

PLANNING COMMISSION MEETING

October 19, 2009

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Janusz, Wiggins, Edwards, Wallace, Demmler, (Ex-officio), Sennstrom, and Dempsey.

ABSENT: Houston, (Zoning Administrator), McDowell, (Alternate).

MINUTES- Motion made by Edwards, seconded by Janusz and unanimously carried to approve the Monday, September 21, 2009, 7:00 p.m., minutes as mailed.

**TEXT AMENDMENT – MASTER WATER & SEWER PLAN**

Amend 4.1.7.B – Summary: New language will reflect transfer of Town of Port Deposit wastewater collection and treatment system to County and construction of sewerage conveyance line from Port Deposit to the North East River Advanced Wastewater Treatment Plant.

Eric Sennstrom, Director of Planning and Zoning, presented the next four Text Amendment's reflecting new language. The Town of Port Deposit is currently in the process of planning for the upgrade of the sewer system to meet the future needs of the former Naval Training Center at Bainbridge. The proposed wastewater project will include the following: The surrounding area of Bainbridge, phased construction of a new conveyance sewer to the North East River Advanced Wastewater Treatment Plant. Phase 1 of the project will consist of interim improvements to the Town's infrastructure system to accommodate initial flows at Bainbridge. Phase 2 of the project will consist of constructing 1.0 mgd capacity conveyance sewer to the North East River Advanced Wastewater Treatment Plant. The conveyance sewer will consist of a series of pump stations and force main. Phase 3 of the project will consist of constructing additional collection system for Bainbridge and the surrounding areas within the Town District, Development District and Suburban District. E-mail from John Leocha, Maryland Department of Planning, dated 10/15/09 with the State's findings, in file and attached for reference along with proposed text amendments.

Patrick Doordan, (Vice-Chair) and Joe Janusz are opposed to this Text Amendment. Earlier this morning we (the Planning Commission) were given some very important concept information in a general descriptive non-defining manner on this Text Amendment and have not had time to look over the material presented to us this morning. Mr. Doordan stated, "Who is going to pay for all of this?" Mr. Doordan also stated that now there are negotiations going on with the Developer, but there is no concrete evidence of who will pick up the cost. The Board needs more information that is specific.

Rebecca Demmler, County Commissioner, stated this has been a long process with The Town of Port Deposit with numerous meetings. The County has been trying for many years to get water and sewer in the Growth Corridor and this amendment needs approval to go forth to seek funding.

Ken Wiggins stated the briefing he heard this morning gave the Board a map and pointed out what they want to accomplish with this amendment. Mr. Wiggins found it compelling because it is exactly what Cecil County needs, putting infrastructure in the growth corridor and helping manage the nutrient caps.

Health Department Report – No objection to the proposed amendment.

COMMENTS IN SUPPORT: John Leocha, Maryland Department of Planning commented on the language, recommended approval, per e-mail sent to Eric Sennstrom, Director, in file and attached for reference.

COMMENTS IN OPPOSITION: None.

Amend Section 3.2.3.A – Summary: New language will reflect upgrade to Town of Charlestown’s Groundwater Appropriation Permit.

Eric Sennstrom, Director of Planning and Zoning stated the Charlestown system is comprised of three wells, with only two (2) of the wells being used regularly and the third as a backup. The proposed increase for permitted capacities for the system would be 207,000 gpd average daily flow and 300,000 gpd for the month of maximum use. See file and attached for reference.

Health Department Report – No objection to the proposed amendment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None

### **CECIL COUNTY MASTER WATER & SEWER PLAN – Sewer Service Area Map Amendment**

Summary: Proposes to add an S-2 service area along MD Rte 222 between Port Deposit and Perryville to reflect the contemplated transmission line from Port Deposit to the North East River Advanced Wastewater Treatment Plant.

Eric Sennstrom, Director of Planning and Zoning, stated this ties into the first Text Amendment the Board heard this evening. This amendment is proposing to amend the Sewer Service Area Map to close the existing gap between the Town of Port Deposit and the Town of Perryville. Showing this as S-2, this is a 0 to 5 year sewer service area, to reflect the contemplated project to build the pump station and the conveyance system from the Town of Port Deposit to the North East Wastewater Advanced River Treatment Plant.

