

PLANNING COMMISSION MEETING

February 16, 2010

7:00 p.m.

PRESENT: Doordan, (Vice-Chairman), Janusz, Wallace, Wiggins, Edwards, McDowell, (Alternate), Sennstrom, Black and Dempsey.

ABSENT: Mortimer, (Chairman), Houston, (Zoning Administrator) and Demmler, (Ex-Officio).

APPROVAL OF MINUTES – Wednesday, January 20, 2010 meeting by Janusz, seconded by Wallace as mailed.

TEXT AMENDMENT – Subdivision Regulations

Article IV, Section 4.2.6; Article IV, Section 4.2.15

Summary – Revise existing language to provide for the use of Subdivision Agreements

TEXT AMENDMENT – Zoning Ordinance

Article IX, Section 180

Summary – Revise existing language to provide for the use of Subdivision Agreements

Eric Sennstrom, Director of Planning and Zoning presented these two (2) Text Amendments revising the language of the Subdivision Regulations and Zoning ordinance. See attachment and file for reference.

Health Department Report – no comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

TEXT AMENDMENT – Master Water & Sewer Plan

Amend Section 4.1.9.B to add language relative to the construction of a denied access force main as part of the Carpenters Point Sewer Collection System.

Eric Sennstrom, Director of Planning and Zoning presented this Text Amendment amending the Master Water and Sewer Plan to add language relative to the construction of a denied access force main as part of the Carpenters Point Sewer Collection System.

Health Department Report – The Health Department supports the proposed amendment. Connection of existing houses in the Critical Area has positive public health and environmental effects.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE:2010-01APPLICANT: Cynthia Monger.

PROPERTY LOCATION: Corner of Little Egypt Rd. & New London Rd., Elkton, MD 21921.

ELECTION DISTRICT: 4, TAX MAP: 7, PARCELS: 298, 299 & 300.

PRESENTLY ZONED: Suburban Residential, (SR).

REQUEST: Request to rezone 3.5781 Acres from Suburban Residential, (SR) to Business General, (BG).

PROPERTY OWNER: Cynthia L. Monger and Eric Sennstrom.

Keith A. Baynes, Esquire, 210 East Main Street, Elkton, MD representing Cindy Monger and Eric Sennstrom owners of these three (3) parcels located on the Corner of Little Egypt Road and New London Road, Elkton, MD. These three (3) parcels total 3.5781 Acres and are part of Minor Subdivision #3482. Mr. Baynes presented there was a mistake in the 1993 Comprehensive Rezoning. Mistake based upon inadequate planning for future uses, specifically commercial uses. The Maryland State Highway Administration did their most recent traffic count in 2008 they found there was an average of 8,451 on 896 into Maryland each day. There would not be any gas pumps at this location if this rezoning were approved.

David Black, (filling in for the Zoning Administrator), explained to the Board other parcels and how they were zoned in retrospect to the three (3) parcels in question.

Health Department Report – Parcels were created by Minor Subdivision #3482. If parcels are rezoned to BG, at the time of development a written proposal for use must be submitted to determine adequacy of the defined sewage area. Separate Groundwater Appropriation Permit Exemptions must also be requested at the time.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION:

William Riddle, Esquire, 204 East Main Street, Elkton, MD representing several of the adjoining property owners that are in opposition. Mr. Riddle's clients feel there has not been a mistake made in the Comprehensive Rezoning. There are 30 Acres that have been set aside on Little Egypt Road for commercial development per the Comprehensive Plan. This area is all residential homes and there is no public water or sewer near the site and no infrastructure in this area. The traffic pattern is terrible, site distance, many accidents, no shoulders on two lane roads. This would decrease property values on the adjoining property owner's homes. There is also a conflict of interest since Mr. Sennstrom is the Director of Planning and Zoning. This property is also historical, The Mason Dixon Line. The applicant has not submitted the burden of proof. Photographs of parcels in file and attached for reference.

The following people spoke in opposition for the reasons that Mr. Riddle presented.

1. Cliff Peterson, 538 Biddle Street, Chesapeake City, MD
2. Scott Shannon, 1014 New London Road, Newark, DE
3. Ron Hamlen, 9 Lochcarron Drive, Elkton, MD
4. Larry Huntz, formerly known as Larry Monger, 1104 New London Road, Elkton, MD
5. Sue Fuhrann, 9 Lochcarron Drive, Elkton, MD
6. Earl Loeemis, 106 West Park Lane, Former President of Glenn Farms Civic Association, Elkton, MD
7. Steve Scharr, 122 Sharpless Drive, Elkton, MD
8. Ed Cairns, 104 Jackson Hall School Road, Elkton, MD
9. Janet Fallon, 104 Black Oak Drive, Elkton, MD
10. John Shaw, 106 Black Oak Drive, Elkton, MD
11. Stephen Drake, 11 East Parkway, Elkton, MD

12. Ginny Baldwin, 1042 New London Road, Elkton, MD
13. Lois Drake, 11 East Parkway, Elkton, MD
14. Ginny Baldwin, 1042 New London Road, Newark, DE
15. Russell Holland, 20 East Parkway, Elkton, MD
16. Toby Ackerman, 27 Hillwood Road, Elkton, MD
17. Owen Thorne, 20 Hillwood Road, Elkton, MD

David Black submitted into the minutes numerous letters and e-mails, in file and attached for reference.

