

PLANNING COMMISSION MEETING

January 21, 2009

7:00 p.m.

PRESENT: Doordan, (Acting Chairman), Janusz, Wiggins, Wallace, Edwards, Demmler, (Ex-Officio), Houston and Bakeoven.

ABSENT: Mortimer, (Chairman), McDowell, (Alternate), Sennstrom and Dempsey.

APPROVAL OF MINUTES - Monday, December 15, 2008 – No Evening Meeting.

AMENDMENT TO THE MASTER WATER AND SEWER PLAN:

Request an amendment of the Cecil County Master Water and Sewer Plan, Proposed as “S-1” Service Area, Bethel Springs, North East, MD, Tax Map: 25, Parcel: 794.

Cliff Houston, Zoning Administrator presented this request to amend the Master and Water and Sewer plan to make Bethel Springs in North East, Maryland into an S-1 Service Area. In 2004 URS was hired by Cecil County to map out and create the Master Water and Sewer plan and during that time they missed Bethel Springs. The Cecil County Health Department brought this to the Department of Planning and Zoning’s attention when a permit needed to be processed. There is service currently available in Bethel Springs subdivision.

Health Department Report – This development is currently served by public sewer and should be designated as S-1.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

PROGRAM OPEN SPACE:

APPLICANT: Town of Charlestown.

FOR: Fair Green Park Safety Matting Under the Swings.

PROPERTY LOCATION: Corner of Bladen and Market Streets and Black Ave., behind the Town Hall and Post Office, Charlestown, MD 21914, Election District: 5, Tax Map: 500, Parcel: 140, Acreage: .325 acres.

FUNDING: Reimbursement funds available FY 2008-09 from the Department of Natural Resources, Program Open Space, Clyde Van Dyke, Director of Parks and Recreation and Edward W. Slicer, Grants Administrator.

APPLICANT: Town of Charlestown.

FOR: Athletic Complex.

PROPERTY LOCATION: Area bounded by Frederick Street, Closed Cecil Street, Market Street and Ogle Street, Charlestown, MD 21914, Election District: 5, Tax Map: 500, Parcel: 395.

FUNDING: Reimbursement funds available FY 2008-09 from the Department of Natural Resources, Program Open Space, Clyde Van Dyke, Director of Parks and Recreation and Edward W. Slicer, Grants Administrator.

Edward Slicer, Grants Administrator of Parks and Recreation along with Stanley Hearne, Assistant Town Administrator and W.D. “Wib” Pumpaly, Town Administrator of Charlestown. The Town would like to

continue with two projects that were applied from funding requested previously. First they would like to purchase safety matting to go under swings and second to install a frost-free hose bib behind the softball field backstop. They will have to run a water line from the frost-free hose bib to the water main and tie into the main. Also this would allow people to get a drink of water and in addition the town would be able to spray the infield to keep the dust down.

Health Department Report – Fair Green Park – No comments required.

Health Department Report – Athletic Complex – The application indicates that the intention is to install a frost-free hose-bib at the softball field for ball field irrigation and drinking water. Frost-free hydrants should not be considered for providing safe potable water. The drain port allows back-siphonage and entry of contaminants to the hydrant. If a hydrant is installed, a sign designating it as non-potable water should be installed. In addition the applicant should review the attached WEB site from the State of Indiana indicating the possibility of contamination of the water distribution system from frost-free hydrants.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3442 - APPLICANT: T-Mobile Northeast, LLC.

FOR: Special Exception to construct a communications tower in the Manufactured Home, (MH) zone.

PROPERTY LOCATION: 135 Cox Lane, Elkton, MD 21921, Election District: 3, Tax Map: 307, Parcel: 140.

PROPERTY OWNER: Bobby J. and Bernice Pennington.

PRESENTLY ZONED: Manufactured Home, (MH).

Larry Washington, Zoning Manager and Consultant for T-Mobile, Jack Worsal, Council for T-Mobile, Mohammad Ilsun, Radio Frequency Engineer for T-Mobile and Mario Calabretta, Consultant CMX Engineering Firm that prepared the plans.

Jack Worsal gave an overview of the communication tower located at 135 Cox Lane, Elkton, MD. T-Mobile is proposing a 150' monopole in the Manufactured Home, (MH) district. It will be T-Mobile's tower and the tower will provide for co-location. At the base of the tower there will be a compound area for equipment cabinets measuring 25 x 35. There are no setback issues on this property. The compound will be fenced according to the zoning ordinance screening and T-Mobile will be painting the tower to blend in with the landscape. This area is isolated so no one will be able to see the tower.

