

PLANNING COMMISSION MEETING

May 18, 2009

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, Janusz, Wallace, Wiggins, Edwards, Sennstrom, Houston, and Dempsey.

ABSENT: McDowell, (Alternate), Demmler, (Ex-officio).

MINUTES- Motion made by Doordan, seconded by Janusz and unanimously carried to approve the Monday, April 20, 2009, 7:00 p.m., minutes as mailed.

PROGRAM OPEN SPACE:

FOR: Cecil County Conowingo Park Development II – Amendment II.

LOCATION: Susquehanna River Road (MD Route 222), Conowingo, MD 21918.

FUNDING: Reimbursement funds available FY 2009-2010 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Jr., Grants Administrator, Parks and Recreation.

Edward W. Slicer, Jr., Grants Administrator for the Department of Parks and Recreation presented the application for Cecil County Conowingo Park Development – Amendment II. Mr. Slicer stated this park has 32 acres. The continued work on the northern section of the park will include relocation of utility poles. The State Highway Administration requirements are as follows: park entrance, parking lot, storm water management, athletic fields and tennis courts. The total for this FY 2010 project will be \$57,076.80. This item will be going out to bid soon to get a jump on FY 2010 projects.

Health Department Report – Contact the Health Department prior to any development requiring on-site water supply, sewage disposal or food service.

FOR: Cecil County Land Preservation, Parks and Recreation Plan Update – Amendment I.

LOCATION: Cecil County.

FUNDING: Reimbursement funds available FY 2009-2010 from the Department of Natural Resources, Program Open Space, Edward W. Slicer, Jr., Grants Administrator, Parks and Recreation.

Edward W. Slicer, Jr., Grants Administrator for the Department of Parks and Recreation presented the application for Land Preservation, Parks and Recreation Plan Update – Amendment I. Mr. Slicer stated the purpose of this grant is to fund the LPPRP update of the sections covering, agricultural land preservation, natural resources conservation and unify these sections with the previously completed sections on parks, recreation and open space. This entire plan is due in 2011 and covers all of Cecil County.

Health Department Report – No comments required.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE:2009-03APPLICANT: Daniel K. Carter.

PROPERTY LOCATION: 433 McGrady Road, Rising Sun, MD 21911.

ELECTION DISTRICT: 5, TAX MAP: 18, PARCEL: 187.

PRESENTLY ZONED: Rural Residential, (RR).

REQUEST: Request to rezone 10.55 Acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).

PROPERTY OWNER: Daniel K. Carter.

WITHDRAWN, no one in attendance to present the application.

SPECIAL EXCEPTIONS:

FILE: 3456 - APPLICANT: Thomas Mulligan, Sr.

FOR: Special Exception for a home occupation to operate a business installing alarm systems.

PROPERTY LOCATION: 120 Walnut Lane, Elkton, MD 21921, Election District: 3, Tax Map: 306, Parcel: 109.

PROPERTY OWNER: Thomas Mulligan, Sr.

PRESENTLY ZONED: Development Residential, (DR).

Thomas Mulligan, Sr., 120 Walnut Lane, Elkton, MD presented his application to operate a business out of his residence. He formerly worked for Delco Alarms, which operated out of the same location. Mr. Mulligan does not plan on changing anything or build any new structures. There will not be a lot of traffic and he will be doing all the work himself. Mr. Mulligan bought the property from Thomas Kline and he operated the same type business out of this location on Walnut Lane. This is a residential alarm system business and there will be office work done out of his home with no employees.

Health Department Report – Submit a written proposal describing the proposed business use including how many nonresident employees will work out of the site.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: Thomas Hicks, 17 Gina Marie Lane, Elkton, MD lives across the street from where this proposed home occupation will take place. One of the main reasons Mr. Hicks bought his home on Walnut Lane was for the country setting as well as the peaceful surroundings. There will be more cars coming down this narrow lane and turning around at the entrance to The Estates of Walnut Lane. There is a very dangerous curve on this road and Mr. Hicks is concerned about the children waiting for the school bus with more traffic. Mr. Hicks is also concerned about signage. He is also concerned that in several years the business may need to expand. Downtown Elkton is looking for more businesses to open and there they would have enough room for expansion. This is a residential area, not a commercial business area. Letter in file and attached for reference.

Cliff Houston, Zoning Administrator stated for the record the office has received letters from – Michelle C. Riddle, 16 Gina Marie Lane, Elkton, MD, Carolyn Teigland, 23 Gina Marie Lane, Elkton, MD and Elizabeth Hicks, 17 Gina Marie Lane, Elkton, MD in opposition to this alarm business being in Mr. Mulligan's home. All letters in the file and attached for reference.

FILE: 3459 - APPLICANT: Richard Meadows.

FOR: Special Exception to hold outdoor concerts and constructing a campground in the Northern Agricultural Residential, (NAR) zone.

PROPERTY LOCATION: 524 Telegraph Road, Rising Sun, MD 21911, Election District: 6,
Tax Map: 11, Parcel: 51.

PROPERTY OWNER: Richard Meadows.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Richard Meadows, 524 Telegraph Road along with his son-in-law Gregory Pell stated they as a family would like to provide a music center providing a wholesome family atmosphere and entertainment for the community along with a campground and a few other attractions. The events would be once or twice a month with about 3,000 people visiting and there is plenty of parking area that would accommodate this many people. The event would be on Saturday approximately 6:00 p.m. to 9:00 p.m., in the summer. Mr. Meadows stated there would be port -a- potties on site and later have restrooms constructed. Mr. Meadows stated Telegraph Road is a very narrow road and he has talked to the State of Maryland about widening the road. The events would be ½ mile from any residents, the property is in a valley and surrounded by woods on two sides and the other side could have screening to control the noise. There will be no alcohol permitted on the site and there will be approximately fifty, (50) campsites for people to stay over night.

