special exception from May 19, 2003 meeting, continuance issued until June meeting.

FILE: 2934 - APPLICANT: Cecil County SPCA

FOR: Special Exception to locate a doublewide manufactured home for security, hardship and employee residence.

PROPERTY LOCATION: 3272 Augustine Herman Highway, Chesapeake

City, MD 21915, Election District: 2, Tax Map: 48, Parcel: 88

PROPERTY OWNER: Cecil County SPCA

PRESENTLY ZONED: Southern Agricultural Residential (SAR)

Keith Baynes, Esquire and Nancy Schwerzler presented the application. Mr. Baynes advised that the manufactured home would be located behind the thrift shop. It is a non-profit organization. In the past few months, the SPCA has experienced three break-ins. One has been at the thrift shop where they broke through the cinder block wall. Two break-ins were attempted at the building that houses the animals, probably to obtain drugs. The intention is to have one of the animal control officers reside in the manufactured home. In addition to providing security, the on-site employee would be able to provide care to the animals in the event

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of severe weather. Traveling south on MD Rte. 213, it would not be visible because of the trees. Traveling north, you would be able to see the home. The SPCA is willing to screen the home because MD Rte. 213 is a scenic byway. The location will not be detrimental to the public, it will not diminish the property values of surrounding properties, will not impede normal development of the area, will not have an affect on the existing zoning, will not overburden facilities, is not in the Critical Area, and has been approved by the Health Department. It would not have any more adverse effect here than it would in any other zone.

Ms. Schwerzler stated that Jean Deeming, Executive Director of the SPCA, risked her life this past winter to get to the animals to tend to their needs. They would like to prevent that kind of crisis again. The facility also has problems with people dumping their animals at night when no one is there. The animals are left outside and wander onto MD Rte. 213, endangering themselves and people traveling that road. There was one incident where a 125 lb. Great Dane was thrown over the fence. Having someone on the premises could prevent this from happening, or at the least, the resident could get the animals and put them in the shelter.

Mr. Brown read the Health Department comments, a copy attached for reference.

Mr. Farrell asked how far off the road would the manufactured home be. Mr. Baynes answered approximately 75 yards.

Mr. Walbeck stated that if the Planning Commission approves the request, it would probably require screening, which would negate the reason for wanting the manufactured home. Mr. Baynes disagreed. The resident would still be able to tend to the animals in severe weather conditions, and would still prevent break-ins.

Mr. Walbeck asked if the SPCA has considered alarming the shop. Ms. Schwerzler advised that they considered it, but their greatest interest is the shelter. They are extremely concerned about the animals.

Mr. Walbeck asked who would own the manufactured home. Ms. Schwerzler answered the SPCA. Mr. Walbeck declared that people have spoken to him about concerns with SPCA funds. Ms. Schwerzler avowed that the SPCA has submitted a five-page report to the Commissioners and they are very well satisfied.

Mr. Walbeck asked what the hardship position is. Mr. Baynes responded the animals and the unique circumstances from this past winter where employees could not get to them. Ms. Schwerzler reiterated that one of the animal control officers, or possibly the veterinarian technician, would reside in the home.

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No one spoke in opposition to the application. However, Mr. Houston advised that the Office of Planning and Zoning received a letter from Charles Scott, Jr. in opposition. He summarized the letter advising that Mr. Scott's concerns are the manufactured home detracting from the scenic byway, access to the site, and alarming the building.

William Manlove spoke in favor of the application. He advised that he protects the SAR zone whenever possible, however this is very much needed.

James Mullen spoke in favor of the application. He advised that he lives in the First Election District. He commended the SPCA for the placement of the manufactured home. He would like to see the details of a vegetative screen worked out.

PROGRAM OPEN SPACE:

FOR: Cecil County Program Open Space Annual Program for Acquisition and Development - Fiscal Year 2004.

Ed Slicer, Manager, Parks & Recreation, presented the application. He advised that it is a draft of the Program Open Space Annual Program. It is to ensure the County's and Towns' eligibility to secure Program Open Space funds for FY04. He briefly explained each page of the report. He described the projects that have been worked on in 2003 and their cost, as well as what will be done in 2004.

Mr. Walbeck asked if the parking at Chesland would be adequate. Mr. Slicer answered in the affirmative.

Mr. Brown read the Health Department comments, a copy attached for reference.

No one appeared either in favor of or in opposition to the application.

AGRICULTURAL PRESERVATION DISTRICTS:

June 16, 2003, 7:00 p.m.

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APPLICANT: Mary Elizabeth Brown. FOR: Establishing an Agricultural Preservation District. PROPERTY LOCATION: 145 State Line Road, Rising Sun, MD, 21911. Tax Map: 4, Grid: 14, Parcel: 8, Acreage: 55.56 acres, 9th Election District. PROPERTY OWNER: Mary Elizabeth Brown. PRESENTLY ZONED: Northern Agricultural Residential (NAR).

David Black and Jocelyn Beland, Office of Planning and Zoning, presented the application. This property adjoins the State of PA. The parcel is over the 50-acre requirement. The capabilities have been met with 95% of its land in Classes I, II, and III. The County Ag Board recommended approval with the recommendations that a soil and water conservation plan be filed. It was disapproved last month with the recommendation that less land be withheld. Ms. Brown has re-applied and is putting the entire acreage in ag preservation.

There were no Health Department comments on this agenda item.

No one appeared in opposition.

William Manlove appeared in favor of the application, and urged the Planning Commission to recommend approval.

Gary Brown appeared in favor of the application. He stated that he is Ms. Brown's grandson and would like to see the property preserved as an agricultural property.

James Mullen appeared in favor of the application. He stated that the northern part of the County is being eaten with suburban sprawl, therefore he encourage the Commission to recommend approval.

APPLICANT: Ella Mae Truslow. FOR: Establishing an Agricultural Preservation District. PROPERTY LOCATION: 1429 Liberty Grove Road, Conowingo, MD, 21918. Tax Map: 16, Grid: 11, Parcel 50, Acreage: 45.16 acres, 6th Election District. PROPERTY OWNER: Ella Mae Truslow. PRESENTLY ZONED: Northern Agricultural Residential (NAR).

David Black and Jocelyn Beland, Office of Planning and Zoning, presented the application. Mr. Black advised that the parcel is only 45.16 acres, however, the State has a process to allow parcels smaller than 50

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acres to apply if they are contiguous to a property already in agricultural preservation. The property is over the 60% soil requirement. The Ag Board recommended approval at their June meeting. If the application receives approval from the Planning Commission, the County Commissioners, and the State, then the BL portion of the property would have to be excluded from the district.

There were no Health Department comments on this agenda item.

Ms. Murray asked if the BL portion would be subtracted from the 45.16 acres. Mr. Black advised that 1.7 acres would be subtracted, making the total 43.4 acres.

No one appeared in opposition to the application.

William Manlove appeared in favor of the application. He commended the family for applying for an ag district and urged the Commission's support.

James Mullen appeared in favor of the application. He stated that even though the acreage is less than 50 acres, it is preserving a block of ag land, which is the goal.

REZONINGS:

FILE: 2003-06 -APPLICANT: Nathan Workman.

PROPERTY LOCATION: 48 Craigtown Road, Election District: 7, Tax
map: 29, Parcel: 286

PRESENTLY ZONED: Suburban Residential (SR).

REQUEST: Rezone 2.92 acres from Suburban Residential (SR) to Light
Industrial (M-1) for the proposed use of residence and business or any
other use permitted in a Light Industrial (M-1) zone.

PROPERTY OWNER: Nathan and Susan Workman.

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Dave Parrack, Esquire, presented the application. He advised that Mr. Workman made application for a rezoning because of a letter of violation he received from the Office of Planning and Zoning. Subsequent to filing the application, he contacted Mr. Parrack for representation. Unforeseen circumstances have prevented Mr. Parrack adequate time to prepare a case for the Workmans. Therefore, he requested the Commission grant a continuance on this application. He also advised that part of the request is due to a possible resolution of the matter.

John Downs appeared in opposition. He advised that he represents Phyllis Davis and Bob Carlton, 62 Craigtown Road. He opposed the request for continuance. The rezoning was requested by Mr. Workman to put this on tonight's docket. The applicant should be required to move forward or dismiss the application.

Mr. Sennstrom advised the Commission that they should vote on the continuance now rather than wait until deliberations, in the event the continuance is not granted, then Mr. Parrack can make application.

STAFF RECOMMENDATION: None.

ACTION: Motion made by Farrell to continue, seconded by Brown.

VOTE: Farrell, Brown, Prickett in favor. Murray opposed. Motion carried.

FILE: 2002-11- APPLICANT: William Gerwick, Manager Anchorage Bed and Breakfast

of Cecil County, LLC

PROPERTY LOCATION: 5667 Augustine Herman Highway, Election

District: 1, Tax map: 57, Parcel: 54.

PRESENTLY ZONED: Southern Agricultural Residential (SAR).

REQUEST: Rezone 3.182 acres from Southern Agricultural Residential

(SAR) to Business General (BG) for the purpose of business

conferences, charitable fundraising, weddings, etc. or any other use

permitted in a Business General, (BG) Zone.

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PROPERTY OWNER: Joe and Joann Thomson.

Jay Emrey, Esquire, and William Gerwick presented the application. Mr. Emrey advised this is the Anchorage, a historic property on MD Rte. 213 north of Cecilton. It comprises 3.2 acres. Two years ago a Special Exception was obtained to operate a bed and breakfast. A previous bed and breakfast Special Exception was granted in 1993, just prior to the Comprehensive Rezoning. For many years, this site was used for commercial purposes. When the Comprehensive Rezoning came through, the County Commissioners should have considered reclassifying this property as BG because of the use that existed at that time and for a number of years prior to 1993. The use of the property will remain the same. The owners want to obtain a liquor license so they can serve alcohol on site. The Liquor Board turned down their application by virtue of a response from the Office of Planning and Zoning, which stated they had to have a BG zoning to have a liquor license.

In addition, there is an argument for change because of the commercial nature of Moon Nurseries across the road. However, because they sell the commodities produced on site, they are allowed to do that business.

Mr. Gerwick stated that OPZ advised that they would have to be classified as a tavern in order to sell alcohol, which would require a rezoning. He feels the Zoning Ordinance should be amended to allow alcohol to be served on a bed and breakfast site.

Mr. Walbeck stated that the Planning Commission's concern would be that once something is rezoned, any activity that fits in that zoning can take place. Mr. Emrey stated that a business enterprise could be tastefully done on the site, referencing the businesses in Chadds Ford, PA. He asked if OPZ has any record of prior commercial uses on the property. Mr. Houston advised that the only record of any commercial use is the previous Special Exception for a bed and breakfast. Ms. Prickett informed the Commission that the property was owned by the Frye family since the 1960's and was used as a residence.

Mr. Brown read the Health Department comments, a copy attached for reference.

Ms. Murray questioned the class of liquor license that would be applied for. Mr. Emrey answered that it would be a Class B license, which is on premises consumption.

No one appeared in favor of the application.

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James Mullen appeared in opposition to the application. He stated that in the Spring of 2000, a developer was going to subdivide the adjoining property for houses. The residents of the area raised \$200,000 in a very short period to prevent that, solely to preserve the Anchorage historic structure. If the use of the property is changed, it could be any type of commercial activity. The purpose of the current zoning is to assure the use stay as it is. As far as Moon Nurseries operation is concerned -- it is a wholesaler, not a retailer. Further, he has no problem with the bed and breakfast serving alcohol. He only has a problem with the property being rezoned.

William Manlove appeared in opposition. He stated that once the zoning is changed, neighboring properties could then apply for a rezoning also. He would like to work something out with the applicant, other than a rezoning.

Emily Manlove appeared in opposition. She stated that she is against the proposed change. There was no mistake in the original zoning and the area has not changed enough to warrant a rezoning.

Denise Terranova appeared to comment, neither in favor nor in opposition. She advised that she is from the Chadds Ford, PA area, and from Rte. 202 to Kennett Square, it has become like Springfield and looks awful.

FILE: 2940 - APPLICANT: Clifton G. Cook, Jr.

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

PROPERTY LOCATION: 793 Hopewell Road, Rising Sun, MD 21911,

Election District: 6, Tax Map: 17, Parcel: 33.

PROPERTY OWNER: Betty Lee Cook.

PRESENTLY ZONED: Northern Agricultural Residential (NAR).

Clifton Cook presented the application. He stated that he would like to renew his Special Exception. He and his family live in the manufactured home in order to help his mother maintain the farm and farmhouse. He has lived and worked on the farm since he was a child.

Mr. Brown read the Health Department comments, a copy attached for reference.

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Mr. Walbeck requested the history of the doublewide manufactured home. Mr. Houston advised that the first Special Exception was granted in 1994 for two years. The second was granted in 1996 for two years for hardship and agricultural help. The third was granted in 1998 for five years for the same reasons.

Mr. Walbeck questioned subdividing a lot off the property. Mr. Cook advised that his mother will not permit a subdivision of the property until she is deceased because he has brothers and sisters.

No one appeared either in favor of or in opposition to the application.

FILE: 2941 - APPLICANT: Kara Vaudine Sottnick.

FOR: Renewal of a Special Exception for a home occupation to operate a hair salon.

PROPERTY LOCATION: 89 AJS Court, Elkton, MD 21921, Election District: 5, Tax Map: 37, Parcel: 570.

PROPERTY OWNER: Kristopher and Kara Sottnick.

PRESENTLY ZONED: Suburban Residential (SR).

Kara Sottnick presented the application. She informed the Commission that she has been operating a single chair hair salon for the last two years in her home, and is seeking a renewal of her Special Exception in order to continue the business.

Mr. Brown read the Health Department comments, a copy attached for reference.

Mr. Houston advised that OPZ has received no complaints on the present Special Exception.

Diane Pearce appeared in favor of the application. She advised that she is the applicant's mother. Her husband is a contractor and they would be well aware of septic problems if there were any. She asked her daughter to convey what the septic pump out man told her last week. Ms. Sottnick stated that the man said her septic tank looks better than most of the people on that street.

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No one appeared in opposition to the application.

