

PLANNING COMMISSION MEETING

January 19, 2011

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wiggins, Taylor, Broomell, (Ex-officio), and Houston.

ABSENT: Janusz, McDowell, (Alternate), Wallace, Sennstrom and Dempsey.

MINUTES- Motion made by Doordan, seconded by Wiggins and unanimously carried to approve the Monday, December 20, 2010, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3535 - APPLICANT: Mark McMullen.

FOR: Special Exception for a home occupation to conduct motor vehicle repairs.

PROPERTY LOCATION: 126 Kirks Mill Lane, North East, MD 21901, Election District: 9,
Tax Map: 18, Parcel: 372.

PROPERTY OWNER: Mark McMullen.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Health Department Report: Sanitary Construction Permit D5649 was issued in 1993 for a dwelling on this property. Water and sewerage is adequate for the proposed use. Applicant must comply with Maryland Department of the Environment requirements for handling and disposal of petroleum products, antifreeze, and tires.

COMMENTS IN SUPPORT: The following people appeared in favor of the application. Michal Uhrin 106 Kirks Mill Lane, Stephen McNeice 77 Kirks Mill Lane, Herbert Cornwell 23 Kirks Mill Lane, Peter Morgante 275 Kirks Mill Lane, Anne Williams 16 Kirks Mill Lane, Joseph Gilbert 2399 Biggs Highway, Carol Patchin 137 Kirks Mill Lane and Thomas McNeice 50 Kirks Mill Lane.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Mark McMullen

FOR: Special Exception for a home occupation to conduct motor vehicle repairs.

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

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

VOTE: All in favor, motion carried.

The meeting adjourned at 7:45 p.m.

NEXT PLANNING COMMISSION MEETING: Tuesday, February 22, 2011, at 7:00 p.m.

Respectfully submitted:

Clifford I. Houston, Zoning Administrator
Office of Planning and Zoning

PLANNING COMMISSION MEETING

February 22, 2011

7:00 p.m.

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

ABSENT: Mortimer, (Chairman), Janusz, Taylor and Broomell, (Ex-Officio).

APPROVAL OF MINUTES – Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the Wednesday, January 19, 2011, 7:00 p.m. minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3541 - APPLICANT: Cecil Investments, LTD, c/o Dave Woodward.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 190 Childs Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 163.

PROPERTY OWNER: Cecil Investments, LTD, dba Marley Mill.

PRESENTLY ZONED: Heavy Industrial, (M2).

William Riddle, Esquire, 204 East Main Street, Elkton, MD along with John Ford, Representative for Cecil Investments, LTD, 184 Childs Road, Elkton, MD wish to renew their special exception to retain a singlewide manufactured home for security purposes. This manufactured home is in an industrial complex off Childs Road, Elkton, MD. This manufactured home will be used for a tenant and security purposes. This would be the third renewal request of this special exception.

Health Department Report – H4268 issued in 2007 for placement of mobile home. Plans for septic system and well upgrades were issued at that time. The Health Department has no objection to the proposed special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Cliff Houston, Zoning Administrator read into the minutes a letter received from Ronald and Rebecca Demmler, Childs, MD in support.

FILE: 3542 - APPLICANT: Linda L. Mischler.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 788 Little New York Road, Rising Sun, MD 21911, Election District: 9, Tax Map: 4, Parcel: 16.

PROPERTY OWNER: Joseph H. & Linda L. Mischler, Sr.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Linda Mischler along with her son Joseph Mischler, Jr., 788 Little New York Road, Rising Sun, MD are requesting to locate a singlewide manufactured home on their property for Mrs. Mischler's elderly mother. She is need of constant care and the Mischler's would like to have her closer to the family so they can care for her.

Health Department Report: Repair Permit R3766 was issued in 2008 for upgrade of the septic system at the existing house. The Health Department has no objection to the special exception request provided the septic tank is upgraded when the unit is placed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: James Price, 761 Little New York Road, Rising Sun, MD stated he lives directly in front of the Mischler's property and would like to know, how it would be evaluated, if approved, that this singlewide would not become a rental property.