Health Department Report – No objection to the proposed amendment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

### **CECIL COUNTY PRIORITY FUNDING AREA MAP**

Summary: Proposes the recertification of the PFA map to include the area along MD Rte 222 between Port Deposit and Perryville as a Priority Funding Area.

Eric Sennstrom, Director of Planning and Zoning stated the Priority Funding Area Map ties back to the first and third Master Water and Sewer Plan Amendment has reviewed this evening. This is a proposal to re-certify that PFA Map to close a portion that is not presently shown as a PFA between the Towns of Perryville and Port Deposit along MD Rte 222, so it would be shown as a PFA and assist the Department of Public Works in their pursuit of State funding assistance with the project.

Health Department Report – No objection to the proposed amendment.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

GENERAL DISCUSSION: John Leocha, Maryland Department of Planning stated that Cecil County's PFA rate of approval particularly in the growth corridor has reached the limit that would be certifiable. As far as State funding, this area would not receive a favorable funding from Maryland Department of the Environment.

**REZONING:**

**FILE:2009-07**APPLICANT: Jay and Patsy Mendenhall.

PROPERTY LOCATION: Nichols Way, Elkton, MD 21921.

ELECTION DISTRICT: 4, TAX MAP: 12, PARCEL: 315. LOT: 2.

PRESENTLY ZONED: Rural Residential, (RR).

REQUEST: Request to rezone approximately .33 Acres from Rural Residential, (RR) to Business General, (BG).

PROPERTY OWNER: Jay A. and Patsy H. Mendenhall.

Keith A. Baynes, Esquire, 210 East Main Street, Elkton, MD representing Jay A. Mendenhall, 2955 Telegraph Road, Elkton, MD in this rezoning. Mr. Mendenhall requests to rezone approximately .33 Acres from Rural Residential, (RR) to Business General, (BG) to store U-Haul trucks for rental. Currently plantings and trees exist on the property, so the trucks would have screening on the property. Access would be from the Mendenhall's existing Garage business in the Business General, (BG) zone. There is a mix of residential and business zoning in the area. Change in the character of the neighborhood for businesses, the Mendenhall's have owned this property since 1990.

Health Department Report – Parcel was created as lot 2 of Pond's Edge with a 10,000 sq. ft. sewage area and a valid well location. Development of lot cannot impact the designated sewage area or well location. Submit a plot plan showing proposed improvements and a narrative describing water and / or sewerage needs for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

**SPECIAL EXCEPTION:**

**FILE: 3485** - APPLICANT: Lawrence R. Carver, Jr.

FOR: Renewal of a Special Exception to allow a paint ball operation.

PROPERTY LOCATION: 2981 Old Telegraph Road, Chesapeake City, MD 21915, Election District: 2, Tax Maps: 43 & 44, Parcels: 72, 87 & 3.

PROPERTY OWNER: Lawrence R. and Nancy Carver, Jr.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Lawrence R. Carver, Jr., 2981 Old Telegraph Road, Chesapeake City, MD stated he wishes to renew his special exception to allow a paint ball operation on his property. Mr. Carver would like to have a renewal for longer than the two (2) years he presently has. The biggest tournament Mr. Carver held on his property this past spring 2009 was for The Global Paint Ball League and 370 people attended. He is open on Saturday and Sunday only.

Health Department Report – Sanitary Permit B8446 issued in 1986 for an existing mobile home. As proposed by applicant, water and septic adequate for proposed use.

**COMMENTS IN SUPPORT:** Michael White, 536 Bethel Road, Chesapeake City, MD is an avid paint ball player. This place gives the children in Cecil County some place safe to play. It is a dangerous sport, but it is a sport and it does give the children some place to play. Traffic is not very bad.

**COMMENTS IN OPPOSITION:** Brian Johnson, 2827 Old Telegraph Road, Chesapeake City, MD is opposed to the renewal of the paint operation ball due to the noise, constant screaming, throwing mortars, traffic and kids going down his creek line on his property swearing and cursing. Mr. Johnson purchased his property in 1999 and he has a twelve-stall horse barn for his horses. The noise spooks the horses while riding on the trails he has on his property. He is building a new home on his property and it sounds like a war zone every weekend. He bought this property to be in the country and have piece and quiet and this is decreasing property values. Letter marked exhibit one (1), in file and attached for reference.