FILE: 2942 - APPLICANT: John E. and Susan A. Thomas, Jr.

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

PROPERTY LOCATION: 957 Lombard Road, Rising Sun, MD 21911,

Election District: 9, Tax Map: 5, Parcel: 44.

PROPERTY OWNER: John E. and Susan A. Thomas, Jr.

PRESENTLY ZONED: Rural Residential, (RR).

John and Susan Thomas presented the application. Mr. Thomas advised that 1½ years ago, they approached the Board to allow his mother-in-law and father-in-law to live on the property. In view of the fact that they have both passed away, he would like to have his parents live in the manufactured home now. His father has had two heart attacks, and they live on a fixed income.

Mr. Brown read the Health Department comments, a copy attached for reference.

Mr. Walbeck asked where the parents live now. Mr. Thomas answered in Calvert County. His father is 78 years old and his mother is 72.

Denise Terranova appeared in favor of the application. She advised that she owns the property in front of the Thomas and supports their application. She looks forward to having the senior Thomas as neighbors.

No one appeared in opposition to the application.

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FILE: 2943 - APPLICANT: Daniel K. Riehl, Jr.

FOR: Special Exception to locate a private cemetery plot.

PROPERTY LOCATION: 1310 Crystal Beach Road, Earleville, MD

21919, Election District: 1, Tax Map: 56, Parcel: 17.

PROPERTY OWNER: Melvin E. King.

PRESENTLY ZONED: Southern Agricultural Residential (SAR).

Melvin King and Daniel K. Riehl, Jr. presented the application. Mr. King advised that the Amish tradition is that they have their own private cemeteries. They don't have a church building, so they need to have it on their own private ground. Mr. King is donating the land to their Amish community for a cemetery.

Mr. Riehl informed the Board that he doesn't have any immediate plans for the cemetery, but would like to have the paperwork done in case it does happen. He originally applied for a ½-acre piece of land to be used as a cemetery, but would like to change the request to one acre.

Mr. Sennstrom advised that there is no minimum or maximum size according to regulations. It has to have a Bufferyard C since it is on private property. Once the cemetery is established, it cannot be moved until permitted by the State's Attorney.

Ms. Murray questioned the size of the Amish community. Mr. King responded that they now have nine families.

William Manlove appeared in favor of the application. He stated that since they are trying to encourage the Amish to move into the southern agricultural area, this move would help to establish their community.

Nancy Schwerzler appeared in favor of the application. She stated that she strongly supports the Amish community. She feels they are a tremendous asset to the County. A cemetery on private land is unique to their culture and should be permitted.

James Mullen appeared in favor of the application. He stated that the Amish have been a tremendous asset to the overall development of agriculture. The four families that moved to Sandy Bottom Farm got that farm up and going in no time. The Amish are an asset to economic development of agriculture as an industry.

PLANNING COMMISSION MEETING 2003

No one appeared in opposition to the application.

There were no further comments.

RECOMMENDATIONS:

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FILE: 2934 - APPLICANT: Cecil County SPCA

FOR: Special Exception to locate a doublewide manufactured home for security, hardship and employee residence.

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STAFF RECOMMENDATION: Approval, as long as SPCA owns the property and operates from the site, with a vegetative evergreen screen on the southerly and westerly sides.

ACTION: Motion made by Farrell, seconded by Brown, to recommend approval with staff conditions.

VOTE: Farrell, Brown, and Murray in favor. Prickett recused. Motion carried.

PROGRAM OPEN SPACE:

FOR: Cecil County Program Open Space Annual Program for Acquisition and Development - Fiscal Year 2004.

STAFF RECOMMENDATION: Approval.

ACTION: Motion made by Murray, seconded by Farrell, to recommend approval.

VOTE: Farrell, Murray, and Prickett in favor. Brown recused. Motion carried.

AGRICULTURAL PRESERVATION DISTRICTS:

PLANNING COMMISSION MEETING 2003

APPLICANT: Mary Elizabeth Brown. FOR: Establishing an Agricultural Preservation District.

STAFF RECOMMENDATION: Approval.

ACTION: Motion made by Prickett, seconded by Murray, to recommend approval.

VOTE: All in favor, motion carried.

APPLICANT: Ella Mae Truslow. FOR: Establishing an Agricultural Preservation District.

STAFF RECOMMENDATION: Approval.

ACTION: Motion made by Prickett, seconded by Murray, to recommend approval.

VOTE: All in favor, motion carried.

REZONINGS:

FILE: 2003-06 -APPLICANT: Nathan Workman.

REQUEST: Rezone 2.92 acres from Suburban Residential (SR) to Light Industrial (M-1) for the proposed use of residence and business or any other use permitted in a Light Industrial (M-1) zone.

CONTINUED, as indicated in body of minutes.

PLANNING COMMISSION MEETING 2003

FILE: 2002-11- APPLICANT: William Gerwick, Manager Anchorage Bed and Breakfast

of Cecil County, LLC

REQUEST: Rezone 3.182 acres from Southern Agricultural Residential

(SAR) to Business General (BG) for the purpose of business

conferences, charitable fundraising, weddings, etc. or any other use

permitted in a Business General, (BG) Zone.

STAFF RECOMMENDATION: Disapproval. No demonstrated change since last Comprehensive Rezoning, and no demonstrated mistake in last Comprehensive Rezoning.

ACTION: Motion made by Prickett, seconded by Farrell, to recommend disapproval for the reasons stated by the Office of Planning and Zoning.

VOTE: Prickett, Farrell, and Brown in favor. Murray opposed. Motion carried.

FILE: 2940 - APPLICANT: Clifton G. Cook, Jr.

FOR: Renewal of a Special Exception to retain a doublewide

manufactured home for hardship purposes.

STAFF RECOMMENDATION: Approval, for five years or as long as Betty Lee Cook resides on the property, whichever shall sooner occur.

ACTION: Motion made by Prickett, seconded by Brown, to recommend approval with staff conditions.

VOTE: All in favor, motion carried.

PLANNING COMMISSION MEETING 2003

FILE: 2941 - APPLICANT: Kara Vaudine Sottnick.

FOR: Renewal of a Special Exception for a home occupation to operate a hair salon.

STAFF RECOMMENDATION: Approval, for as long as applicant operates business and owns the property.

ACTION: Motion made by Murray, seconded by Farrell, to recommend approval with staff conditions.

VOTE: All in favor, motion carried.

FILE: 2942 - APPLICANT: John E. and Susan A. Thomas, Jr.

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

STAFF RECOMMENDATION: Approval, as long as applicants own the property and Mr. Thomas parents reside in the manufactured home.

ACTION: Motion made by Prickett, seconded by Farrell, to recommend approval with staff conditions.

VOTE: All in favor, motion carried.

FILE: 2943 - APPLICANT: Daniel K. Riehl, Jr.

FOR: Special Exception to locate a private cemetery plot.

STAFF RECOMMENDATION: Approval.

ACTION: Motion made by Prickett, seconded by Murray, to recommend approval.

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VOTE: All in favor, motion carried.

Meeting adjourned at 8:40 p.m.

NEXT MEETING: July 21, 2003

July 21, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Murray, Brown, Prickett, Farrell (Alternate), Slicer, Kilby, Sennstrom, Houston, Beland and Dempsey.

ABSENT: Coudon and Smith.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

Mr. Farrell stated his name was not noted in the June 16, 2003 minutes as attending the meeting.

MINUTES- Motion made by Brown, seconded by Farrell, and unanimously carried to approve the June 16, 2003, 7:00 p.m., minutes as amended.

PROGRAM OPEN SPACE:

FOR: Land Preservation and Recreation Plan 2004.

LOCATION: Cecil County Planning, Zoning, Parks and Recreation, 17 Wilson Road, Rising Sun, MD 21911.

FUNDING: Reimbursement funds available FY 2003 from the Department of Natural Resources, Program Open Space, Edward w. Slicer, Board of Parks and Recreation.

Mr. Edward Slicer, Manager of Parks and Recreation presented this application. Mr. Slicer stated he would like to have the support of the Board to obtain \$25,000.00 from the State for a 100% State Grant to fulfill a requirement of the Program Open Space Law. In accordance with Program Open Space Law the County shall, at least every six years, prepare a Local Land Preservation and Recreation Plan and submit it to the Maryland Department of Natural Resources and the Maryland Department of Planning. The Local Plan must be consistent with the criteria and goals set forth in the current State Land Preservation and Recreation Plan. This plan shall include all eight municipalities in Cecil County.

PLANNING COMMISSION MEETING 2003

Mr. Walbeck, Chairman, asked what does this plan talk about? There are some new members to the Planning Commission and they may not know what this is all about.

Mr. Slicer stated it talks about the recreational needs of the population through statistical studies usually Statewide and sometimes some independent surveys within the County. Input from knowledgeable organizations in Sports and Recreation, input from the eight municipalities. The Land Preservation is a separate item usually related to farmers and others trying to preserve the County.

Ms. Murray asked do you have to state what you will be using this money for?

Mr. Slicer stated they would use it to hire consultants who will work with the committees that are established and the eight municipalities and the County to create this plan.

Ms. Murray asked if Mr. Slicer would be the one to set the rules and regulations.

Mr. Slicer stated the Department of State Planning gives criteria of what they would like to see in the plan.

Health Department Report No comments requires.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Amos F. and Sarah G. Stoltzfus. FOR: Establishing as Agricultural Preservation District.
PROPERTY LOCATION: 201 Marshall Lane, Rising Sun, MD 21911. Tax Map: 4, Grid: 15, Parcel: 1,
Acreage: 63 Acres, 9th Election District. PROPERTY OWNER: Amos F. and Sarah G. Stoltzfus.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

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Ms. Jocelyn Beland, Planning Aide, Department of Planning and Zoning presented this application. She advised that the property meets the minimum eligibility criteria of the program. Specifically, it consists of approximately 63 acres of which Mr. Stoltzfus would like to put 53 acres into the district. 50% of the land shall classify as class 1, 2 or 3 soils or if the land is wooded, 50% of the land is classified as Woodland Group 1 or 2.

The Soil Conservation District assessed the productivity of this property. This property had 88% for its soils in Class I, 2, and 3 and Woodland 1 and 2. This property exceeds the set criterion.

The Agricultural Preservation Advisory Board voted favorably approving this District during the June 2003 meeting.

Health Department Report No comments required.

Mr. Prickett stated there are 63 acres, and they put 53 acres in preservation, what is happening with the other 10 acres?

Ms. Beland stated that he wants to keep out 10 acres for pre-existing housing and to preserve some of the road frontage.

Ms. Prickett asked if this was for Grand children or for development?

Ms. Beland stated she did not know the answer to that question, but she would find out.

Mr. Walbeck asked why 6 acres along the front was being reserved as road frontage?

Ms. Beland stated she did not know. She will get back to the Board with the answers they requested.

COMMENTS IN SUPPORT: None.

PLANNING COMMISSION MEETING 2003

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE: 2003-08- APPLICANT: Jo Ann Church.

PROPERTY LOCATION: S / W Corner of Frenchtown Road and Route 213, Elkton, MD.

Election District: 3, Tax map: 33, Parcel: 410.

PRESENTLY ZONED: Rural Residential, (RR).

REQUEST: Rezone 1.98 acres from Rural Residential, (RR) to Business General, (BG) for the proposed use of a retail landscaping business or any other use permitted in a Business General, (BG) Zone.

PROPERTY OWNER: Jo Ann M. Church.

Mr. Michael Onifer, Esquire represented Mr. and Mrs. Larry Church. They feel this property is an eyesore due to the current condition and would like to have it rezoned for a landscaping business. Mr. Church feels there have been numerous changes in the neighborhood such as: Burger King, Royal Farms, Retirement Community, Southern States, Happy Harry's and the Petco Corporation. The other property is farmland and they feel that they will be in need of a landscaping business. They will be providing flowers and in the fall pumpkins. Also, further down the highway there is Lakes Auto Body, which has been recently rezoned. Mr. Onifer presented photos to the Board. They understand that is a State Scenic Route and they feel this would add to the scenic qualities.

Health Department Report No application received for water and sewage approval for proposed use wet season soil testing is required if on-site sewage disposal is proposed.

Mr. Walbeck stated he had walked the property and came across some wetlands. Are there wetlands on the property?

Mr. Church stated, yes and we will not be disturbing the wetlands.

Mr. Walbeck asked how much of the parcel would they be using?

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Mr. Church stated about $\frac{3}{4}$ acres. Most of that would be on Frenchtown Road.

Mr. Walbeck asked what kind of equipment would you have on the property?

Mr. Church stated one little skid loader and a tractor for loading mulch.

COMMENTS IN SUPPORT:

COMMENTS IN OPPOSITION: Mr. Clifford Houston, Zoning Administrator, stated for the record we received two letters of opposition from Margaret Kaplow and Mary Maloney, copies in file for reference.

Mr. Onifer stated that they would only be using a small piece of this parcel, not the wetlands. Mr. Onifer was under the impression the water and sewer would be handled at a later date. If the Rezoning does not pass they would be satisfied with a Special Exception.

Mr. Walbeck asked Mr. Sennstrom, Director of Planning and Zoning, if they could do that type of work under a Special Exception?

Mr. Sennstrom stated that you could not have a Special Exception it would have to be a Rezoning.

FILE: 2003-09- APPLICANT: Michael Charles Smith

PROPERTY LOCATION: Rte. 274, Biggs Highway, North East, MD, Election District: 5,
Tax map: 19, Parcel: 612.

PRESENTLY ZONED: Business Local (BL).

REQUEST: Rezone 1.2 acres from Business Local (BL) to Business General (BG) for the proposed use of a car wash business or any other use permitted in a Business General (BG) zone.

PROPERTY OWNER: Eugene and Nancy Racine.

PLANNING COMMISSION MEETING 2003

Mr. Michael Smith, along with his father Mr. Charles Smith presented this application. They are seeking a rezoning change from Business Local, (BL) to Business General, (BG) for the purpose of opening a car wash. The car wash will include 4 bays of self-serve along with a touch less automatic. Also there will be 4 to 5 vacuum cleaners and in the future car detailing. In the area there is a High 's convenience store, and Cecil Community College. There is public water and sewer access in the area where the lot is located. They would establish a Storm Water Management system because the parcel is located on a hill. They will have to re-grade the area to locate a car wash.