SPECIAL EXCEPTIONS:

FILE: 3497 - APPLICANT: North East Adventure Paintball, c/o Charles P. Narvel, Jr.
FOR: Renewal of a Special Exception to operate a paint ball business.
PROPERTY LOCATION: 2235 West Pulaski Highway, North East, MD 21901, Election District: 5, Tax Map: 25, Parcel: 774.
PROPERTY OWNER: Charles P. & Retta L. Narvel, Jr.
PRESENTLY ZONED: Business General, (BG).

Charles Narvel, 2235 West Pulaski Highway, North East, MD and his son would like to renew their paintball business. Mr. Narvel stated his business has been a good success and he has had no complaints from any of his adjacent property owners. The Narvel's have youth group organizations, local football teams, soccer teams and birthday parties that play paintball at his establishment. They are very strict with safety with the paint ball.

Health Department Report – Proposal filed in F9503 for paintball business is satisfactory.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3503 - APPLICANT: Philip L. Meck.
FOR: Special Exception to operate a dog kennel.
PROPERTY LOCATION: 4731 Augustine Herman Highway, Earleville, MD 21919, Election District: 1, Tax Map: 52, Parcel: 18.
PROPERTY OWNER: E. David Meck.
PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Philip Meck, 4731 Augustine Herman Highway, Earleville, MD stated the farm is an old farm, which is remodeled. The kennel's current location is 26 Old Crystal Beach Road, Earleville, MD on a dairy farm and Mr. Meck would like to move it out to his current address. This is an ongoing operation at a different location. There are 20 to 30 dogs at the kennel and they market them to the public, sell them retail, this would be a hobby for Mr. Meck. All the puppies are breed, raised and sold at the location. Mr. Meck and his brother own the dairy farm together and they would like to move the kennel portion of their business to the property located at 4731 Augustine Herman Highway and close the other location. This property is 222 acres and he cannot see any other properties from his.

Health Department Report –Submit a written proposal describing water usage and waste handling for the proposed kennel. A Groundwater Appropriation Permit or Exemption will be required. Contact the Health Department for more details.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION:

Nancy Schertzler, Bluff Road, Earleville, MD, Board Vice President of the SPCA, and a Earleville waterfront property owner who could be negatively impacted by this proposal. Ms. Schertzler read her statement to the Commission. The Planning Commission should reject this application for multiple reasons, see attached and file for reference.

Marty Poe, 3280 Augustine Herman Highway, Chesapeake City, MD finished the written statement Ms. Schertzler started, see attached and file for reference.

Jeff Bruette, 4676 Augustine Herman Highway, Earleville, MD spoke on behalf of his father. His father has several concerns as follows:

1. This property is not zoned properly for retail sales; if wholesale, you have to be USDA certified.
2. No indication of the proposed kennels whether they are fenced in areas or complete building structures.
3. Impact to the neighbors and environment and the welfare of the animals being breed and sold.
4. Puppy mill, noise, odors and the standard care for the animals.
5. Environmental impact to Scottsman's Creek and the Bohemia River for the zoning code.

Peter Kline, 59 Park Lane, Hacks Point, Earleville, MD representing the Bohemia River Association. They are specifically concerned about the handling of waste at this facility since it is close to the Bohemia River.

Jean Deeming, Executive Director of the Cecil County SPCA and she also is a resident on Bohemia Church Road, Warwick, MD. Ms. Deeming has concerns that this kennel will become a puppy mill. The Meck's had received approval for a special exception in 2006 that has expired and never been renewed. At the SPCA they received numerous complaints from people that had purchased animals from the Meck's and the conditions at the kennel are appalling.

Eric Sennstrom, Director of Planning and Zoning stated the office received two (2) letters in opposition, Bohemia River Association and Russell and Paula Dunn, in file and attached for reference.

RECOMMENDATIONS:

TEXT AMENDMENTS:

APPLICANT: Cecil County - Subdivision Regulations.

FOR: Revise existing language to provide for the use of Subdivision Agreements.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County – Zoning Ordinance.

FOR: Revise existing language to provide for the use of Subdivision Agreements.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

APPLICANT: Cecil County - Master Water & Sewer Plan.

FOR: Amend Section 4.1.9.B to add language relative to the construction of a denied access force main as part of the Carpenters Point Sewer Collection System.

Staff recommended approval.

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

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Cynthia Monger.

FOR: Request to rezone 3.5781 Acres from Suburban Residential, (SR) to Business General, (BG).

Staff Recommended disapproval, no demonstrated mistake in the 1993 Comprehensive Rezoning.

ACTION: Motion made to disapprove with staff recommendations by Janusz, seconded by Wallace.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: North East Adventure Paintball, c/o Charles P. Narvel, Jr.

FOR: Renewal of a Special Exception to operate a paint ball business.

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

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

VOTE: All in favor, motion carried.

APPLICANT: Philip L. Meck.

FOR: Special Exception to operate a dog kennel.

Staff recommended disapproval, more detrimental at this location than elsewhere.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 8:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 15, 2010, at 7:00 p.m.

Respectfully submitted:

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