Patrict Doordan, (Vice-Chairman) explained the process so it would not become a rental.

RECOMMENDATIONS:

SPECIAL EXCEPTIONS:

APPLICANT: Cecil Investments, LTD, c/o Dave Woodward.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

Staff recommended approval for as long as Cecil Investments, LTD owns the property.

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

VOTE: All in favor, motion carried.

APPLICANT: Linda L. Mischler.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

Meeting was adjourned at 7:12 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 21, 2011, at 7:00 p.m.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

March 21, 2011

7:00 p.m.

PRESENT: Mortimer (Chairman), Wallace, Taylor, McDowell, (Alternate), Houston and Dempsey.

ABSENT: Doordan, Janusz, Wiggins, Broomell, (Ex-officio) and Sennstrom.

MINUTES- Motion made by Wallace, seconded by McDowell and unanimously carried to approve the Tuesday, February 22, 2011, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTION:

FILE: 3544 - APPLICANT: Donna K. Corcoran & Carl Compton.

FOR: Renewal of a Special Exception to operate a Bed and Breakfast.

PROPERTY LOCATION: 1488 Principio Furnace Road, Perryville, MD 21903, Election District: 7, Tax Map: 34, Parcel: 27.

PROPERTY OWNER: Donna K. Corcoran.

PRESENTLY ZONED: Suburban Residential, (SR).

Donna Corcoran, 1488 Principio Furnace Road, Perryville, MD requested the renewal of her Bed and Breakfast for as long as she owns and operates the business. Ms. Corcoran stated there have been no complaints from the neighbors.

Health Department Report – The Health Department has no objection to approval of the Special Exception. If permits or licenses are required in the future, the drilled well casing must be extended, the well pit filled and a pitless adapter installed.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATION:

APPLICANT: Donna K. Corcoran & Carl Compton.

FOR: Renewal of a Special Exception to operate a Bed and Breakfast.

Staff recommended approval for as long as the property owner owns the property and operates the Bed and Breakfast.

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

VOTE: All in favor, motion carried.

The meeting adjourned at 7:07 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 18, 2011, at 7:00 p.m.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

April 18, 2011

7:00 p.m.

PRESENT: Mortimer (Chairman), Doordan (Vice Chairman), Wallace, Wiggins, Taylor, McDowell, (Alternate), Houston, and Dempsey.

ABSENT: Janusz, Sennstrom, Director of Planning and Zoning and Broomell, (Ex-Officio).

MINUTES- Motion made by Doordan, seconded by Wallace and unanimously carried to approve the minutes from Monday, March 21, 2011, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3545 - APPLICANT: Katlyn Jo Dietz.

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

PROPERTY LOCATION: 7 Mechanics Valley Road, North East, MD 21901, Election District: 5, Tax Map: 31, Parcel: 230.

PROPERTY OWNER: Jean M. Dietz-Life Estate.

PRESENTLY ZONED: Development Residential, (DR).

Katie Dietz and Jean Dietz, 7 Mechanics Valley Road, North East, MD are requesting a special exception to locate a hair salon in their home. Ms. Dietz is adding a room on the side on her home for the salon for one chair. There will be a small-unlit sign in front of the home for advertising, the hours will be appointment only during the week and Saturday and there is ample parking for the customers behind the home.

Health Department Report – The existing residence mapped as served by public water and sewer. Water and sewer allocation from the Town of North East and the Department of Public Works are required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3546 - APPLICANT: Kimberly Rhoades.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 879 West Pulaski Highway, Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 592.

PROPERTY OWNER: Winefred Johnston.

PRESENTLY ZONED: Business General, (BG).

Kim Rhoades, 879 West Pulaski Highway, Elkton, MD would like to renew her special exception for her singlewide manufactured home for security purposes. Ms. Rhoades stated the manufactured home has been at this location for seventeen (17) years since January 1994. This location on West Pulaski Highway stores and maintains the trucks for the garden center.

Health Department Report – Sanitary Permit D6424 was issued in 1993 for placement of a security mobile home. Water and sewer adequate for the proposed special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3547 - APPLICANT: Linda Gail Cline.

FOR: Special Exception to locate a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 2105 East Old Philadelphia Road, Elkton, MD 21921, Election District: 3, Tax Map: 313, Parcel: 404.

PROPERTY OWNER: Chandrakant Patel.

PRESENTLY ZONED: Business General, (BG).

Linda Gail Cline, 2105 East Old Philadelphia Road, Elkton, MD requesting a special exception for a singlewide manufactured home for security purposes for Sycamore Gardens. Ms. Clines needs this manufactured home because of all the thefts that have been occurring in the green houses located on this property. Sycamore Gardens has been in business for thirty, (30) years at this location.

Health Department Report – Percolation tests and soil evaluations conducted April 4, 2011 found no suitable area for on-site sewage disposal. The Health Department cannot approve a permit for a security trailer at this time.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3548 - APPLICANT: Human Services Development Corp. c/o Dept. of Social Services.

FOR: Special Exception for a Class "C" Office Building.

PROPERTY LOCATION: 2400 Blue Ball Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 4.

PROPERTY OWNER: Ulmer Improvements, LLC.

PRESENTLY ZONED: Rural Residential, (RR).

Dwight Thomey, Attorney, representing the applicant Human Services Development Corp., Nick Ricciuti, Director of Department Social Services of Cecil County, Elkton, MD and George Ulmer, Ulmer Improvements, LLC, Owner, 32 Oriole Court, Elkton, MD asking for a special exception using a home located at 2400 Blue Ball Road, Elkton, MD, for meetings for the Foster Care Program. This would be a more natural home setting allowing parents to meet with their children. Visitations would be primarily in the daytime with representatives from the Department of Social Services.

Mr. Ricciuti stated there are approximately 127 children in the Foster Care System in Cecil County and this home would be the right setting to establish family meetings. The department would like to replicate the home environment for the children and their families instead of an office atmosphere. Traffic would not be a problem.

Health Department Report – Contact the Cecil County Health Department to discuss water and sewerage requirements.

COMMENTS IN SUPPORT: Nicole Meekins, 170 East Main Street, Administrator, Department of Social Services, Elkton, MD. Ms. Meekins has been working on this program for 6 to 9 months re-uniting families in an in-home atmosphere and allowing families and children to share loving fun activities without being in an office setting. Many other Department of Social Services in other counties are performing these types of visitation settings and is highly supported by many Courts and Judges in the state.

Barbara Smith, Services Supervisor, Department of Social Services, 170 East Main Street, Elkton, MD stated she advocates for this proposal. This program will make the work and activities more purposeful. This setting will allow foster parents and biological parents a place and opportunity to meet. Most of the children using the home facility are infants thru 14 years old.

Nancy Simperts, 584 Kirk Road, Elkton, MD sits on the Human Services Board and Social Services Board. These Boards have been discussing this program for a little over two years. This program will unite the children with their families in a home environment instead of an office setting. This program hopefully will have children within a year, out of a foster home and reunited with their parents and family. This program is modeled after Anne Arundel and Montgomery Counties.

COMMENTS IN OPPOSITION: Sherry Smith, 106 Ross Street, Elkton, MD stated her mother Rosalee Combs owns the property adjoining to this property. Ms. Smith thinks this is a bad idea because there is no guarantee on the amount of people and children that will be running in and out. This is a quiet neighborhood with families and this could bring in people with questionable backgrounds.

Rita Harris, 30 Middle Road, Elkton, MD stated she lives across the street from this property. Ms. Harris would like to commend this program, which is fabulous for the children; however, she feels this particular house is not a good setting, two major roads, Blue Ball Road with very high traffic and Middle Road where the driveway entrance is located is a collector road. The access in and out is very difficult and dangerous. Ms. Harris does not want a business in a residential area. In addition, there is a drainage problem presently and she feels if fencing were installed around this property it would change the direction of the run off.