Health Department Report Property is Lot #3 of Minor Subdivision #2763, approved in 1995 with connection to public sewerage. Sewer allocation must be available from Cecil County Department of Public Works; water allocation must be available from Town of North East. Site Plan approval is required.

Mr. Walbeck asked Mr. Smith if he has done any investigating about the water with the Town of North East?

Mr. Smith stated that he has written a letter to the Town of North East requesting a water allocation. They have not heard back from the Town.

Mr. Walbeck asked what would happen to the water from the car wash?

Mr. Smith stated that some of it would go into a re-claim system that would be installed in the car wash and the rest would go into the public sewer system.

Mr. Walbeck stated you would have to receive approval from the Public Works Department.

Ms. Phyllis Kilby, County Commissioner asked about access off of Biggs Highway.

Mr. Smith stated that on the plat there is a right-of-way already granted. There would be no disturbance in the lower part of the lot. We feel a car wash would serve the public well. Approximately 23,000 cars go by this parcel either on Rte. 272 or Biggs Highway.

Mr. Smith is a Physical Education Teacher at Bohemia Manor High School and is important to him that certain activities take place in the school and a car wash is a great way to raise funds for these projects. He plans on donating some of the car wash funds to the school system and letting students use the car wash for

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their fund-raisers. This will serve the whole community for fund-raisers.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: Mr. Lindley Murray, 284 Old Bay View Road, North East, MD. His concerns are how is this going to affect his house, as he is about 60 to 80 from this location. Also, he has two children and is concerned about the traffic. He does not want to see any loitering with a 24 hour service and wants to know about any safeguards or privacy fencing that would be installed.

Mr. Smith stated that looking at the property they are trying to angle it to keep it as far back from the residential areas. They hope to dig into the hill, which would let them be able to install a wall, which would be more sound proof. There also would be a fence around the top of the wall for security purposes and to keep children from getting hurt. They are not sure if it would be open 24 hours a day at the present time. The Smith s do not want to cause any problems for the residents that are there, so they will try to sound proof the best they could with bushes, trees and walls. The trees and bushes that are present on the property now would not be untouched. The lighting could be directed a different way so it does not illuminate the residents homes. The unit they would be installing is very nice and landscaped very appropriately.

Ms. Murray asked how would you close if you were not open 24 hours?

Mr. Smith stated he would have 2 to 3 employees working.

SPECIAL EXCEPTIONS:

FILE: 2946 - APPLICANT: Ronald Edgar Kauffman.

FOR: Special Exception for a home occupation to conduct a business of a Tattoo Parlor.

PROPERTY LOCATION: 2786 Tome Highway, Colora, MD 21917, Election District: 6, Tax

Map: 10, Parcel: 764.

PROPERTY OWNER: Donna Marie Boone.

PRESENTLY ZONED: Suburban Residential, (SR).

WITHDRAWN.

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FILE: 2947 - APPLICANT: Michael Dillon.

FOR: Special Exception for a home occupation to conduct an auto repair business.

PROPERTY LOCATION: 47 Star Route Road, Elkton, MD 21921, Election District: 3, Tax

Map: 20, Parcel: 154.

PROPERTY OWNER: Michael Dillon.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Michael Dillon has lived at 47 Star Route Road for 10 years. He has been in the business of auto repair for 12 years. He did some research and in Cecil County the only place to get your car repaired other than a Dealer's shop is Mendenhall's, Dvorak's Garage and Charlie's Service Center a half an hour from his house. He would like to be able to advertise a custom auto center and hopes when his business gets larger to move to the Rt. 40 area. He has a 2,500 sq. ft. facility at his house to do the repair work. Everything is contained on his property. He would be starting the business on his own and in the future hiring 2 employees.

Health Department Report Sanitary Permit B4863 issued in 1983 for dwelling, Permit G0387 issued in 2001 for attached garage. Satisfactory for proposed use must comply with Maryland Department of the Environment requirements for disposal of waste oil and antifreeze, scrap tire storage, etc.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2950 - APPLICANT: Harry & LeAnn Lenderman.

FOR: Special Exception for a home occupation to conduct a business of salon and spa and gift/antique shop.

PROPERTY LOCATION: 807 Elk Mills Road, Elk Mills, MD 21920, Election District: 4, Tax Map: 21, Parcel: 834.

PROPERTY OWNER: Harry and LeAnn Lenderman.

PRESENTLY ZONED: Suburban Residential (SR).

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Mr. and Mrs. Lenderman are the owners of the Elk Forge Bed and Breakfast Inn in Elk Mills. They would like to enhance their business by putting in a salon/spa and gift/antique shop and be able to offer these services to their guests. At the present time we have a traders license for the small gift shop that we would like to enlarge.

The spa would be located in a vacant apartment that we already have. The State of Maryland has not approved the spa at the present time.

Mr. Walbeck asked if they would need a rezoning just for the gift shop, not a special exception.

Mr. Houston explained that they mentioned having a restaurant at this location, this aspect would require a rezoning.

Health Department Report Sanitary Permit F7057 issued in 1999 for additional and renovations to convert home into Bed and Breakfast . Proposed use may require further upgrade of existing sewage disposal system.

Ms. Murray asked if all this would be conducted in the present building?

Ms. Lenderman stated yes it would be continued use in the same building. At the present time the Gift Shop is in the Bed and Breakfast and the Spa is in the Carriage House.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2951 - APPLICANT: Daniel E. Banks, President of Dan Banks Co., Inc.

FOR: Special Exception renewal of a home occupation to conduct a home improvement business.

PLANNING COMMISSION MEETING 2003

PROPERTY LOCATION: 341 Middle Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 189.

PROPERTY OWNER: Daniel E. and Joyce E. Banks.

PRESENTLY ZONED: Northern Agricultural Residential (NAR).

Mr. Charles Scott, Jr. Esquire represented Mr. Dan Banks in this application. Mr. Banks is requesting a renewal for his construction business, remodeling of residential homes and do light commercial work not on the premises, but in the area. He currently has an office in his home in his den. In his home office he prepares invoices, makes phone calls to clients, prepares estimates for customers, receives faxes, and reviews blueprints. There is a non-lighted in front of is home for advertising. He has enough area to park about 25 vehicles. At the present time he has 3 pick-up trucks and no heavy equipment. Mr. Banks is the primary care taker of his 5 children ages 5,7,8,15 and 16 and his wife is totally disabled. He takes care of them if they cannot go to school or they are sick. Mr. Banks does not want to expand his business he wishes to renew the special exception that he had previously. There is plenty of screening around his property, such as trees and bushes. There is no construction on site. The site lines are good on entering and exiting the property and you have visibility about ½ mile in either direction. There has been no problem with traffic on Middle Road. Mr. Banks has a Secretary that works for him in the office at his home. There are no changes that need to be done to his residence, and it is not in the critical area. All his uses would conform to the Zoning Ordinance. Mr. Banks stated that one of his neighbors complained about the diesel pick-up trucks in the morning, so he now meets his crews on the job site. There are other home-based businesses in the area such as: Alexander Concrete Construction, Big Daddy s Auto Glass, Uncle Bob s Farm-Bob Jackson, Carhart Store, Autumn Builders and Walter Granger, Electrician.

Health Department Report Sanitary Permit F7388 approved in 1999 for addition to existing dwelling; no anticipated increase in water usage and no Sanitary Permit required satisfactory.

Mr. Walbeck stated that when he went to Mr. Bank s site he noticed all the construction equipment had been cleaned up from the previous time he requested a special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Dennis Clower, Esquire representing Mr. Willard Smith and Mr. Samuel Pierson asked Mr. Banks a few questions.

Mr. Clower asked how many employees do you have at the present time?

Mr. Banks responded 9 employees.

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Mr. Clower asked; when did your employees stop meeting you at your home in the morning?

Mr. Banks responded immediately after the last special exception meeting two years ago.

Mr. Clower asked what is the sq. ft. of your house and garage?

Mr. Banks responded, the house is 2,000 sq. ft. and the garage is 48x70, 3,200 sq. ft. There is one tenant living in the garage at the present time. He owns 7 trucks total, but only 3 stay there overnight. The garage is used to store equipment and building materials.

Mr. Samuel Pierson lives across the street and Mr. Willard Smith lives adjacent to Mr. Banks. Mr. Pierson has some objections to this business. This has turned into a rat race, the amount of traffic and people sitting with their diesel engines idling. He is opposed to the building (garage) because of the size and the way it was built it is like an echo chamber.

Mr. Clower presented 7 photographs to the Board marked Exhibits 1A-1G, dated summer and fall 2002. Exhibits 2A-2D, dated April 30, 2003 and Exhibits 3A and 3B, dated May 2, 2003 in the file for reference. Also in the file for reference is a petition with over 85% of the people that live on Middle Road signatures.

Most of the people wanted to know what is taking so long to stop the nuisance of the traffic and the inconvenience along Middle Road. This petition was signed within the last two weeks with 10 pages having 60 names.

Mr. Charles Scott stated the Planning Commission two years ago set the limits that he only have 3 commercial vehicles, and he has kept his agreement with their decision.

Mr. Dennis Clower, Esquire stated this picture shows a full-scale commercial operation in his opinion, not an in home business.

Mr. Willard Smith is also in opposition. He wants to know how Mr. Banks ever received this special exception in the first place. Since his two years have expired, he thought he was to relocate his business.

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FILE: 2953 - APPLICANT: Sally I. Sheldon.

FOR: Special Exception renewal of a home occupation to conduct an in-home gift shop.

PROPERTY LOCATION: 383 Town Point Road, Chesapeake City, MD, 21915, Election District: 2, Tax Map: 47, Parcel: 260.

PROPERTY OWNER: Sally I. Sheldon.

PRESENTLY ZONED: Southern Agricultural Residential (SAR).

Ms. Sally Sheldon and her husband Walter R. Shelton presented this renewal application for her gift shop. Ms. Sheldon noted her address is P.O. Box 327, Chesapeake City, MD. 21915. Ms. Sheldon requested if her special exception was granted again that it be granted for the duration of the ownership of the property. Ms Sheldon neglected to put on the application that her husband (Walter R.) is also the property owner.

Health Department Report Sanitary Permit A7157 issued in 1976 for dwelling; no anticipated increase in water usage and no Sanitary Permit required satisfactory.

Mr. Walbeck asked how the business was going?

Ms. Sheldon stated it is going great and she showed a profit, loves what she is doing and enjoys the public.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2954 - APPLICANT: Harriet A. Blair

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

PROPERTY LOCATION: 656 Cecilton-Warwick Road, Warwick, MD 21912, Election District: 1, Tax Map: 63, Parcel: 43.

PROPERTY OWNER: Ernest John Schmidt

PRESENTLY ZONED: Business General (BG).

PLANNING COMMISSION MEETING 2003

WITHDRAWN.

FILE: 2957 - APPLICANT: Bob Miller.

FOR: Special Exception to locate a singlewide manufactured home for agricultural help.

PROPERTY LOCATION: 41 Grove Miller Lane, North East, MD 21901, Election District: 9, Tax Map: 12, Parcel: 24.

PROPERTY OWNER: F. Grove and John C. Miller, Sr.

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Mr. Bob Miller presented this application. Mr. Grove Miller is his uncle and Jack Miller is his father, owners of the property. Mr. Bob Miller rents the farm and operates about a 200-cow dairy. He has three full time employees. One gentleman has been with him for 7 years and just got married with a baby on the way and I would like to provide housing on the farm for him. It would be nice for him to be on the farm with his family because he works a lot of early mornings and late nights. This manufactured home would be put behind the machine shed, so he can have some privacy. This would provide him with a better family life living on the farm.

Health Department Report Percolation tests and soil evaluations required to delineate a satisfactory sewage disposal are for the proposed mobile home.

Mr. Walbeck asked how many tenant houses are on the farm?

Mr. Miller stated the only house is the main house on the farm, which he lives in himself. His uncle's house is

on the property also, but it is deeded separately. There are no other manufactured homes on the property.

COMMENTS IN SUPPORT: None.

GENERAL COMMENTS: Mr. David Burroughs, 185 Springfield Drive, North East, MD is an adjoining property owner and would like to know where the manufactured home would be located.

PLANNING COMMISSION MEETING 2003

Mr. Miller stated it would be at least 100 yards from the horse farm. It would be closer to the farmstead behind where the hay is stacked.

COMMENTS IN OPPOSITION: None.

Mr. Cliff Houston, Zoning Administrator recalled the two Special Exceptions.

File 2946-Ronald Edgar Kauffman and File-2954- Harriett A. Blair.

RECOMMENDATIONS:

OPEN SPACE:

APPLICANT: Program Open Space.

FOR: Land Preservation and Recreation Plan 2004.

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

AGRICULTURAL PRESERVATION DISTRICT:

APPLICANT: Amos F. and Sarah G. Stoltzfus.

FOR: Establishing as Agricultural Preservation District.

Staff recommended approval.

PLANNING COMMISSION MEETING 2003

ACTION: Motion made to table until next months P.C. Meeting information on land needed - by Prickett, seconded by Brown.

VOTE: All in favor to table until next months P.C. Meeting, motion carried.

REZONINGS:

APPLICANT: Jo Ann Church.

FOR: Rezone 1.98 acres from Rural Residential, (RR) to Business General, (BG) for the proposed use of a retail landscaping business or any other use permitted in a Business General, (BG) Zone.

Staff recommended approval, based on substantial change in character of the neighborhood.

ACTION: Motion made to disapprove by Brown, seconded by Prickett to disapprove, Murray abstained.

VOTE: Three to one (abstained) to disapprove, motion carried.

APPLICANT: Michael Charles Smith.

FOR: Rezone 1.2 acres from acres from Business Local, (BL) to Business General, (BG) for the proposed use of a car wash business or any other use permitted in a Business General, (BG) Zone.

Staff recommended approval, based on change in the character of the neighborhood.

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Brown.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Ronald Edgar Kauffman

FOR: Special Exception for a home occupation to conduct a business of a Tattoo Parlor.