Jeff and Kim Foster, 54 Wilmon Street, Chesapeake City, MD stated he owns 133 acres, parcels 421 and 438 on the other side of Back Creek. Mr. Foster stated he has a big beautiful home that he has spent his life savings to build and he does not like all the noise from the paint ball operation. His land is not worth what he paid for it five years ago because of the paint ball operations at the Carver's. This is a property in an agricultural area. The noise is horrible and the road signs are all sprayed with paint from Mr. Carver's customers. In Mr. Foster's opinion, this is prostitution of the land for small monetary gain.

Tony Smiertka, 32 Andrea Drive, Chesapeake City, MD stated he has lived on his five (5) acre parcel since 1988. He moved out to the country to have quiet after his long hours at work. Mr. Smiertka would like to know why a business would be in an agricultural zone. There is a lot of traffic from all the customers at the paint ball operation.

John Cochran, 750 North St. Augustine Road, Chesapeake City, MD stated he also owns 45 acres of land in Fox Valley Farm. The paint ball operation on the weekend is very loud and sometimes it goes on during the week. The screaming, cursing, machine gun fire and other loud noises are very annoying. Mr. Cochran feels the Board should come to visit while there is an event going on to hear first hand the noise. Please do not approve this renewal and it is bringing down property values.

Eric Sennstrom, Director of Planning and Zoning received a letter from the Critical Area and the Critical Area does not support the use of commercial operations within the Critical Area, other than those related forestry or agriculture, which are resource-utilization activities. If the special exception is granted, then development of these parcels must comply with all RCA provisions.

**GENERAL DISCUSSION:** None.

**RECOMMENDATIONS:**

**APPLICANT:** Town of Port Deposit.

**FOR:** Amend 4.1.7.B –New language will reflect transfer of Town of Port Deposit wastewater collection and treatment system to County and construction of sewerage conveyance line from Port Deposit to the North East River advanced Wastewater Treatment plant.

Staff recommended approval.

**ACTION:** Motion made to disapprove until more clarity is provided regarding funding, by Doordan, seconded by Janusz.

**VOTE:** Four to one to disapprove with conditions, motion carried.

APPLICANT: Town of Charlestown.

FOR: Amend Section 3.2.3.A–New language will reflect upgrade to Town of Charlestown’s Groundwater Appropriation Permit.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Sewer Service Area Map Amendment. Proposes to add an S-2 service area along MD Rte 222 between Port Deposit and Perryville to reflect the contemplated transmission line from Port Deposit to the North East River Advanced Wastewater Treatment Plant.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County.

FOR: Priority Funding Area Map. Proposes the recertification of the PFA map to include the area along MD Rte. 222 between Port Deposit and Perryville as a Priority Funding Area.

Staff recommended approval.

ACTION: Motion made to disapprove, re-evaluate PFA’s, by Doordan, seconded by Janusz.

VOTE: Three to two to disapprove with conditions, motion carried.

**REZONING:**

APPLICANT: Jay and Patsy Mendenhall.

FOR: Request to rezone approximately .33 Acres from Rural Residential, (RR) to Business General, (BG).

Staff recommended disapproval, no demonstrated change in the neighborhood since the last Comprehensive Rezoning, no mistake in last Comprehensive Rezoning.

ACTION: Motion made to approve based upon a substantial change in the neighborhood since the 1993 Comprehensive Rezoning by Doordan, seconded by Wallace.

VOTE: All in favor, motion carried.

**SPECIAL EXCEPTION:**

APPLICANT: Lawrence R. Carver, Jr.

FOR: Renewal of a Special Exception to allow a paint ball operation.

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

ACTION: Motion made to approve for one year by Edwards, seconded by Wallace.

VOTE: Four to one to approve with conditions, motion carried.

The meeting adjourned at 8:30 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 16, 2009, at 7:00 p.m.

Respectfully submitted:

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Gale L. Dempsey, Administrative Assistant  
Office of Planning and Zoning