Health Department Report – Submit a written proposal detailing what uses will be operating in each phase including days of operation, concert attendance projected, type of food sales, number of campsites, etc. Outdoor music festivals may be regulated under COMAR 16.05.01. Groundwater Appropriation Permit will be required. Testing for an on-site sewage disposal system is required.

COMMENTS IN SUPPORT: Benjamin Haines, 810 Telegraph Road, Rising Sun, MD owns the property to the east of the Meadows property, known as Albeck Farms Inc. and he does not have any problems with the Meadows family holding outdoor concerts and constructing a campground.

COMMENTS IN OPPOSITION: Katherine Bennett, 637 Telegraph Road, Rising Sun, MD lives across the road from where the proposed entrance would be located. She has a problem with the location and with the extra traffic this will be bring. The campsite will be loud and there will be people trying to sneak in alcohol especially when you have music. Ms. Bennett is concerned about what type of concerts they will be holding, will it be country, rock and roll or bluegrass. When you have concerts, there will be drinking and people doing drugs. What type of people would this bring into the community? The campground will eventually turn into a trailer park with permanent trailers on the property.

Robert Durgin, 255 Wilson Road, Rising Sun, MD stated he is representing himself and his mother, (Harriet R. Durgin). Mr. Durgin's mother is an adjoining property owner and has lived on her farm since 1959, and does not agree with the proposal filed by the Meadow's to hold outdoor concerts and build a campground. Mrs. Durgin disagrees with this proposal for the following reasons:

1. Buildings and campsites placed on the Colonial Pipeline and within the right of way for the pipeline.
2. Buildings and campsites placed on the buried main telephone line for Rising Sun to Calvert.
3. The design does not have storm water management areas on the plan.
4. Design does not have septic fields for restrooms on the plan.
5. Buildings and campsites placed next to her property line without a buffer zone and within 5 feet of the property line.
6. The proposed design utilizes only a small eastern portion of the Meadows property.
7. The noise from the amphitheater will disturb the livestock on her property.

Mrs. Durgin feels this will bring down the property values and she will lose income from her farm. This will have a negative impact on me and all neighbors that surround the Meadows property. Letter in file and attached for reference, marked exhibit one in opposition.

Robert Knutsen, 130 Knutsen Lane, Rising Sun, MD stated his property adjoins the back of the Meadows property. Mr. Knutsen stated according to Section 101 of the zoning code there should be a 100' buffer strip in Northern Agricultural Residential, (NAR) zoned area. The big problem with this proposal is noise pollution. If this is approved there would be four (\$) noise pollution events within a square mile. Mr. Knutsen farms next to the Meadows property and sprays the fields with insecticides and if someone at one of the events hopped over the fence, they could get sick or hurt from the different pesticides that they use. The whole project is to close to the property line.

Brenda Creek, 464 Telegraph Road, Rising Sun, MD stated in the past seven (7) years she has seen a 50% increase in traffic. This would be a big burden on the other homeowners and property values will decrease. The increased noise would affect her family not being able to sit outside and enjoy the quiet.

FILE: 3460 - APPLICANT: Eileen V. Palmer.

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

PROPERTY LOCATION: 11 Blair Lane, Elkton, MD 21921, Election District: 2, Tax Map: 37, Parcel: 315.

PROPERTY OWNER: Eileen V. Palmer.

PRESENTLY ZONED: Rural Residential, (RR).

Eileen Palmer, 11 Blair Lane, Elkton, MD would like to open a part time hair salon out of her home during daytime hours. There would be only one client at a time, so this would not increase traffic and parking is not a problem.

Health Department Report – Submit a written proposal describing the proposed number of stations and number of employees. An upgrade to the system would be required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Cliff Houston, Zoning Administrator recalled the rezoning application File-2009-03 (Daniel K. Carter) and no one was present, so the application is officially withdrawn.

RECOMMENDATIONS:

APPLICANT: Cecil County Parks and Recreation.

FOR: Cecil County Conowingo Park Development II – Amendment II.

Staff recommended approval.

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

VOTE: All in favor, Motion carried.

APPLICANT: Cecil County Parks and Recreation.

FOR: Cecil County Land Preservation, Parks and Recreation

Staff recommended approval.

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

VOTE: All in favor, Motion carried.

APPLICANT: Daniel K. Carter.

FOR: Request to rezone 10.55 Acres from Rural Residential, (RR) to Northern Agricultural Residential, (NAR).

WITHDRAWN, no one in attendance to present the application.

SPECIAL EXCEPTIONS:

APPLICANT: Thomas Mulligan, Sr.

FOR: Special Exception for a home occupation to operate a business installing alarm systems.

Staff recommended approval for two (2) years or as long as applicant owns the property and operates the business whichever shall sooner occur.

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

VOTE: All in favor, motion carried.

APPLICANT: Richard Meadows.

FOR: Special Exception to hold outdoor concerts and constructing a campground in the Northern Agricultural Residential, (NAR) zone.

Staff recommended approval for two (2) years contingent upon site plan approval with a traffic impact study and compliance with Sections 101 and 102 of the Cecil County Zoning Ordinance.

ACTION: Motion made to disapprove, more harmful at this location than at other locations in the Northern Agricultural Residential, (NAR) zone by Wiggins, seconded by Wallace.

VOTE: All in favor, motion carried.

APPLICANT: Eileen V. Palmer.

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

Staff recommended approval for two (2) years or as long as applicant owns the property and operates the business whichever shall sooner occur.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:50 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 15, 2009, at 7:00 p.m.

Respectfully submitted:

Gale Dempsey, Administrative Assistant
Office of Planning and Zoning