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WITHDRAWN.

APPLICANT: Michael Dillon.

FOR: special Exception for a home occupation to conduct an auto repair business.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Prickett, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: Harry and LeAnn Lenderman.

FOR: Special Exception for a home occupation to conduct a business of salon and spa and gift/antique shop.

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

ACTION: Motion made to approve with staff conditions by Murray, seconded by Farrell.

VOTE: All in favor, motion carried.

APPLICANT: Daniel E. Banks, President of Dan Banks Co., Inc.

FOR: Special Exception renewal of a home occupation to conduct a home improvement business.

Staff recommended approval for five years. No more than 3 vehicles, no business activities in any accessory buildings.

ACTION: Motion made to approve for five years. No more than 3 vehicles overnight, no business activities in accessory buildings by Prickett, seconded by Brown.

VOTE: All in favor, motion carried.

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APPLICANT: Sally I. Sheldon.

FOR: Special Exception renewal of a home occupation to conduct an in-home gift shop.

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

ACTION: Motion made to approve with staff conditions by Farrell, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Harriet A. Blair.

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

WITHDRAWN.

APPLICANT: Bob Miller.

FOR: Special Exception to locate a singlewide manufactured home for agricultural help.

Staff recommended approval as long as owners own the property and agricultural operation continues.

GENERAL DISCUSSION: None.

The meeting was adjourned at 8:50 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 18, 2003 at 7:00 p.m.

August 18, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Williams, Murray, Brown, Kilby, Sennstrom, Houston and Dempsey.

ABSENT: Prickett, Mortimer, Farrell, (Alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Brown, seconded by Murray and unanimously carried to approve the July 29, 2003, 7:00 p.m., minutes as mailed.

ZONING ORDINANCE:

Text Amendment:

Amendment to Article II, Part I, Section 12 Bed and Breakfast definition.

Amendment to Article V, Part III, Section 84 Bed and Breakfast.

(Addition)

Mr. Eric Sennstrom, Director of Planning, Zoning, Parks and Recreation presented the applications for the Text Amendments to the Cecil County Zoning Ordinance and Subdivision Regulations. The first and second Text Amendment concerns Article II, Part I, Section 12 Bed and Breakfast definition and Article V, Part III, Section 84. Mr. Sennstrom provided an explanation of the proposed changes to both sections. Section 12 is being amended to include language concerning owner and/or manager occupancy service on non-alcoholic or alcoholic beverage service and the types of activities that may be lost at the facility. Section 8 is proposing to add language regarding the provision of food and beverages as well as activity types.

PLANNING COMMISSION MEETING 2003

Health Department Report No comment on the text of the amendments, but a note on Bed and Breakfasts Department of Health and Mental Hygiene Food Facility Regulations and policy do not presently require a Food Service Facility license if there is no food preparation on the premises, if food is to be prepared, facility plans must be reviewed and approved and a license issued.

Ms. Murray asked if you must reside in and be an owner of the dwelling to establish a Bed and Breakfast. Also can you have a Manager off site?

Mr. Sennstrom stated that a Bed and Breakfast could be Manager occupied as well. It is owner and or manager occupied.

Mr. Williams suggested clarification of the wording to read, Manager or Owner to be on the same site instead of residing in the dwelling.

Mr. Walbeck stated that we are making a big jump by saying that a Bed and Breakfast from providing a small service is now becoming a commercial business, like a small private Hotel. Mr. Walbeck feels a separate article for serving food and serving alcohol should be proposed.

Mr. Brown stated there is a fine line between a Bed and Breakfast and a Hotel.

Ms. Murray stated that Bed and Breakfast s expenses are growing and they are looking for other ways to make more money to cover the high cost of inflation, but still keep the small Bed and Breakfast idea.

COMMENTS IN SUPPORT: Ms. Pat Whiteoak, 1702 Augustine Herman Highway, Elkton, MD 21921, is in favor of the Bed and Breakfast amendment, as customers come there for the different amenities that are offered that you do not receive at a Hotel, such as being able to interact with the owners. The Bed and Breakfast business has been great in Cecil County. The Bed and Breakfast is a great place to celebrate small weddings, anniversaries, birthdays or family reunions. At the present time customers are told that they can bring their own wine if they would like to have a drink.

Ms. LeAnn Lenderman, Elk Forge Bed and Breakfast, 807 Elk Mills Road, Elk Mills, MD 21920 is in support of having non-alcoholic and alcohol beverages served at Bed and Breakfasts. She has operated her Bed and Breakfast for three years and has noticed that some of her potential customers are going to Delaware, because she cannot serve any alcohol.

PLANNING COMMISSION MEETING 2003

COMMENTS IN OPPOSITION: None.

Text Amendment:

(Addition)

Amendment to Article II, Part I, Section 12 add Boat Abandoned definition.

Amendment to Article IV, Section 49 Boat Abandoned.

Mr. Sennstrom, Director of Planning, Zoning, Parks and Recreation presented Text Amendment to Article II, Part I, Section 12 add Boat Abandoned definition. Any vessel that does not have a valid Maryland sticker displayed on or about the forward half of the vessel and does not have a Maryland certificate of number displayed that has remained without permission for more than thirty (30) days on public property, or any vessel that has remained outside a building for more than ninety (90) days on private property. Boats displaying a valid number issued by the federal government or another state shall not be considered abandoned.

Mr. Sennstrom, Director of Planning, Zoning, Parks and Recreation presented Text Amendment to Article IV, Section 49 Boat Abandoned. Storage outside of a substantially enclosed structure of any boat that does not have a valid Maryland sticker displayed, does not have a valid Maryland certificate of number displayed, or does not have a valid number issued by the federal government or another state government displayed, shall not be permitted in any zone unless it is located in a salvage yard.

Health Department Report No comments required.

Mr. Walbeck has a concern with the wording of this text amendment, stating whether or not is being stored or just abandoned. He feels we are opening up a huge problem for Cecil County by telling people that they will have to get rid of their boat. These regulations would be enforced on a complaint basis, and he feels this would be very hard to monitor.

Mr. Brown mentioned that the boat renewals come due in December and a lot of people wait until Spring to license their boat until they are ready to put them in the water. He feels that ninety (90) days is too stringent.

PLANNING COMMISSION MEETING 2003

Mr. Williams would like to see an exemption for boat restoration.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SUBDIVISION REGULATIONS:

Text Amendment:

(Addition)

Amendment to Article II, Section 2.0 Minor Subdivision definition.

Amendment to Article II, Section 2.1 General Requirements for Subdivision.

Amendment to Article II, Section 2.4 Minor Subdivision.

Amendment to Article VII, Section 7.2A Right of Way Width and Pavement Requirements.

Mr. Eric Sennstrom, Director of Planning, Zoning and Parks and Recreation presented the Text Amendments of Subdivision Regulations and an explanation of their intent. These amendments will require that minor subdivisions, once approved, be recorded in the land records of Cecil County, as are major subdivisions presently. The amendments are proposing too add explicit language to codify the recording of minor subdivisions and to add language that will permit the County to obtain fee simple dedication of the road widening right of way when a minor or major subdivision is approved.

Mr. Sennstrom stated that we have received letters from Surveyors on this Text Amendment. The letters are from McCrone, Inc., Michael S. McAllister, Will Whiteman Land Surveying and Northern Bay Land Surveying. Letters are in the file for reference. Mr. Sennstrom summarized the comments from the four parties.

PLANNING COMMISSION MEETING 2003

Mr. Walbeck stated that most ordinances are not effective until the date they would be signed and approved by the Board of County Commissioners.

Health Department Report No comments required.

Mr. Williams asked for clarification on Article II, Section 2.1 on approval of Planning, Zoning, Parks and Recreation, why is this added in as a board?

Mr. Sennstrom stated just for clarity purposes, as that has previously been omitted.

Mr. Walbeck stated the Planning Commission approves major subdivisions and the Director of the Office of Planning and Zoning approves minor subdivisions.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Michael Burcham, represented McCrone Engineering, 118 North Street, Elkton, MD 21921. They are concerned with the phrase total road frontage. Mr. Burcham referenced the letter sent by McCrone, see file for reference.

Mr. Walbeck stated there would be a clarification of that phrase.

CECIL COUNTY SMART CODE REPORT:

Mr. Peter Johnston, Principal Consultant, Redman/Johnston Associates, Easton, MD presented the Smart Codes presentation for Cecil County. Mr. Sennstrom stated the County has been able to obtain a grant from the State Department of Planning to develop this smart code report, which will lead to regulations to allow for infill and refill for redevelopment of underutilized sites. Mr. Johnston presented a summary of the contents of the report and an explanation on each recommendation contained therein. In the report there are several categories, which are as follows:

1. Project Scope

PLANNING COMMISSION MEETING 2003

2. Infill and Redevelopment
3. Smart Neighborhoods
4. Smart Neighborhood Characteristics
5. Study Area Characteristics
6. Development District
7. Development District/PFA
8. Development District/Zoning
9. Development District/Unimproved Land
10. TR Zone/Water and Sewer Areas
11. Candidate Infill, Redevelopment and Smart Neighborhood Sites
12. Development Scenarios
13. Potential Development Capacity
14. Study Findings
15. Study Recommendations

This graphic presentation was shown to the Planning Commission and Public, report in file for reference.

Health Department Report No comments required.

Mr. Walbeck gave a brief summary of what Mr. Johnston stated in his presentation.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Walbeck stated he was going to recommended to the Planning Commission that they table this for a month to give them time to look at this report closer and the public would be able to come into the Office of Planning and Zoning to look at the report at their leisure.

Mr. Walbeck announced that we were going to hear Special Exception File-2965, out of order, as the applicants had a small child with them.

SPECIAL EXCEPTION:

PLANNING COMMISSION MEETING 2003

FILE: 2965 - APPLICANT: Donald and Marnie Hass.

FOR: Special Exception Renewal of a Home Occupation to conduct a massage therapy business.

PROPERTY LOCATION: 131 Tockwogh Drive, Earleville, MD 21919, Election District: 1,
Tax

Map: 60, Parcel: 372.

PROPERTY OWNER: Donald and Marnie Hass.

PRESENTLY ZONED: Rural Residential, (RR).

Ms. Marnie Hass, 131 Tockwogh Drive, Earleville, MD stated she would like to renew her Special Exception for a massage therapy business. She has had this business for the past two years. She is a licensed massage therapist in Maryland and Delaware. She is also Nationally Certified and a member of the American Massage Therapy Association. She has continued her education mandated by both Maryland and Delaware. She feels this is a benefit to the community.

Health Department Report No Health Department approval or Sanitary Permit required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

NOMINATION FOR HISTORIC DESIGNATION:

FILE: 2003-05: APPLICANT: Trish Brown.

FOR: Historic Designation Winter/Brown House.

PROPERTY LOCATION: 1730 Hopewell Road, Port Deposit, MD 21904.

PROPERTY OWNER: Patricia Winter Brown and William E. Brown, III.

ELECTION DISTRICT: Sixth, PRESENTLY ZONED: Northern Agricultural Residential,
(NAR).

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Mr. Eric Sennstrom, Director of Planning, Zoning and Parks and Recreation presented this application. This application was before the Historic Commission on August 5, 2003, the district recommended to the Planning Commission that it be listed as an historic site. The house was originally known as the Nevin Orr house. The dwelling was in existence in the tax records of 1877. The 1861 land records indicate the Nevin Orr house as a new house and lands. The Atlas of 1877 shows the dwellings location and the Martenet Map of 1858 also shows the house. The original pine flooring, original roof, and its style is unique and important. There is also a vaulted sub-basement with dug well. File in office for reference.

Ms. Murray asked what the house would be called?

Mr. Sennstrom stated it would be called the Winter/Brown House.

Mr. Walbeck asked why nothing was filled out on the third page?

Mr. Sennstrom stated that the owners did not know any more information than was put on the application.

Health Department Report No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONINGS:

FILE: 2003-06: APPLICANT: Nathan Workman.

PROPERTY LOCATION: 48 Craigtown Road, Port Deposit, MD 21904, Election District:
7,

Tax map: 29, Parcel 286.

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PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Rezone 2.92 acres from SR to M-1 for the proposed use of Residence and Business or any other use permitted in a Light Industrial, (M-1).

PROPERTY OWNER: Nathan and Susan Workman.

Mr. David Parrack, Esquire, 226 East Main Street, Elkton, MD 21921, represented Mr. and Mrs. Workman in their rezoning application. The Workman s are the owners of parcel 286 but also the adjoining parcels 695 and 335. Mr. Workman is in the trucking business, engaged in the business of hauling milk from Cecil County to other areas in the State. When Mr. Workman purchased these properties in 2002 he was under the impression that all the parcels were listed as commercial, as told to him by his Realtor. In April 2003 there were complaints received from residents of Cecil County and the Town of Perryville on the trucks using Craigtown Road. Parcel 695 is in the Town of Perryville s limits. The rezoning needs to be done parcel 286, which is next to parcel 695 listed as commercial. He would like to house the milk hauling trucks in the milk hauling business. Mr. Workman has a total of ten (10) trucks that he owns. The trucks go once in and once out per day. Mr. Parrack read from the Comprehensive Plan, page 19 on non-residential sites. The general configuration of this property is narrow. At this location there is presently a residence existing with a new large garage being constructed. The parking area for the trucks would be behind the garage, back off the public roadway. There is no processing on this site, used only for parking of trucks and going in and out for deliveries.

Change in the neighborhood- none available to compare with. The only change is the Urban Growth Boundary Plan. There has been realignment of the I-95 Interchange. Mistake provides mixed use of zoning in the Comprehensive Plan especially around the interchanges. Across I-95 is a truck plaza that operates 24 hours a day. The road sign used to say Slow Truck Crossing and now it has been changed to say Trucks Entering Highway .

Mr. Parrack entered into the record a map marked Exhibit A-and photos marked Exhibits 1-12, in file for reference. Exhibit B is a petition in support of Mr. Workman to rezone his property with forty-five (45) residents signatures.

Health Department Report Building Permit G3221 issued in 2002 for storage building; no application received for water and sewage approval for commercial use.

Mr. Williams asked if Mr. Workman would be doing any kind of mechanical work on the trucks?