Health Department Report – No comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3444 - APPLICANT: Chris and Scott Kendall.

FOR: Special Exception renewal of a home occupation to operate a sawmill.

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

PROPERTY OWNER: Chris and Scott Kendall.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Sheryl Snuffer was speaking on behalf of Chris Kendall. They would like to renew their special exception to operate a sawmill at 361 Leeds Road, Elkton, MD. Two (2) years ago when Chris and Scott Kendall applied for this special exception there was no home on the property and since then they have built a home on the property and have resided there since 2007. The Kendall's used the sawmill to build their new home and they also will be building their own furniture. The sawmill is housed within one of the barns so the noise is muffled.

Health Department Report – Sanitary Permit H1351 was issued in 2006 for the dwelling on this property. The Health Department has no objection to the proposed special exception.

COMMENTS IN SUPPORT: Chris Jennings, 389 Leeds Road, Elkton, MD has adjoining property next to Mr. Kendall's. When he operates his sawmill it does not effect or harm me in any way.

COMMENTS IN OPPOSITION: Charles Birney, 433 Leeds Road, Elkton, MD stated he has the farm next to the Kendall's. Mr. Birney retired in August of 2008 and he would like to board horses on his farm and he can not because of the noise from the sawmill. He can not afford the liability if someone would get thrown off a horse due to the noise and traffic at the sawmill. If Mr. Kendall wants to cut wood and operate the sawmill it should be on a commercial piece of property or limit it to one (1) day a week instead of six (6) days a week.

FILE: 3445 - APPLICANT: Susan A. Shackleton.

FOR: Special Exception renewal for a home occupation to operate a Decorative Art Studio.

PROPERTY LOCATION: 500 Elk Mills Road, Elk Mills, MD 21920, Election District: 3, Tax Map: 21, Parcel: 165.

PROPERTY OWNER: Susan A. Shackleton.

PRESENTLY ZONED: Suburban Residential, (SR).

Susan Shackleton, 500 Elk Mills Road, Elk Mills, MD would like to renew her special exception to operate her Art Studio. This business is in her home and she works on a part time basis. This is non-toxic decorative art and she teaches fine art theory. Ms. Shackleton does not advertise, she goes by word of mouth.

Health Department Report – Sanitary Permit R887-88 was issued in 1988 for repair of existing septic system; minimal increase in water usage for proposed use – satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

AMENDMENT TO THE MASTER WATER AND SEWER PLAN:

APPLICANT: Cecil County.

FOR: Request an amendment of the Cecil County Master Water and Sewer Plan, Proposed as "S-1" Service Area, Bethel Springs, North East, MD, Tax Map 25, Parcel 794.

Staff recommended approval.

ACTION: Motion made to approve by Wiggins, Seconded by Janusz.

VOTE: All in favor, motion carried.

PROGRAM OPEN SPACE:

APPLICANT: Town of Charlestown.

FOR: Fair Green Park Safety Matting Under the Swings.

Staff recommended approval.

ACTION: Motion made to approve by Edwards, Seconded by Janusz.

VOTE: All in favor, motion carried.

APPLICANT: Town of Charlestown.

FOR: Athletic Complex.

Staff recommended approval.

ACTION: Motion made to approve by Edwards, Seconded by Janusz.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: T-Mobile Northeast, LLC.

FOR: Special Exception to construct a communications tower in the Manufactured Home, (MH) zone.

Staff recommended approval.

ACTION: Motion made to approve by Janusz, seconded by Wallace.

VOTE: All in favor, motion carried.

APPLICANT: Chris and Scott Kendall.

FOR: Special Exception renewal of a home occupation to operate a sawmill.

Staff recommended approval for five (5) years, operate six (6) days a week, Sunday's excluded, day time only.

ACTION: Motion made to approve for three (3) years, operate six (6) days a week, Sunday's excluded, daytime only by Wallace, seconded by Edwards.

VOTE: All in favor, motion carried.

APPLICANT: Susan A. Shackleton.

FOR: Special Exception renewal for a home occupation to operate a Decorative Art Studio.

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

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Janusz.

VOTE: All in favor, motion carried.

Meeting was adjourned at 7:40 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday, February 17, 2009, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning