

**CECIL COUNTY PLANNING COMMISSION PUBLIC HEARING
DRAFT COMPREHENSIVE PLAN
13 JANUARY 2010**

Present: Doordan, B. Patrick; Edwards, Guy; Janusz, Joe; McDowell, H. Clay; Mortimer, William; Wallace, Wyatt; Wiggins, Kennard; Demmler, Rebecca, Ex-officio; Bayer, Michael – ERM; Di Giacomo, Tony; Sennstrom, Eric

Call to Order: Chairman Mortimer called the meeting to order at 7:00 p.m.

Chairman Mortimer welcomed the audience to the hearing, introduced the Planning Commission, County staff and consultants, and explained how the agenda will flow for the meeting. Chairman Mortimer asked Director Sennstrom to provide a history of the project to date and explain where we are headed.

Director Sennstrom noted that this process commenced in October 2007 with the appointment of the Comprehensive Plan Citizen Oversight Committee (COC). This 41 member committee was created by the Board of County Commissioners in accordance with the provisions of Article XVI, Part I, Section 296.1 of the Zoning Ordinance. The membership of the COC was an intentional representation of the diversity of opinion regarding land use matters in the County. The COC culminated its appointed duties in October 2009 and formally handed the draft document to the Planning Commission on 19 October 2009. Pursuant to the requirements of Section 3.07 of Article 66B of the Annotated Code of Maryland, the draft Comprehensive Plan was sent to all eight municipalities, to the State Clearinghouse, and to the surrounding counties of Harford and Kent in Maryland, Chester and Lancaster in Pennsylvania, and New Castle in Delaware. The County received comments back from the Towns of Charlestown, Chesapeake City, North East and Port Deposit. Comments were received from Chester, Harford, Lancaster, and New Castle Counties as well as the Maryland Department of Planning. All the comments received were predominately laudatory in nature. Director Sennstrom noted that while the draft Plan was being reviewed by the above named entities, the Planning Commission was holding work sessions to review the document. The work sessions were held from October 2009 through January 2010. The result of the Planning Commission's efforts in reviewing the document was the compendium of changes that Tony Di Giacomo will present on tonight's agenda. He continued to explain that tonight's meeting satisfies the requirement of Section 3.07 of Article 66B that a public hearing be held by the Planning Commission prior to a recommendation being made. Director Sennstrom noted that the Planning Commission is scheduled to make a recommendation to the Board of County commissioners at their meeting of 20 January 2010 and that the Board of County Commissioners will hold a public meeting and decide the document's fate in February 2010.

Chairman Mortimer thanked Director Sennstrom and asked Michael Bayer to present an overview of the contents of the draft Comprehensive Plan. Michael Bayer proceeded to provide a description of the document by listing the elements contained therein, the land use map, the projections of future growth, and the basis of decision making employed throughout the two year process. Mr. Bayer noted some of

the documents highlights which included the new land use districts ranging from high to low, the mixed use districts pertaining to both residential and employment, the encouragement of transit friendly scenarios, the natural resource protections, the Water Resources Element, the future infrastructure needs, and the transportation analysis and modeling.

Chairman Mortimer thanked Michael Bayer and asked Tony Di Giacomo to present the Compendium of Changes. Tony Di Giacomo noted that the Compendium contained the changes to the draft document that resulted from the Planning Commission's work sessions over the last several months. The contents of the Compendium were as follows:

Chapter 1

- Page 1-2: REWORD **§1.2** to read: "Cecil County contains the incorporated towns of Cecilton, Charlestown, Chesapeake City, Elkton, North East, Perryville, Port Deposit and Rising Sun. Under state law, the towns have their own planning authority and adopt their own comprehensive plans. In that sense the County Plan does not apply to the towns. However, interjurisdictional coordination is important, and the County coordinated the development of the Plan with the towns, most of which have been updating their own comprehensive plans concurrent with the County Plan. Once adopted, the county should continue to work closely with the towns on all issues that affect county objectives as set forth in the County Plan. This will help insure the success of the County Plan, particularly in regards to residential and business growth, infrastructure, and transportation. Changes to this plan or to any of the town's plans need to be seriously coordinated between all appropriate parties."

Chapter 2

- Page 2-6: REWORD the first paragraph under **§2.5.1**, Plans Incorporated by Reference, to read: "In addition to the plans above, two others are particularly important, because they were adopted specifically to be adjuncts to the County's comprehensive planning program."
- Page 2-6: REWORD the second paragraph under **§2.5.1**, Plans Incorporated by Reference, to read: "The LPPRP and the Lower Susquehanna Heritage Greenway Management Plan are appended by reference onto this 2010 Comprehensive Plan."

Chapter 3

- Page 3-8: On Map 3.3, Future Land Use, CHANGE the designation for the Low Density residential area north of Elkton, south of MD 273, and east of Appleton Road to Medium Density.

- Page 3-8: On Map 3.3, Future Land Use, CHANGE the designation for the Medium High Density residential area south of Elkton and Frenchtown Road, and east of MD 213 to Low Density residential.
- Page 3-8: On Map 3.3, Future Land Use, CHANGE the designations for the areas north and south of Chesapeake City consistent with the changes requested by the Town in their 14 December 2009 Cecil County Comprehensive Plan comment letter.
- Page 3-9: DELETE the 7th bullet point under **§3.3.1**: [~~The villages of Bay View, Cherry Hill, and Leslie/Marysville are in the Designated Growth Area and are not designated as villages.~~]
- Page 3-9: DELETE, under **§3.4**, the Growth Areas section: [~~Growth Areas are designated on the Future Land Use Map as High, Medium-High, Medium, Low, Mixed Use, Employment, and Town. These are the areas where the County wishes to encourage and attract growth and development. They are currently served by public water and sewer or could be served in the future.~~]

~~Mineral Extraction Areas shown on Map 3.4 are future growth areas that are part of the Designated Growth Area.]~~

- Page 3-10: REWORD, under **§3.4**, the Designated Growth Areas section: “Designated Growth Areas comprise all areas where the County wishes to encourage and attract growth and development. The Designated Growth Areas are centered in the central part of the County, but also include the associated growth areas around the towns of Cecilton, Chesapeake City, and Rising Sun.

Designated Growth Areas are indicated on the Future Land Use Map as High, Medium-High, Medium, Low, Mixed Use, Employment, and Town. They are currently served by public water and sewer or could be served in the future.

Mineral Extraction Areas shown on Map 3.4 are future growth areas that are part of the Designated Growth Area.”

- Page 3-13: DELETE, under **§3.5.1**, the Growth Areas, Low section, last sentence second paragraph, following “Designated Growth Area”: [~~although most likely not during this Comprehensive Plan’s 2030 horizon~~].
- Page 3-16: ADD, under **§3.5.2**, the Rural Areas section, end of 3rd paragraph: “The County will work to maintain its Agricultural Certification.”

- Page 3-16: DELETE, under **§3.5.2**, the Rural Areas section, end of 4th paragraph, after “overall county development: [~~—most likely in the range of no more than 10 to 20 percent~~].

Chapter 4

- Page 4-9: REWORD the second sentence of the first full paragraph on the page, to read: “In 2001, Cecil County adopted the Lower Susquehanna Heritage Greenway Management Plan and it is appended by reference onto this 2010 Comprehensive Plan.”

Chapter 5

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Chapter 6

- Page 6-28: REWORD second paragraph of **§6.6.3**, Septic Denitrification subsection, to read: “The County does not currently require denitrification units for new or replacement septic systems, but should consider their recommendation in other areas, such as near perennial waterways or in watersheds that are impaired by nitrogen. In addition to the State’s Critical Area requirements, this Plan encourages all new septic systems to use nitrogen removal at the discretion of the owner. The County should also encourage denitrification retrofits for existing septic systems – including obtaining nonpoint-to-point source nutrient credits for such retrofits, if applicable under forthcoming nutrient trading guidance (see Section 6.5.3).”
- Page 6-33: REWORD third bullet point under **§6.8.2** to read: “Outside the Critical Area, all new development that is not connected to public sewer systems to use best available pollution reducing technologies for controlling pollutants, as defined by MDE, at the discretion of the owners. Elsewhere, consider requiring nutrient credits (similar to those established under the state Nutrient Cap Management and Trading policy) for subdivisions built using septic systems.”

Chapter 7

- Page 7-4: DELETE, under **§7.2.3**, Wetlands, the second sentence of the 5th paragraph: [~~This Comprehensive Plan recommends expanding the 25-foot setback to a buffer of 75 feet outside the growth areas (see below under issues)~~].

- Page 7-8: ADD, under **§7.2.6**, the Agricultural and Forest land Rural Areas section, end of last paragraph, just prior to **§7.2.7**: “The County will work to maintain its Agricultural Certification.”
- Page 7-14: INSERT, under **§7.3.3**, Green Infrastructure: A Green Infrastructure Concept Map.
- Page 7-15: REWORD first paragraph of **§7.3.4**, Wetlands, to read: “As noted above (section 7.2.3) the County Zoning Ordinance currently requires a 25-foot setback from non-tidal wetlands. This Comprehensive Plan recommends the continuance of that protective buffer.”
- Page 7-15: DELETE fourth paragraph of **§7.3.4**, Wetlands: [~~Non-tidal wetlands are extensive in Cecil County, and a larger wetland buffer (75 feet versus 25 feet) could discourage and be a disincentive to growth in growth areas, which is where the County wants growth to occur. Therefore the Plan recommends the larger buffer outside growth areas where development densities are lower, and the larger buffer would not result in loss of development yield.~~]
- Page 7-17: DELETE item # 8, under 'Other': [~~Expand the required non-tidal wetland buffer outside of growth areas from 25 feet to 75 feet.~~]

Chapter 8

- Page 8-5: DELETE the last sentence in last paragraph in Facility Needs section: [~~All schools should be built in the Designated Growth Area to be consistent with the Comprehensive Plan’s land use policies.~~]
- Page 8-8: REWORD **§8.6** Title to read: “Fire, Rescue, and Emergency Medical Services”.
- Page 8-8: REWORD first paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Fire and rescue services in Cecil County are provided through nine volunteer fire companies and one career company (Map 8.2). Cecilton, Chesapeake City, Elkton (Singerly), North East, Charlestown, Perryville, Port Deposit (Water Witch), Rising Sun (Community Fire Company), and Hack’s Point have volunteer fire companies. The only career fire company is at the Perry Point VA Medical center in Perryville.”
- Page 8-8: REWORD second paragraph under **§8.6.1**, Existing Services and Staffing section to read: “The volunteer companies operate 18 stations throughout the County. Each fire company has a defined first response area. Extensive mutual aid agreements among the companies and fire companies in adjacent counties and states provide additional resources when an incident exceeds local capabilities.”

- Pages 8-8 & 8-9: REWORD third paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Emergency Medical services (EMS) are provided through a partnership between the volunteer fire companies and Cecil County Department of Emergency Services (CCDES, formerly known as Emergency Management and Civil Defense). CCDES is the agency responsible for 911 PSAP, the emergency medical services system, emergency management, hazardous material response, electronic services, and training and education. CCDES personnel are responsible for training, coordination, and response of all County emergency operations center staff. The director of emergency services serves as the sworn emergency manager and staffs the division with a full time emergency readiness manager and a part-time emergency planner.”
- Page 8-9: REWORD fourth paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Each of the volunteer companies provides EMS services for their first response areas, while CCDES operates three paramedic stations. Some volunteer companies estimate a ratio of one EMS call for every 10 residents, and EMS calls account for more than 75 percent of all calls for most volunteer companies. The majority of these calls occur in the daytime, when volunteer availability is at its lowest.”
- Page 8-9: REWORD fifth paragraph under **§8.6.1**, Existing Services and Staffing section to read: “CCDES has established three strategically located paramedic stations near Rising Sun, between Elkton and North East, and near Chesapeake City. A CCDES paramedic unit is dispatched on every EMS call in the county. Depending upon the situation, the paramedic unit may be cancelled if the volunteer ambulance is closer and fully staffed. The unit may respond to the scene to provide assistance, or the paramedic unit may supplement the volunteer ambulance crew.”
- Page 8-9: REWORD sixth paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Staffing needs vary significantly among the nine volunteer companies because of different first response area populations and call volumes. Volunteers have significant training requirement. Two volunteer companies have hired personnel to supplement volunteers. The others continue to operate with volunteers only, but increasing daytime incidents strain their ability to respond promptly.”
- Page 8-9: REWORD first sentence of seventh paragraph under **§8.6.1**, Existing Services and Staffing section to read: “Areas without water service rely on tanker trucks from volunteer companies for suppression in place where holding tanks and dry hydrants have not been installed.”
- Page 8-10: REVISE Map 8.2, Community Facilities, to include Port Deposit Police and Maryland State Police Barrack M.

- Page 8-11: REWORD first sentence of first paragraph under **§8.6.2**, 'Funding' section to read: "The costs of providing fire, rescue, and emergency medical services are significant."
- Page 8-11: REWORD last sentence of second paragraph under **§8.6.2**, Funding section to read: "Equipment due to be replaced or schedules for replacement in fiscal year 2010, for example, exceeded funding by 150 percent."
- Page 8-11: RETITLE **§8.6.4** to read: "Emergency Services."
- Page 8-18: REWORD **§8.12.12**, under "Public Safety/Fire/EMS" to read: "Expand the EMS infrastructure by adding a station in the Perryville area; replacing the Colora station; and a larger, more efficient headquarters facility with an expanded 911 call center to accommodate increased call volume and activity."
- Page 8-18: REWORD **§8.12.13**, under "Public Safety/Fire/EMS" to read: "Encourage the placement of holding tanks and dry hydrants for all new residential subdivisions in rural areas not served by community water systems or within one mile of a reasonably available water source."
- Page 8-18: REWORD **§8.12.17**, under "Public Safety/Fire/EMS" to read: "Develop a comprehensive Public Safety Master Plan, led by CCDES and a committee to be determined."

Chapter 9

- Page 9-8: REWORD **§9.7.3** to read: "Create incentives to encourage transit and mobility-friendly design in new communities, especially those containing workforce housing. Create incentives in support of architectural and design flexibility to allow more affordable and workforce housing to be developed."
- Page 9-9: REWORD **§9.7.7** to read: "Encourage energy efficiency standards for new residential development."
- Page 9-9: ADD **§9.7.8** to read: "Prepare county-wide sets of community architectural standards, consistent with respective community character."

Chapter 10

- Page 10-4: REWORD **§10.4.5** to read: "Continue to determine the future use of the Mineral Extraction areas after extraction is complete. Use the Comprehensive Plan as guidance for

potential future uses including, for example, use of minded land for water resource uses, reservoirs or tertiary treatment wetlands, as discussed in Chapter 6.”

Chapter 11

- Page 11-8: REWORD **§11.4.2** to read: “Determine the degree to which the plan's recommendations are fiscally achievable. Prioritize plan recommendations for implementation as may be constrained by periodic fiscal conditions. Examine the feasibility of impact fees, excise taxes, special taxing districts, and/or other means to help keep the plan fiscally achievable.”
- Page 11-8: REWORD **§11.4.6** to read: “In collaboration with the Towns and the State, identify and then collect measures and indicators data to meet the State’s Smart, Green and Growing Act requirements for annual reports, beginning in 2011, establishing a goal and documenting the amount of growth occurring inside and outside the Priority Funding Areas.”

Chairman Mortimer stated that the Planning Commission will now take public comment. He asked everyone desiring to speak to print their name on the sign in sheet. Each individual was given five minutes to convey their thoughts.

Sharon Weygand & Bill Miners – Ms. Weygand and Mr. Miners stated that they were attending the meeting to convey the comments of the Town of Chesapeake City. They were particularly interested in making sure that the Town’s growth areas were accurately represented on the County’s land use map and that there was symmetry between the two documents’ text.

John Bolinski – Mr. Bolinski expressed consternation at the inclusion of the language relative to greenways and was incensed by the alignment of the Elk Neck Greenway. He was exercised by the trampling of his constitutional rights and urged a re-thinking of the document.

Eric Gehman – Mr. Gehman stated that he was attending the meeting to represent the interests of Haines and Kibblehouse. Mr. Gehman noted that not all of the H&K’s holdings were included in the land use map’s mineral extraction district. He requested that the map be amended to include both of their parcels in the mineral Extraction District as they plan on mining the property during the life of the draft plan.

Nancy Valentine – Ms. Valentine expressed concerns with the elimination of capping rural growth, not expanding non-tidal wetland buffers, and eliminating the requirement for de-nitrifying septic systems.

Sue Fuhrman – Ms. Fuhrman expressed angst at the perceived desire of the Planning Commission to urbanize the northeastern portion of the County. She is opposed to growth near Fair Hill and was appalled at the entire process. Vehement objection to the County being described as no longer rural was conveyed.

Ron Hamlen – Mr. Hamlen agreed with Ms. Fuhrman. He also stated that the draft plan would encourage sprawl and consume farmland. He is of the opinion that leaving the non-tidal wetland buffer at 25 feet will destroy the environment.

George Kaplan – Mr. Kaplan concurred with the previous comments. He also found the lack of an adequate fiscal analysis to be most disconcerting. He was flummoxed by the debt burden that the draft plan would foist upon the County.

John Lee, Jr. – Dr. Lee announced that he was present to represent the views of the agricultural committee of the Economic Development commission. He extended congratulations for the concern for agriculture expressed in the document. Dr. Lee wanted to make sure that the impacts of TMDL's were properly understood and that effects of runoff were accurately understood.