Mr. Workman stated it would be just storage of the trucks.

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Mr. Walbeck asked what is the purpose of the garage that Mr. Workman is constructing, will it be commercial or a residential garage?

Mr. Workman stated the purpose of the garage is storage of tires and equipment for the trucks. He also has 8-9 rental homes, which he will be storing items in the garage.

Mr. Walbeck asked what is the route the trucks take each day?

Mr. Workman stated they always turn toward Perryville. The trucks do not go up Craigtown Road.

COMMENTS IN OPPOSITION: Mr. John Downs, Esquire, 105 South Street, Elkton, MD 21921 is representing Phyllis C. Davis and husband Robert Carlton. This nonconforming use on this parcel has been in existence for some time and continues to affect the safety, welfare and property values within the surrounding area. This is a quiet area with individual residents with children on a country road. It is very dangerous with these large trucks on a small country road. Mr. Downs presented large and small photos to the Planning Commission taken by his clients from their yard and pool area, in file for reference. The building permit for the 50 x 100 garage is still pending with Cecil County, but the pad for the garage is already been poured this past weekend without the permit being issued. Parcel 695, next to Mr. Workman, is zoned commercial through the Town of Perryville, but this parcel cannot be used for this kind of activity. No other properties in the area are zoned in this manor. Mr. Downs presented for the record eighteen (18) additional names with signed petitions in opposition, in file for reference.

Mr. Houston, Zoning Administrator stated for the record that there were three letters sent by Ms. Alice Jones, Mr. and Mrs. Terry Hunt and Mr. and Mrs. James Sellare to the Planning and Zoning Office, in file for reference.

List of residents in opposition:

1. Emily Grove, 130 Craigtown Road, Port Deposit, MD.
2. Angela Craig, Teacher at Perryville High School, concerned about school buses on Craigtown Road.
3. Linda Simmers, 177 Craigtown Road, Port Deposit, MD.
4. Kevin Simmers, 177 Craigtown Road, Port Deposit, MD.
5. Randy Laye, 56 Red Barn Road, Port Deposit, MD.
6. Melinda Porter, 43 Red Barn Road, Port Deposit, MD.
7. Ed Craig, 72 Craigtown Road, Port Deposit, MD.
8. Phyllis Davis, 62 Craigtown Road, Port Deposit, MD.

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COMMENTS IN SUPPORT: None.

FILE: 2003-10: APPLICANT: Harry and LeAnn Lenderman.

PROPERTY LOCATION: 807 Elk Mills Road, Elk Mills, MD 21920, Election District: 4,
Tax map: 21, Parcel 834.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Rezone 5.58 acres from Suburban Residential, (SR) to Business General, (BG)
for

the purpose of a Bed and Breakfast, (Commercial) or any other use permitted in a Business
General, (BG) Zone.

PROPERTY OWNER: Harry and LeAnn Lenderman.

Mr. David Parrack, Esquire, 226 East Main Street, Elkton, MD representing Mr. and Mrs. Harry Lenderman in the rezoning of the Elk Forge Bed and Breakfast. The application, which was filed by the Lenderman s, indicated 807 Elk Mills Road, but 797 Elk Mills Road should have been added to the application. The combined acreage of the two parcels would then be 5.88 acres. Mr. Parrack asked Mr. Houston if there was notification to Mr. Leneske who is an adjoining property owner of the other address (797 Elk Mills Road) that was not shown on the application. Mr. Parrack asked the Commission if he could go ahead with the presentation and the Leneke s would be notified of the County Commissioners meeting on September 2, 2003, at 10:00 a.m.

Mr. Houston stated no they were not notified and Mr. Walbeck stated it would be all right to go on with the presentation.

The Lenderman s are currently requesting a rezoning so they will be able to perform catering and restaurant services and convert the Carriage House that is on the property to some extended stay rooms.

Exhibits one and two, location surveys are entered into the record, file in office for reference. The Barn is to be renovated for the Salon/Spa facilities, which was done under a Special Exception in the July, 2003 meeting. There was a rezoning in 1996 (96-5) since the Comprehensive Rezoning in 1993 based on change in the character of the neighborhood. There has been change in the neighborhood already by the Bed and Breakfast already operating.

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Health Department Report Sanitary Permit F7057 issued in 1999 for addition and renovations to convert home into Bed and Breakfast . Expanded commercial use may require further upgrade of existing septic system.

Ms. Murray asked Ms. Lennderman if she lives in the Bed and Breakfast?

Ms. Lenderman stated they live in the apartment next to Spa in the Carriage House.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Parrack stated for the record - Exhibit A- Needs Analysis for Zoning Requests-August 2003, see letter in file for reference.

SPECIAL EXCEPTIONS:

FILE: 2961 - APPLICANT: Patricia A. Fitzgerald.

FOR: Special Exception for a home occupation to conduct a business of Insurance Agent.

PROPERTY LOCATION: 188 Wells Camp Road, North East, MD 21901, Election District: 5,

Tax Map: 31, Parcel: 1125.

PROPERTY OWNER: James F. and Elizabeth Joann Fitzgerald.

PRESENTLY ZONED: Multifamily Residential, (RM).

Ms. Fitzgerald, 188 Wells Camp Road, North East, MD, 21901 has been a licensed Maryland Insurance Agent for eleven (11) years. She would like to start her own agency in her home instead of working for someone. She is not conducted any business at the present time in her home, she is waiting for approval. There would be no employees working with her. She would have one customer at a time in her home and she also would go

PLANNING COMMISSION MEETING 2003

to the customer's home from time to time to meet with them.

Health Department Report Sanitary Permit B1625 issued in 1980 for dwelling; minimal impact on existing well and septic system satisfactory.

Ms. Murray asked if she would be representing any particular insurance company?

Ms. Fitzgerald stated she has not approached that yet, as she needs to take one step at a time. She is waiting to see if her Special Exception will be approved first.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2963 - APPLICANT: James Marshall.

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

PROPERTY LOCATION: 936 Ebenezer Church Road, Rising Sun, MD 21911, Election

District: 5, Tax Map: 18, Parcel: 349.

PROPERTY OWNER: James Marshall.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Marshall, 936 Ebenezer Church Road, Rising Sun, MD 21911 presented his application. He wishes to locate a singlewide manufactured home on the rear section of his property to accommodate his Mother and Father in Law. His wife's parents have financial and health reasons that they need to be close to them. Mr. Marshall's Father in Law is 72 years old and has had several heart attacks and by-pass surgery. He is not able to work. His Mother in Law does work part time at Walmart, but she has had a stroke. They do not have the funds to purchase a home in a mobile home park, so they thought it would be nice to have this singlewide close to family. Presently they are residing at Hopewell Cemetery as caretakers, but they cannot do the work there anymore because of health reasons, and have been asked to leave. They lived there rent-free.

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Health Department Report No application received for water and sewage approval for proposed use.
(Property is Lot #4, Lands of Mel Schutzman subdivision).

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2964 - APPLICANT: Charles and Luna Racine Jr.

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

PROPERTY LOCATION: 1797 Old Elk Neck Road, Elkton, MD 21921, Election District: 5,

Tax Map: 37, Parcel: 158.

PROPERTY OWNER: Charles and Luna Racine.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Charles D. Racine, Jr., 1797 Old Elk Neck Road, Elkton, MD 21921 presented this application. Mr. Racine has been a lifelong resident of Cecil County since 1946. His Mother in Law now at age 82 finds herself in need of daily assisted living. He has the land available to him to put a small manufactured home on his property, so he would be available to help her with daily health and personal life. This home will be professionally integrated into the existing landscape and would become a compliment to the surrounding residents. This Park Model is not the typical model manufactured home. Most of the year it would not be visible from the roadway.

Mr. Racine showed the Planning Commission some drawings of the manufactured home he is thinking about for his Mother in Law. See letter in file for reference.

Health Department Report Soil evaluations conducted July 2003 for proposed use satisfactory.

COMMENTS IN SUPPORT: Ms. Luna Racine, 1797 Old Elk Neck Road, Elkton, MD 21921 stated that this her Mother and she needs help with daily chores, writing checks to pay bills, she fell and broke her hip, she has Emphysema and has the beginning stages of Parkinson Disease.

COMMENTS IN OPPOSITION: None.

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FILE: 2966 - APPLICANT: Seth Garvin.

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

PROPERTY LOCATION: 499 New Bridge Road, Rising Sun, MD 21911, Election District: 8,

Tax Map: 2, Parcel: 21.

PROPERTY OWNER: Tom and Jane Garvin.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Mr. Seth Garvin, 499 New Bridge Road, Rising Sun, MD 21911 is the son of Tom and Jane Garvin, the owners of the property. He would like to locate a singlewide manufactured home on his parent's property. At the present time he is living with his Father in Law. He wishes to have this singlewide for no longer than two years, as he wishes to build a home on his parents property which they are currently having surveyed to subdivide. There is a small farm also, which he would be able to help with some of the small farm animals while living there. He is employed as a Carpenter with his Father's Construction Company. He has one child and another one on the way, and he needs somewhere to live close by where he will be building his home.

COMMENTS IN SUPPORT: Mr. Tom Garvin, (Seth's Father) stated he works for me as a Carpenter. Seth is planning on building his home on our property and doing most all the work himself, so he is in favor of him getting this manufactured home. The manufactured home would be over 600' from the road.

COMMENTS IN OPPOSITION: None.

AGRICULTURAL PRESERVATION DISTRICT Stoltzfus, Amos and Sarah (Continued from July 2003 Planning Commission meeting).

Mr. Sennstrom, Director of Planning and Zoning presented the findings that the Planning Commission had requested from the meeting of last month. He spoke with Mr. Stoltzfus on Tuesday July 29, 2003 about his intentions for the excluded road frontage. He clarified his intentions by informing that he only intended to exclude the road frontage from his lane east. From his west to the border of Ms. Brown's property is to be included in the district. He also made note that the portion of excluded land was wooded.

Mr. Williams asked what is the acreage that is going to be put into preservation.

PLANNING COMMISSION MEETING 2003

Mr. Sennstrom stated it would be fifty-three (53) acres. Ten (10) acres was withheld.

COMMENS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

ZONING ORDINANCES:

TEXT AMENDMENTS:

Amendment to Article II, Part I, Section 12 Bed and Breakfast definition.

Amendment to Article V, Part III, Section 84 Bed and Breakfast.

Staff recommended approval.

ACTION: Motion made by Brown, seconded by Williams to approve with the following revisions dwelling **(with an owner and or manager on site)** that **(may)** provide

VOTE: All in favor, motion carried.

Amendment to Article II, Part I, Section 12 add Boat Abandoned definition.

Amendment to Article IV, Section 49 Boat Abandoned.

PLANNING COMMISSION MEETING 2003

Staff recommended approval.

ACTION: Motion made by Murray, seconded by Brown to approve with the following revisions building for more than **one hundred eighty (180), days and boats being actively restored, rehabilitated, and or built shall not be considered abandoned.**

VOTE: All in favor, motion carried.

Amendment to Article II, Section 2.0 Minor Subdivision definition.

Amendment to Article II, Section 2.1 General Requirements for Subdivision.

Amendment to Article II, Section 2.4 Minor Subdivision.

Amendment to Article VII, Section 7.2A Right of Way Width and Pavement Requirements.

Staff recommended approval.

ACTION: Motion made by Brown, seconded by Murray to approve **(Minor Subdivisions with road frontage on a County road shall dedicate in fee simple to the Board of County Commissioners a right of way along the total road frontage of the proposed minor subdivision lots.**

VOTE: All in favor, motion carried.

CECIL COUNTY SMART CODE REPORT:

APPLICANT: Cecil County

FOR: Smart Code Report

Staff recommended approval.

ACTION: Motion made to table until September 15, 2003 Planning Commission Meeting by Brown, seconded

PLANNING COMMISSION MEETING 2003

by Williams.

VOTE: All in favor, motion carried.

NOMINATION FOR HISTORIC DESIGNATION:

APPLICANT: Trish Brown.

FOR: Historic Designation Winter/ Brown House

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Williams.

VOTE: All in favor, motion carried.

REZONINGS:

APPLICANT: Nathan Workman.

FOR: Rezone 2.92 acres from Suburban Residential, (SR) to Light Industrial, (M-1) for the proposed use of Residence and Business or any other use permitted in a Light Industrial, (M-1).

Staff recommended disapproval, no demonstrated change in neighborhood since last comprehensive rezoning, no demonstrated mistake in last comprehensive rezoning.

ACTION: Motion made to disapprove with staff conditions by Murray, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Harry and LeAnn Lenderman.

PLANNING COMMISSION MEETING 2003

FOR: Rezone 5.58 acres from Suburban Residential, (SR) to Business General, (BG) for the purpose of a Bed and Breakfast, (Commercial) or any other use permitted in a Business General, (BG) Zone.

Staff recommended disapproval, no demonstrated change in neighborhood since last comprehensive rezoning, no demonstrated mistake in last comprehensive rezoning.

ACTION: Motion made to disapprove with staff conditions by Williams, seconded by Brown.

VOTE: Two to one to disapprove, motion carried.

APPLICANT: Patricia Fitzgerald.

FOR: Special Exception for a home occupation to conduct a business of Insurance Agent.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Williams, seconded by Brown.

VOTE: All in favor to approve, motion carried.

APPLICANT: James Marshall.

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

Staff recommended approval for two years or as long as mother and father in law reside in manufactured home, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Brown, seconded by Williams.

VOTE: Two to one to approve with conditions, motion carried.

APPLICANT: Charles and Luna Racine, Jr.

PLANNING COMMISSION MEETING 2003

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

Staff recommended approval for two years or as long as mother in law resides in manufactured home, whichever shall sooner occur.

ACTION: Motion made to approve with staff conditions by Williams, seconded by Brown.

VOTE: Two to one to approve with conditions, motion carried.

APPLICANT: Donald and Marnie Hass.

FOR: Special Exception Renewal of a Home Occupation to conduct a massage therapy business.

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

ACTION: Motion made to approve with staff conditions by Murray, seconded by Brown.

VOTE: All in favor, motion carried.

APPLICANT: Seth Garvin.

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

Staff recommended disapproval, no demonstrated hardship, no demonstrated need for farm help.

ACTION: Motion made to disapprove conditions by Murray, seconded by Brown.

VOTE: All in favor, motion carried.

AGRICULTURAL PRESERVATION DISTRICT Stoltzfus, Amos and Sarah (Continued from July 2003 Planning Commission meeting).

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Staff recommended approval.

ACTION: Motion made to approve, by Brown, seconded by Murray.

VOTE: All in favor, motion carried.

The meeting was adjourned at 9:50 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 15, 2003 at 7:00 p.m.

September 15, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Brown, Murray, Mortimer, Prickett, Sennstrom, Slicer, Houston, and Dempsey.

ABSENT: Williams, Farrell (alternate).

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Brown, seconded by Murray, and unanimously carried to approve the August 18, 2003, 7:00 p.m., minutes as mailed.

SMART CODE REPORT: Continued from August 18, 2003 Meeting.

Mr. Eric Sennstrom, Director of Planning, Zoning and Parks and Recreation presented the continuance of the Smart Code Report from the Planning Commission meeting on August 18, 2003 meeting. The consultant presented a Power Point presentation at the last meeting, and handouts summarizing the report for your perusal. The report is looking at redevelopment and reutilization of development sites that may have been passed over for prime development that had not been looked at before. The key goal is to provide flexibility for a mixed-use type of development. Different types of housing, employment, pedestrian oriented scales so you can have different types of activities close by to other types of uses. The Consultant looked at different type of sites that would be ideal for this type of development. He looked at the way things are being done at the present time in the County and made recommendations how it can be done with higher densities and making better utilization of the land that is available.

Mr. Walbeck stated they could not make a decision on the report last month without having a little more time, so it was tabled until this September meeting.

Mr. Walbeck asked if this report would become part of the Zoning Ordinance if adopted by the County Commissioners?

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Mr. Sennstrom, stated, yes, as part of a two-step process concerning this report. The first step would be that the report go before the County Commissioners at their October 7, 2003 meeting, if the Board adopts the report then use what the Consultant put in the rear portion of their report in trying to meet our Zoning Ordinance standards for an overlay zone, which allow individuals the opportunity to take advantage of smart neighborhoods.

Ms. Murray asked when there would be a public hearing?

Mr. Sennstrom stated a public hearing would be on October 7, 2003, at 7:00 p.m.

Mr. Mortimer asked where the public could retain a copy of the report.

Mr. Sennstrom stated that it is in the Planning and Zoning Office, Room 300, Courthouse Bldg, Elkton and has been advertised in the Cecil Whig.

PROGRAM OPEN SPACE:

FOR: Program Open Space Annual Program, Fiscal Year, 2004 - Park Acquisition and Development Plan for Cecil County.

Mr. Edward Slicer, Manager of Parks and Recreation presented the Open Space projects. Mr. Slicer stated that the Board of Parks and Recreation met on June 23, 2003 to discuss additional Program Open Space funding for project assignment. Additional funding was the result of the difference between the projected Fiscal-Year 2004 allocation and the actual Fiscal-Year 2004 allocation.

The first project is Trinity Woods Basketball Court, and the purpose of this project is to provide recreational facilities north of the railroad tracts. The land is donated which will permit 75% of the appraised value of the land to be provided from Program Open Space acquisition funds as the local match for the development project. The total cost of this project will now be \$20,750.00.

The second project is Elk Landing Phase II, and this is the acquisition of land north of the historic Hollingsworth House on Landing Lane. This land will provide additional open space for local residents with access to the riparian forests and creeks. The Town of Elkton will develop a future greenway link and preserve a historic landscape for local and regional tourism. This project will protect sensitive critical areas adjacent to the Big Elk Creek. The total cost of this project will now be \$715,000.00.

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The third project is the Diddie Richardson Park in Rising Sun, the town has a play train in the Rising Sun Town Park, which is very popular with the children, and would like to have one in the Diddie Richardson Park. The total cost of this project will be \$6,000.00.

The fourth project is the Hopkins Quarry Service, which is a creation of a Master Plan for the Hopkins Quarry, which was acquired last year with Open Space funds. The Hopkins Quarry site will serve as a Trailhead for the Lower Susquehanna Heritage Greenway Trail. The Hopkins Quarry site is also identified in Port Deposit's Park and Recreation Plan. The Master Plan will define sites suitable for parking/circulation, lighting, bicycle/walking trails, signage, benches, trash receptacles, historic markers, and view sheds. The total cost will now be \$2,000.00.

The fifth project is the Rising Sun Town Park Safety Surface, which is a safety cushion consisting of a rubber type mulch or rubber padding that will last fifteen +(15) years. This cushion would be for playground equipment at the Rising Sun Town Park. The total cost will now be \$13,333.33.

The last project is the Perryville Trailhead design for the construction of 2,500 linear feet of Lower Susquehanna Heritage Greenway Trail through Perryville Community Park. The completion of the Trail will allow Perryville to hold its first annual triathlon, which is expected to draw thousands of visitors to the region for the summer of 2004. The total cost of this project will be \$2,000.00.

Mr. Slicer stated if all this were approved we would put an approval date on the front cover of the report.

Ms. Murray stated that Mr. Slicer has done an excellent job presenting this report.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FOR: North East Little League Development VI Lighting Founder's Field (First Installment).

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Mr. Slicer presented the project at the North East Little League Development VI- Lighting Founder s Field, (First Installment).

The project includes 1/3 of the funding required to light the Founder s Field at the North East Little League Park. The estimated allocation did not provide adequate funding. The total estimated cost of this lighting is \$123,316.00. Materials will cost \$66,316.00 (lights, poles, wiring concrete bases, etc.). Installation is \$60,000.00 for setting poles and underground wiring system and electric service. The North East Little League will pay 25% of the cost plus any cost relating to service to the transformer and costs of the transformer itself.

FOR: Cecilton Park Completion of Ballparks.

Mr. Slicer and Mayor Bunnell of Cecilton presented the completion of Cecilton Park. The Chesapeake City Little League has been able to use the fields for practice only due to the unfinished state. This request is for the final stage in completing both ball fields for use in Spring 2004. This will encompass two backstops, fencing around the balance of both fields and dimetek surfacing.

Mr. Mortimer asked if the Town would get donations would that reduce the money that they are asking for?

Mr. Slicer stated that they still would have to receive 25% locally.

FOR: Elk Landing Acquisition Phase 2 (Second Installment).

Mr. Slicer and Ms. Jean Miner, Town of Elkton s Planner, presented the Elk Landing Acquisition-Phase 2. The proposed project involves the fee simple acquisition of approximately twenty (20) acres of land situated to the north of historic Hollingsworth House on Landing Lane. These twenty aces will be purchased for open space purposes. The Mayor and Commissioners of the Town of Elkton intend to acquire this site in order to provide additional open space for local residents with access to the riparian forests and creeks, develop a future greenway link and preserve a historic landscape for local and regional tourism. Acquisition of this site will provide additional space necessary for parking, a visitor center, and historic reenactment activities, in addition to providing a necessary buffer from adjacent residential and commercial uses, thus preserving the historic landscape of this site. This acquisition is consistent with Planning Vision #1 by providing needed open space and historical interpretive activities in a rapidly growing community. This acquisition is also consistent with Planning Vision #2, #4 and #5 because it will protect sensitive Critical Areas adjacent to the Big Elk Creek. Increased traffic to the site will be addressed via a proposed access road through municipal property adjacent to US Route 40, thereby reducing traffic on Landing Lane. This second installment will cost approximately \$ 78,877.00.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Health Department Report- No comments required for Program Open Space.

SPECIAL EXCEPTIONS:

FILE: 2968 - APPLICANT: Joseph and Julie McMullen.

FOR: Special Exception to place a doublewide manufactured home on a permanent foundation as a principal structure in a Rural Residential District.

PROPERTY LOCATION: Lot #9, Sweetgrass Drive, Rising Sun, MD 21911, Election District:

5, Tax Map: 18, Parcel: 192.

PROPERTY OWNER: Joseph and Julie A. McMullen.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Joseph and Ms. Julie McMullen, Lot #9, Sweetgrass Drive, Rising Sun, MD, presented their application for a doublewide manufactured home. At the present time they are having a severe financial hardship. They had purchased this Lot #9, Sweetgrass Drive, a year ago with the intentions of building a stick built home, but Ms. McMullen had an accident at her place of employment (Chrysler) a year after they purchased the property, so they cannot afford to build a stick built home now. Ms. McMullen has many medical problems (Hydrocephalus and Cysts on the brain), which affect her speech and her memory. She lost her job and half of her elbow, lost some precious years with her children and she would like a better place for her family to live.

Mr. Walbeck asked how many children do you have?

Ms McMullen stated she has three (3) children. Her children are in 3rd, 5th grade and high school. When they purchased the property, she and her husband just wanted to better themselves as they lived in a singlewide at

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the time. They owe over \$130,000.00 in medical bills during the time that she was out of work with physical therapy. The McMullens have a bad credit rating, because of all the hardships they have encumbered. Ms. McMullen did settle out of Court with Chrysler and received a small amount of \$45,000.00, which has not lasted very long. Her husband is a Carpenter and could do a lot of work to the manufactured home to make it look like a home. Her property is 1.8 miles from Bay Country Estates Trailer Park and 2.9 miles from the Cecil County Drag Strip. They feel as though their home would blend into the area nicely. Also, the home would be 500' off the road. There are wetlands on the property and there is an area that is a natural boundary, which would screen anyone's view from the road. There is almost four (4) acres of property in this location

Health Department Report Lot #9, Sweetgrass Meadows is approved for installation of a well and septic system for a single-family dwelling.

Mr. Walbeck stated that your case is based on hardship. Mr. Walbeck asked Mr. McMullen if he worked?

Mr. McMullen stated he recently had been laid off on July 1, 2003. He is having trouble finding a job, one that pays a decent rate of pay.

Mr. Walbeck stated that he was under the impression that construction was at a high in the area.

Mr. McMullen stated he is having trouble finding a job making \$17.00 an hour most companies are only paying \$10.00 to \$12.00 an hour.

Mr. Walbeck asked if any of the children have medical problems?

Ms. McMullen stated her daughter has one kidney that is failing and suffers from severe asthma. She has missed several months from school, and we have considered home schooling her. There are a lot of medical bills from their daughter also.

Mr. Walbeck stated that when he looked at the site he wondered where you could put a doublewide manufactured home.

Mr. McMullen showed Mr. Walbeck the map of the area where the doublewide would be located, in file for reference.

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COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ms. Susan Saris, 72 Sweetgrass Drive, Rising Sun, MD purchased her property in 1999 because of the location and the deed restrictions in the neighborhood. In the deed restrictions it states that no trailers shall be set on the lots. This will make the property values decrease. It is not true what Ms. McMullen stated you would be able to see this doublewide from the road because this is the highest elevation on Sweetgrass Drive. The trailer that the McMullens are proposing to put on this lot is fifteen, (15) years old. Ms. Saris feels the McMullens do not have the funds to build a foundation and a 500 driveway on this lot. With their financial difficulties, how are they going to afford the maintenance on the property?

Mr. Charles Benner, 264 McGrady Road, Rising Sun, MD is one of the original residents on Sweetgrass Drive. The area in Sweetgrass Meadows is set up as eleven, (11) individual lots, deed restricted. Mr. Benner stated this is a nice community and he is very opposed to a doublewide going in his neighborhood. Exhibits marked one and two (letter, petition signed by thirteen, (13) residents and pictures) are in file for reference.

Ms. Frances Waters, 77 Sweetgrass Drive, Rising Sun, MD was also one of the first residents in the area and she agrees with everything that Mr. Charles Benner stated.

Mr. Christopher Palfi, 52 Sweetgrass Drive, Rising Sun, MD is representing his family and he wants the Planning Commission not to recommend favorably to the Board of Appeals for this Special Exception for a Doublewide Manufactured Home to be put on this lot in Sweetgrass Meadows. He hopes the Board would uphold the deed restrictions on their neighborhood. He purchased his property because of the deed restrictions and it makes his property values decrease. The time and the circumstances are not right to build on the McMullens lot. Mr. Palfi is a life long member of Cecil County and Church member and he is praying for the McMullens that at a different time they will be able to build a more suitable home on their lot.

Mr. William Sutz, 77 Sweetgrass Drive, Rising Sun, MD wants to point out that there are near by trailers, however; the other areas are Manufactured Home Communities. He wants to keep the area consistent with the other homes that are located in Sweetgrass Meadows, which are not Manufactured Homes.

Mr. Fred Saris, 72 Sweetgrass Drive, Rising Sun, MD invests in Real Estate and the equity in his home means everything to his business. Mr. Saris is presently constructing a \$40,000.00 four-car garage to increase his equity. He needs the property value to increase on his home not decrease.

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Mr. Mike Steppe, 284 McGrady Road, Rising Sun, MD just bought his home and does not want to look at a trailer.

Mr. Mortimer asked the McMullens if they had an estimate of what this will cost them for the basement, driveway, well and septic.

Ms. McMullen stated it would cost about \$38,000.00 for everything.

FILE: 2972 - APPLICANT: John and Lori Lake.

FOR: Special Exception for a home occupation to operate a Bed and Breakfast.

PROPERTY LOCATION: 188 South Shore Road, Elkton, MD 21921, Election District: 2, Tax

Map: 43, Parcel: 129.

PROPERTY OWNER: John and Lori Lake.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Jay Emery, Esquire, 153 East Main Street, Elkton, MD is representing John and Lori Lake. This property was bought in 1992 by Mr. Lake, he then married Ms. Lake and her name went on the deed. The property is approximately 1.8 acres at the very end of South Shore Road. The Lakes would like to operate a Bed and Breakfast approximately two rooms. There is ample parking available with two to three spaces. There will be one space per room. The Lake s are in the process of renovating the property. If the Special Exception would be granted for the Bed and Breakfast it should not bother any of the surrounding neighbors. Mr. Emery asked if this Bed and Breakfast would make property values go down?

Ms. Lake answered she cannot see where it would affect the neighbors either way.

Mr. Emery stated that this property is located on the C & D Canal. This is in the Chesapeake Bay Critical area, but the house has well and septic at the present time. There never have been any problems with the well and septic and there should not be any problems with people staying at the Bed and Breakfast. Mostly the traffic would be over the weekends with one to two vehicles traveling on South Shore Road.

Mr. Lake stated that they have lived on this property for twelve years and he purchased this property and home for his wife as a wedding present. They are trying to make the best use of this property. As far as the

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septic and water go the Lake s would not be adding any space, they will be using the existing space.

Mr. Emery asked Mr. Lake if they have a dock at their location?

Mr. Lake stated, yes , that fronts right on the Canal, so people could come and tie their boats up and stay at the Bed and Breakfast. The Lake s have addressed this with Economic Development and Tourism and they feel this is a good idea. They have done some pre-promotions and have had very good response. This would be an asset to Cecil County.

Health Department Report No application received for water and sewage approval for proposed use. Bed and Breakfasts do not presently require a food service facility license if there is no food preparation.

Ms. Murray asked about the food on the Health Department Report. If there is no food allowed how can it be a Bed and Breakfast?

Mr. Cliff Houston, Zoning Administrator stated Section 84 of the Zoning Code stating: The facility may provide food and beverage (both non-alcoholic and alcoholic) to **transient guests** as breakfast, or in conjunction with weddings, business meetings and conferences.

Mr. Mortimer asked how many current occupants?

Ms. Lake stated just her and her husband.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ms. Joyce Monaco, 1275 Elk Forest Road, stated her home is the first home in the Elk Forest Community and this area is strictly a residential community. People walk and children ride their bikes and she is concerned about traffic if the Bed and Breakfast is approved. She is uncomfortable about the well and septic use at the Lake s home. Ms. Monaco feels that someone should be responsible such as a Realtor to check on any damages done by residents that would be staying at the Bed and Breakfast. The Elk Forest area is a very compact area with no egress. This would also affect the property values and she does not want to see any businesses in the area.

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Mr. Rick Sernyak, 6 South Shore Road, Elkton, MD also is representing the civic association. There are approximately 120 homes in the Elk Forest area. A petition will be presented to the Board of Appeals with numerous signatures opposing this Bed and Breakfast. The people in the community have bought their homes to be in a quiet community and they do not want a Bed and Breakfast in their back yard. The community does not want any commercial activity in their neighborhood. The septic fields need to be looked at by the Health Department. In the critical area, one side is a pond, which is wetlands and the other side is the canal. It is a quiet community with a lot of young children and we do not need a lot of traffic. The community is concerned about the ability to serve alcohol in this environment.

Mr. Emery stated that it is not true about serving alcohol; the Lakes would have to have a liquor license.

Mr. Walbeck stated there has been new language written on the serving of alcohol and the Lakes would have to obtain a Liquor License from the County.

Mr. Sernyak is against any type of alcohol being served on the premises even if it would be just for the guests, regardless of what the County has recently passed. Mr. Sernyak is also questioning what the intentions are concerning some of the documentation on the WEB site. It appears to more than a Bed and Breakfast on the Internet. See exhibit one, in file for reference. As a 120 unit Civic Association they are opposed to this Bed and Breakfast being granted.

Mr. Mortimer asked what is your perception of what the Lakes are trying to do?

Mr. Sernyak stated that his perception is his opinion. This seems more as a Hotel than a Bed and Breakfast from the pictures presented.

Ms. Lake stated that these are very old pictures that an Artist rendered. These were done with a 3-D Architectural Firm that they were consulting. The Lakes decided not to go through incorporating different alternative energy applications, such as solar panels and when they presented these ideas to the architectural firm these are the pictures that are displayed on the Internet. These pictures are no longer on the WEB site. There will be no increase of the footprint of this property.

Mr. Lake stated that he had Cancer a few years ago and was told he only had a few months to live, so he got involved with Think Tanks that are all over the world and that is what is on the Internet.

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Ms. Lake stated World Think Tank exists only on the WEB. It is not a physical location and they do not have a physical office in their home. It is mostly where her husband exchanges environmental ideas between other people through the WEB.

Mr. Curtis Reed, 43 Morning Glory Lane, Elkton, MD, President of the Civic Association stated that the children in their area have been told by the Lakes that they cannot go on their property and use the pond between the Lakes and the Open Space, and half of the pond is deeded to the Civic Association and the other 2/3 is deeded to one of the other property owners and the Lakes own approximately 1/8 of this pond. The Lakes have told the children that they cannot fish there or play ice hockey on the pond. The Lakes are using this pond as a Retreat area and have advertised they have acres of grassy fields and miles of nature trails, and they only own 1.7 acres. Pictures and paperwork on all this are in the file for reference. This is more than a Bed and Breakfast it is a Retreat that they are advertising. All seven, (7) property owners are in opposition to this Special Exception being granted.

Mr. Len Edwards, 80 South Shore Road, Elkton, MD wanted to know if this Bed and Breakfast was for the general public or is it a Private Club?

Mr. Sennstrom, Director of Planning and Zoning stated if the Board of Appeals approves this Special Exception Cecil County cannot screen the guests that would be staying there.

Mr. Edwards stated when he looked at the WEB site it made him wonder if this Bed and Breakfast is being used as World Headquarters for this Think Tank . My question is what is the intent of this facility?

Mr. Tim Poludniak, 147 South Shore Road, Elkton, MD has lived on the property that borders the Lakes for five years and is very much in opposition to this Bed and Breakfast. We use are acreage around the Lakes property for hikes with his children. Mr. Poludniak is very concerned about the literature he reading concerning Lakes Loch . In 2001 there were truck after truck of dirt brought in to raise the property because Mr. Lake was having trouble with his septic system, so there is a problem in this area with the septic and wells. There are a lot of inconsistencies going on with this property. The Lakes also use part of the Poludniak s property to park on and if a Bed and Breakfast is approved parking would be more limited.

Mr. George Haggerty, 36 South Shore Road, Elkton, MD wants to know how this property is going to be used. He feels that the Special Exception would go with the deed of the property. If this Special Exception would be approved the residents would like to see deed restrictions placed on this Bed and Breakfast. Mr. Haggerty would like the Planning Commission members to come out to this property to see how this property is going to be used before any recommendations would be made. Where will the parking will be located, are they going hire employees to run this business? Where is the home in relation to the septic and well? These are just a few of the questions that the he and the other residents are concerned about. On South Shore Drive it is fairly tight corner will the traffic be bad? Every road in the Elk Forest area dead ends. This business of a

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Bed and Breakfast sounds like a great idea, but he feels there are a lot of technical difficulty with some of these problems he mentioned.

Mr. Walbeck explained to Mr. Haggerty that the Zoning would not change and a Special Exception go with the property owner not the property. If this Special Exception would be approved and the Lakes would sell the property the Special Exception would expire for the Bed and Breakfast.

Mr. Joe Stemmy, 80 Canal Drive, Elkton, MD has the same concerns as the other residents, and it does not sound as though this is a true definition of a Bed and Breakfast operation.

Mr. Richard St.Amand, 32 South Shore Road has lived at his residence for twenty (20) years. A Bed and Breakfast does not fit on South Shore Road there is one road in and one road out, no egress. There is no gain for any of the residents, just personal gain for the Lakes. This would be a hindrance for the residents on South Shore Road.

Ms. Ruth Hegland, 14 South Shore Road, Elkton, MD stated she is against this because it is a nice residential community and it needs to stay that way.

Mr. Eugene Monaco, 1275 Elk Forest Road is a retired District Judge for thirty-seven (37) years and he feels the Lakes have not met their burden of explaining adequately what they want to present. The WEB sites seem to be different than what the Lakes have explained.

Mr. Roger Singley, 104 South Shore Road, Elkton, MD stated the picture on the WEB site that the Board was given to look at states this is a Headquarters for R & D, not a Bed and Breakfast. Also, South Shore Road is a tar and chip road, not wide enough for two cars to pass. No benefit for a Bed and Breakfast to be located on South Shore Road.

Ms. Julie Poludniak, 147 South Shore Road, Elkton, MD lives adjacent to the Lakes has some concerns over the property on the corner that is considered marshland. She thinks an official survey needs to be done on this corner piece of property. Originally there was a concrete marker in the wetlands the year she bought this property. If this Bed and Breakfast would be approved she would like to have this re-surveyed to see who actually owns this corner lot. The markers need to be done, so if people want to hike from the Bed and Breakfast they know where they are allowed to hike. Ms. Poludniak owns twenty (20) acres and between the property of the Smiths and Morning Glory there is 80 to 100 acres. The Poludniak's are part of Morning Glory subdivision, but her property comes out on South Shore Road. Another concern Ms. Poludniak has is where the Lakes are living at the present time because the house is gutted. There is a houseboat on the wetlands pond, are the Lakes living on the houseboat or in the house? Exhibit two, letter in file for reference.

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Mr. Walbeck asked whose signature is on the letter as it got cut off in the process of photocopying.

Mr. and Ms. Lake wrote and signed the letter.

Ms. Poludniak stated they have no problem with the Lakes living on this property, she just does not understand why they are advertising miles and miles of wooded hiking trails on the WEB that do not belong to them.

Ms. Frances Weaver, 160 South Shore Road, Elkton, MD has been her home since 1948 she moved to Maryland from Pennsylvania to be safe. South Shore Road is a very narrow road and it is in very poor condition and the road cannot take any more traffic. It is a nice community and she wants to see it stay that way.

Mr. Michael Tacosky, 108 South Shore Drive, Elkton, MD would like to go on record stating he has the same concerns.

Mr. Karen Singley, 104 South Shore Road, Elkton, MD would like to go on record stating she has the same concerns.

Mr. Tom Cole, 1635 Elk Forest Road, Elkton, MD would like to go on record stating he has the same concerns.

Ms. Cris Brookmyer, 80 South Shore Road, Elkton, MD would like to go on record that she has the same concerns.

Mr. Cliff Houston, Zoning Administrator read a letter from the Critical Area Commission, in file for reference.

Mr. Emery in closing stated there is a definition for a Bed and Breakfast and his clients will adhere to that definition if this Special Exception is granted. They will comply with the definition of a Bed and Breakfast.

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FILE: 2973 - APPLICANT: Argil and Linda Clifton.

FOR: Special Exception for a home occupation office for retail business of gifts and collectibles sold at the Elkton Farmers Market.

PROPERTY LOCATION: 21 Sarah Court, Earleville, MD 21919, Election District: 1, Tax Map:

52, Parcel: 472.

PROPERTY OWNER: Argil and Linda Clifton.

PRESENTLY ZONED: Rural Residential, (RR).

Mr. Argil and Ms. Linda Clifton, 21 Sarah Court, Earleville, MD would like to open small office in their home for a gift shop that they run in Elkton at the local Farmers Market. There will be no traffic and no transactions performed at their home.

Health Department Report Sanitary Permit D9252 issued in 1995 for existing dwelling; minimal impact on existing well and septic from proposed use Satisfactory.

Mr. Walbeck asked if there would be anything delivered at their home?

Mr. Clifton stated once every other week a U.P.S. truck would deliver a few boxes with small merchandise. The largest box we have received so far is 36 square.

Mr. Mortimer asked if you see having any employees?

Mr. Clifton stated no .

Mr. Walbeck asked if Mr. Clifton worked outside the home?

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Mr. Clifton stated yes, he is a Vice President for Warren Trust Company in Newark, Delaware. This is just a hobby we have now, so when we retire we will have something to keep us busy.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 2974 - APPLICANT: Anna Christi Baber.

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

PROPERTY LOCATION: 391 Lums Road, North East, MD 21901, Election District: 5, Tax

Map: 25, Parcel: 289.

PROPERTY OWNER: Anna Christi Baber.

PRESENTLY ZONED: Suburban Residential, (SR).

Ms. Anna Baber, 391 Lums Road, North East, MD would like to have a singlewide manufactured home on her property for her Mother, (Katherine Heverin) to live in, as she has a chronic lung disease.

Mr. Baber presented this application. The Baber's just purchased their home this past May 2003. They paid \$186,000.00 for their home and it is very nice. They feel they have plenty of land (2.71 acres) to put a Manufactured Home on without bothering any of the neighbors. This would be a small new Manufacture Home just big enough for his mother in law to live in. The Baber's stay to themselves and do not see their neighbors much. Mr. Baber is a General Manager of a Chevrolet dealership. Ms. Baber is a riding instructor at a Stable, she teaches English Style riding. The Baber's are the only ones that can take care of Ms. Katherine Heverin. Mr. Baber was raised to always take care of his elders. They are not trying to degrade the values of his neighbor's homes. Letter in file for reference, from Dr. John J. Chabalko, M.D. concerning her Pulmonary Lung Disease.

Mr. Walbeck asked where on the lot do you propose to put the Manufactured Home?

Mr. Baber stated between an old barn and the house. They are willing to install an eight, (8') privacy fence.

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Health Department Report No application received for water and sewage approval for proposed use.

Mr. Mortimer asked if the Baber s have thought about Ms. Heverin residing with them in their home?

Mr. Baber stated we did, but we have a small home and a 14-month-old son. He has thought about putting addition on, but if they have to move they would be able to take the trailer with them.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Mr. Peterson, 433 Lums Road, North East, MD is representing his Mother who has lived on this property for twenty-two years since 1954. There are currently no other singlewide Manufactured Homes in our little community. He is concerned about the water supply, as it is very limited. All the neighbors have had trouble with their wells and have had to drill new ones. Ms. Peterson owns twenty-two acres, which adjoins the Baber s. Exhibit one, photograph in file for reference. Most of the trees have been cut down over the years, so there is not much screening between the properties. His mother s health is bad and she is concerned about a singlewide going into the area.

Ms. Shirlee Carter, 385 Lums Road, North East, MD agrees with Mr. Petersen on his comments. She has been a Realtor for twenty, (20) years and she does not want to see the property values going down because of a Manufactured Home. There are problems with the wells and septic in the area now and she feels it would be a strain to put more use in the area. Ms. Carter is in opposition of this Manufactured Home.

Ms. Fay Weaver, 521 Bouchelle Road, North East, MD stated her property does not adjoin the Baber s, but it is very close. Ms. Weaver has lived in her home since 1964 and she is in agreement with the neighbors that the wells and septic systems cannot handle anymore. The water issue is a great concern with her as last year she had to dig a new well. This is a small county road and she would like to see it stay that way.

Mr. Terry Levredge, 451 Lums Road, North East, MD lived without water for three years because his well went dry. You cannot dig a well in that are because it is nothing but clay. The septic systems are over flowing in the area and he is very much opposed to the Baber s putting in a Singlewide Manufactured Home.

Mr. David Weaver, 785 Bouchelle Road, North East, MD wants to go the record that he is opposed to the Singlewide Manufactured Home.

RECOMMENDATIONS:

CECIL COUNTY SMART CODE REPORT:

APPLICANT: Cecil County.

FOR: Smart Code Report.

Staff recommended approval.

ACTION: Motion made to approve by Prickett, seconded by Brown.

VOTE: Three to one to approve, motion carried.

PROGRAM OPEN SPACE:

APPLICANT: Cecil County Parks and Recreation.

FOR: Program Open Space Annual Program, Fiscal Year, 2004 Park Acquisition and Development Plan for Cecil County.

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Mortimer.

VOTE: Three to approve, one to abstain, motion carried.

APPLICANT: North East Little League.

FOR: North East Little League Development VI Lighting Founders Field (First Installment).

PLANNING COMMISSION MEETING 2003

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: Town of Cecilton.

FOR: Cecilton Park Completion of Ballparks.

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: Town of Elkton

FOR: Elk Landing Acquisition Phase 2 (Second Installment).

Staff recommended approval.

ACTION: Motion made to approve by Murray, seconded by Prickett.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Joseph and Julie McMullen.

PLANNING COMMISSION MEETING 2003

FOR: Special Exception to place a doublewide manufactured home on a permanent foundation as a principal structure in a Rural Residential District.

Staff recommended approval.

ACTION: Motion made to disapprove by Brown, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: John and Lori Lake

FOR: Special Exception for a home occupation to operate a Bed and Breakfast.

Staff recommended approval for two years.

ACTION: Motion made to disapprove by Brown, seconded by Murray.

VOTE: All in favor, motion carried.

APPLICANT: Argil and Linda Clifton.

FOR: Special Exception for a home occupation office for retail business of gifts and collectibles sold at the Elkton Farmers Market.

Staff recommended approval for two years.

ACTION: Motion made to approve with staff conditions by Mortimer, seconded by Prickett.

VOTE: All in favor, motion carried.

APPLICANT: Anna Christi Baber.

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

September 15, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING 2003

Staff recommended approval for two years, or as long as mother resides in Manufactured Home, whichever shall sooner occur.

ACTION: Motion made to disapprove, no demonstrated hardship by Murray, seconded by Mortimer.

VOTE: Two to approve, two to disapprove, Mr. Walbeck (Chairman), disapprove, motion carried.

GENERAL DISCUSSION: None.

The meeting was adjourned at 9:10 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 20, 2003 at 7:00 p.m.

November 17, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING

PRESENT: Walbeck, Williams, Murray, Brown, Mortimer, Farrell, (alternate), Kilby, Sennstrom, Houston and Dempsey.

ABSENT: Prickett.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES- Motion made by Brown, seconded by Williams and unanimously carried to approve the October 20, 2003, 7:00 p.m., minutes as mailed.

REZONING:

FILE: 2003-12: APPLICANT: Annabelle McGinnis.

PROPERTY LOCATION: 1440 West Pulaski Highway, Elkton, MD 21921. ELECTION

DISTRICT: 5. TAX MAP: 26, PARCEL: 494.

PRESENTLY ZONED: Development Residential, (DR).

REQUEST: Request to rezone 5.46 acres from Development Residential, (DR) to Business General, (BG) for the purpose of special events.

PROPERTY OWNER: Annabelle McGinnis.

WITHDRAWN.

SPECIAL EXCEPTION:

November 17, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING 2003

FILE: 2985 - APPLICANT: Paulette Urban.

FOR: Renewal of a Home Occupation to operate a retail Photo T-Shirt business.

Tax
PROPERTY LOCATION: 45 Clearview Ave., North East, MD 21901, Election District: 5,

Map: 31, Parcel: 1287.

PROPERTY OWNER: Paulette and Thomas Urban.

PRESENTLY ZONED: Suburban Residential, (SR).

Paulette and Thomas Urban, 45 Clearview Ave., North East, MD would like to renew their special exception to operate a Photo T-Shirt business. Ms. Urban stated she does shirts for all the local schools in the area, key chains and items for the Turkey Point Lighthouse Committee.

Health Department Report Sanitary Permit D7384 issued in 1994 for dwelling, served by public sewer; no Health Department approval required.

Mr. Farrell asked how long have you been in business?

Ms. Urban stated two, (2) years.

Mr. Urban stated that there is no traffic involved with this business.

Ms. Urban stated that Turkey Point gives me all their pictures to put on the T-shirts.

Mr. Mortimer asked how the Urban s acquire business and how a transaction would be handled.

Ms. Urban stated they acquire business by word of mouth and the customers pick up their own deliveries. The area where they live is a very quiet area. Ms. Urban takes the orders to the schools as she works there every day driving a school bus.

PLANNING COMMISSION MEETING 2003

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Walbeck asked the Urban s if they would like a longer time period before they would have to renew their special exception.

Ms. Urban stated yes if she could.

2004-2009 CAPITAL IMPROVEMENT PLAN (CIP) - Presentation of the five-year Capital Improvement Program (CIP) for FY 2004-2009.

In attendance were the following:

Al Wein County Administrator

Craig Whiteford County Budget Manager

Matt Carter Director of Public Works

Mike Brown Deputy Director of Emergency Management Services

Eric Sennstrom Director of Planning, Zoning, Parks and Recreation

County Administrator Wein and the Department Heads listed above presented this agenda item. If the CIP is approved, the budget numbers will be incorporated into the FY 2005 operating budgets. The Committee made the following comments regarding CIP requests:

The County Commissioners will be holding their public hearing on December 2, 2003.

Dr. Frank Slaughter was in attendance if the Board would have any questions concerning the Board of Education.

November 17, 2003, 7:00 p.m.

PLANNING COMMISSION MEETING 2003

Mr. Al Wein, County Administrator stated he would be going through the proposal in the order listed in the handouts as follows: Proposed General Fund Summary and Water, Wastewater, Landfill, are listed first then bonds which are listed for Bond Issues. The Board of Education presented the total combined funds for each project. The FY 2005 the CIP Committee is proposing that we initiate local construction funding for the Elkton High School addition renovation project, complete planning for the Perryville Middle School renovation project, and defer construction funding until FY 2006. The balance of the cost refers to the cost of full day Kindergarten, which is being mandated by the State of Maryland.

Secondly the Committee has deferred indefinitely the following projects:

Perryville Middle School

Planning approval for Perryville Elementary

Elkton High School was committed to last year, which is a \$21 million dollar project. The State Funding follows for each of these programs. Attached for reference.

County Administrator Wein spoke briefly on the following projects:

Cecil County Community College building for continuing education on Railroad Ave. in Elkton is under construction. The building will be a 40,000 square foot building. The Bonds have been sold in the amount of 2.8 million for this project. The second piece will be in FY 2005 to finish the County commitment in the amount of 5 million.

The next project County Administrator Wein spoke briefly on was the Library. The Perryville Library will be completing the acquisition of property in Perryville and will proceed with construction for a branch Library. A Contractor has plans before the Town of Perryville for the new Library and a connector road from the Perryville Middle School to the Library.

Mr. Walbeck asked if there was a location for the North East Library.

Mr. Wein stated not at this time .

PLANNING COMMISSION MEETING 2003

Mr. Mike Brown, Deputy Director of Emergency Management Systems stated the communication system is continually being worked on with the construction of the Towers around the County. A proposal has been made for a Paramedic Station 2 and a Communications System implementation request for a proposal for voice communications. A Computer dispatch needs to be implemented for 911 calls. The projects that Emergency Management Systems will be implementing will be more visible in the near future.

Mr. Walbeck stated that every year we have had large items for communication services. This has mostly been for the replacement of radios and this one is for a new system including tower infrastructure (Sylmar Tower and Cecilton Tower) are the last two to be built. The other towers have been built in conjunction with State funding. The other tower is Elk Neck Tower on State property. The County funds half and the State funds the other half. It saves money using the State instead of local vendors. These towers will be the link to the Eastern Shore for their communications. This project has taken so long, because they have had to work with the FCC to obtain licensing for frequency.

Mr. Mortimer asked what is the benefit for the 8 million being spent.

Mr. Brown stated with the current communication system a Police Officer or Fire Fighter could only contact their headquarters 60% of the time, and with the new system being implemented it would be 95% of the time. The response time would be better. This would be a portable based system. Each person would have a radio and a panic button to tell their location.

Mr. Williams asked if the school buses would be part of this.

Mr. Brown stated yes when it would be all finished. Whatever needs to be done, volunteers included, would be in these figures for this project. The consultants have been working on this project for a long time.

Mr. Walbeck asked if there is a problem of communicating from inside a building?

Mr. Brown stated with the current system there is almost no communication inside any building. With the new system this problem would be addressed.

Mr. Wein, County Administrator presented the proposal for the Sheriff's Department CIP. They are in need of security fencing enhancement and a lighting study for security cameras purchased and installed. Also, the parking lot needs repairs and repaving. The expansion and renovation of Law Enforcement and renovation of Detention and the Carc Unit need to be proposed.

PLANNING COMMISSION MEETING 2003

Mr. Matt Carter, Director of Public Works presented their proposed CIP. The Solid Waste Division is in need of heavy equipment. Mr. Craig Whiteford has been working with the fleet management program because of the aging equipment. Mr. Carter read off all the pieces of equipment that would be needed which is listed on the CIP list attached for reference. The Landfill gas recovery system and the closure of Cell 1 and 4 are both items that are bumped back from year to year.

Mr. Carter spoke about water and wastewater projects. There are a number of ongoing projects and projects ready to begin. The Meadowview Plant is one project that needs to be looked at closely from a planning perspective. This plan is consistent with the Comprehensive Plan and at the present time they are preparing a Water Resources Study for the County. The rest of the list of project descriptions is attached for reference.

Mr. Mortimer asked how long would the study take to complete?

Mr. Carter stated it would be completed in the next month or two.

Mr. Carter stated the wastewater project at the North East River Treatment Plant would be finished up next year. The rest of the list of project descriptions is attached for reference.

Mr. Walbeck asked about the proposed development Aston Point, what treatment plant would service that area?

Mr. Carter stated that originally it would be the Highlands Plant and it would be upgraded. The Department of Public Works would like to see it directed to the Meadowview Treatment Plant. Meadowview would accommodate that development.

Mr. Carter then spoke about projects for the Road Department. There are 95 bridges in the County that over 20' long and 31 are currently on the high priority list. The lists of roads that are also going to be addressed are attached.

Mr. Walbeck asked about the bridges over the railroads. Is it the railroads responsibility to maintain the bridges?

PLANNING COMMISSION MEETING 2003

Mr. Carter stated that CSX does not want to pay for the maintenance of the bridges. There are eight CSX crossings and five of them are considered to be a significant problem, three are under a design for re-construction so we can use them.

Mr. Eric Sennstrom, Director of Planning and Zoning stated the department would be continuing work on the Elk River Dredging Project. The dredging Contractor will be laying out 16,000 linear feet of pipe. There is a little over 5,000 feet of dredging left. The next project is the Elk River Park which will be located on the Brownie Shore property. There will be a new 30 x 60 boat ramp and replacement of a bulkhead and a boardwalk installed. The last project would be the Bohemia River Water Access on the north side of the Bohemia River, west side of Rte. 213. There will be a new exit and a footpath for water access.

Mr. Wein presented the Department of Aging proposed CIP. They will be looking into the feasibility study for the County's elderly and the Buckworth Senior Center.

Mr. Wein presented the Facilities Management Department CIP. The CIP committee will be looking at some Courthouse renovations, such as roof replacement, duct cleaning, and renovations of the Administration Building on North Street and the renovation of the Courthouse. Moving some non-related offices out of the Courthouse to make more space for essential offices.

Economic Development reported that the Perryville Access Road has been opened and is completed. It is now a County maintained road.

Mr. Wein stated that Accounting (Treasurer's Office) is still implementing the Munis software package.

Child Advocacy Center is a 3,000 square foot building under construction off High Street, Elkton. This program will involve counseling of youths and support of abused children. It will house Social Services employees and some Sheriff office employees. There will be a medical suite and an observation room.

Mr. Wein stated the renovation of Gilpin Falls Covered Bridge would fall under the Maryland Historical Trust Grant in the amount of \$50,000.

Mr. Craig Whiteford, Budget Director gave a brief overview of the debt affordability model. The debt affordability is a planning document to try to project revenue and potential expenditures for the Capital Program for a period of approximately six years, with the first year of the program upon approval to become part of the operating budget. A copy of the Debt Affordability Model is attached for reference.

PLANNING COMMISSION MEETING 2003

Ms. Murray had a question on the Capital Budget for 2008-Board of Education what makes it go down so much?

Mr. Whiteford explained the Elkton High School project would be coming off.

RECOMMENDATIONS:

APPLICANT: Annabelle McGinnis.

FOR: Request to rezone 5.46 acres from Development Residential, (DR) to Business General, (BG) for the purpose of special events.

WITHDRAWN.

APPLICANT: Paulette Urban

FOR: Renewal of a Home Occupation to operate a retail Photo T-Shirt business.

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

ACTION: Motion made to approve with staff conditions by Brown, seconded by Williams

VOTE: All in favor, motion carried.

APPLICANT: Capital Improvement Program 2004-2009.

FOR: CIP for FY 2004-2009.

Staff recommended approval.

PLANNING COMMISSION MEETING 2003

ACTION: Motion made to approve by Farrell, seconded by Brown.

VOTE: All in favor, motion carried.

The meeting was adjourned at 8:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, December 15, 2003 at 7:00 p.m.