Ed Cairns – Mr. Cairns was vexed by the land use district change north of Elkton. He is convinced that this will lead to uncontrolled growth and become an extension of Newark, DE. Cost of services will increase and the transportation system will be overwhelmed.

Russ Holland – Mr. Holland objected to the density change north of Elkton and found the anticipation of water and sewer service to the area to be premature due to regulatory approvals that are still outstanding.

Jill Burke – Ms. Burke objected to the proposed loop road around Elkton and opined that if built, would result in mayhem on Nottingham and Marley Roads as pedestrians, cyclists and farm equipment would be routinely run of the road.

Susan Peterson – Ms. Peterson was opposed to any changes of the land use map north of Elkton. She also insisted on retaining the proposed 75 non-tidal wetland buffer in the rural areas.

Ron Hartman – Mr. Hartman was opposed to land use map changes north of Elkton and was concerned that increased density in the Christina River watershed would negatively impact the Chesapeake Bay. Mr. Hartman was also concerned that the Seneca Point wastewater treatment plant will not have adequate capacity to be able to serve the growth area.

Harlan Williams – Mr. Williams was dismayed by the lack of logic employed by the previous speakers regarding the area north of Elkton. He thanked the COC for their efforts over the last 2 years and noted that two groups of people served. Those that were concerned for the overall good of the County and those more selfishly motivated. Mr. Williams noted that the draft plan does not promote clustering as strongly as the 1990 plan does and urged a strengthening of clustering language to protect farmland and preserve rural character.

Julia Belknap – Ms. Belknap thanked the COC and the Planning Commission for their efforts. She noted that growth could change the County for better or worse and requested that the Planning Commission do what is right. Ms. Belknap does not want to see the COC's draft plan weakened.

Rupert Rossetti – Mr. Rossetti left a list of suggestions for the Planning Commission to consider. He requested that the Planning Commission go beyond state guidelines and require the expanded non-tidal wetland buffer and the de-nitrifying septic systems.

Kascie Herron – Ms. Herron urged the Planning Commission to rethink the non-tidal wetland buffer reduction and the de-nitrifying septic system recommendations. She doesn't understand the desire to change these items and expressed a fear for the County's future.

Eileen Butler – Ms. Butler observed that the Planning Commission changes to the draft Plan eviscerate the document. The non-tidal wetland buffer must be 75 feet in the rural areas and de-nitrifying septic systems must be required. She urged the Planning Commission to not let private property rights trump environmental concerns.

Owen Thorne – Mr. Thorne expressed trepidation at the land use map changes north of Elkton. He noted that increased density in the area will eliminate it as a buffer near Fair Hill and will overwhelm the County with costs associated with a demand for more services. Mr. Thorne expressed a longing for 75 foot non-tidal wetland buffers, a limit of 10-20% development cap for rural areas, and for de-nitrifying septic systems to survive Planning Commission review.

Jane Schaefer – Ms. Schaefer agreed with Mr. Thorne.

Donna Hollifield-Main – Ms. Hollifield-Main did not wish to speak as her topics had already been covered.

John Bennett – Mr. Bennett expressed disappointment in the dilution of environmental protection by the Planning Commission. He would like to see the County stay ahead of the curve rather than playing catch up to ever changing state regulations. Mr. Bennett wanted to see the rural growth cap retained as well as the expanded non-tidal buffer and de-nitrifying septic systems.

Hattie Warwick-Smith – Ms. Warwick-Smith noted that the County has two jewels in the Fair Hill preserve and the Chesapeake Bay. The changes proposed to the land use map north of Elkton are not compatible with protecting either.

Bill Stritzinger – Mr. Stritzinger is pleased with the Planning Commission's proposed changes. He noted that the Aston Pointe development is in the growth area and low density doesn't make sense for an area that will shortly have water and sewer service available. Mr. Stritzinger is opposed to the expansion of the non-tidal wetland buffer and noted that he placed the golf course at the corner of his project to intentionally buffer Fair Hill.

Eva Walker – Ms. Walker expressed opposition to the Planning Commission’s changes.

Joe Janusz noted that he believes in a transparent process and he was of the opinion that voting on the 20th was too soon based on all the comment the Planning Commission had heard. Therefore, Mr. Janusz made a motion to delay the vote on making a recommendation to the Board of County Commissioners to their 16 February 2010 meeting. The motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

Adjourn: Chairman Mortimer adjourned the meeting at 9:29 p.m.

Respectfully submitted:

Eric S. Sennstrom, AICP