Larry Farrell, 2376 Blue Ball Road, Elkton, MD stated there is no public transportation to this property. There will be a lot of traffic and no parking on the street, and this driveway is not adequate for numerous vehicles to park. If the children have medical needs, how long will it take to get help from Emergency Medical Services?

Donna Moux, 2385 Blue Ball Road, Elkton, MD stated she is concerned about the traffic, parking and how late this will be open in the evening. What if there is an altercation with these families while they are on this property? Who will be there to help, being six miles from town?

RECOMMENDATIONS:

APPLICANT: Katlyn Jo Dietz.

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

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

APPLICANT: Kimberly Rhoades.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

Staff recommended approval for five (5) years.

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

VOTE: All in favor, motion carried.

APPLICANT: Linda Gail Cline.

FOR: Special Exception to locate a singlewide manufactured home for security purposes.
Staff recommended approval for two (2) years with Health Department approval.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wiggins.
VOTE: All in favor, motion carried.

APPLICANT: Human Services Development Corp. c/o Dept. of Social Services.
FOR: Special Exception for a Class "C" Office Building.

Staff recommended approval, for two (2) years, for use only by the Human Services Development Corp. with adequate parking and safety measures installed.

ACTION: Motion made to approve with staff conditions by Wallace, seconded by Doordan.
VOTE: Four to one to approve, motion carried.

The meeting adjourned at 8:05 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, May 16, 2011, at 7:00 p.m.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

Wednesday, May 18, 2011

7:00 p.m.

PRESENT: Doordan, (Vice Chair), Wallace, Taylor, McDowell, (Alternate), Houston and Dempsey.

ABSENT: Mortimer, (Chairman), Wiggins, Sennstrom, (Director) and Broomell, (Ex-Officio).

APPROVAL OF MINUTES: Motion made by Wallace, seconded by McDowell and unanimously carried to approve the Monday, April 18, 2011, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3551 - APPLICANT: Bobby Joe Moretz.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

PROPERTY LOCATION: 1433 Old Philadelphia Road, Elkton, MD 21921, Election District: 5, Tax Map: 32, Parcel: 124.

PROPERTY OWNER: G & B Realty, L.C., Bobby Joe Moretz.

PRESENTLY ZONED: Heavy Industrial, (M2).

Mr. Moretz, 1433 Old Philadelphia Road, Elkton, MD stated he would like his special exception renewed for security purposes permanently. He has not received any complaints in the last five (5) years.

Health Department Report – Sanitary permit G8323 was issued in 2004 for an office trailer. No additional permits or change of use found. Applicant needs to contact the Health Department to discuss water and sewer requirements.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3553 - APPLICANT: Lawrence R. Carver, Jr.

FOR: Special Exception for festival or event.

PROPERTY LOCATION: 2941 Old Telegraph Road, Chesapeake City, MD 21915, Election District: 2, Tax Map: 44, Parcel: 3.

PROPERTY OWNER: Lawrence R. Carver, Jr.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

WITHDRAWN.

RECOMMENDATIONS:

APPLICANT: Bobby Joe Moretz.

FOR: Renewal of a Special Exception to retain a singlewide manufactured home for security purposes.

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

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:07 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 20, 2011, at 7:00 p.m.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

Monday, June 20, 2011

7:00 p.m.

PRESENT: Mortimer, Chairman; Doordan, Vice Chair; Wallace; Wiggins; Thorne; Taylor; Broomell, Ex-Officio; Sennstrom, Director of Planning and Zoning; Van Dyke, Director of Parks and Recreation; and Dempsey.

ABSENT: McDowell, Alternate; and Houston, Zoning Administrator.

APPROVAL OF MINUTES: Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the Wednesday May 18, 2011, 7:00 p.m., minutes as mailed.

PLANNING COMMISSION ANNUAL REPORT - 2010

Eric Sennstrom, Director of Planning and Zoning presented the 2010 Annual Report. He summarized the contents of the document and provided an overview of the format. He indicated the Planning Commission is required by Section 3.09 of Article 66B of the Annotated Code of Maryland to prepare and adopt annual report, file it with the local legislative body and to send a copy to the Maryland Department of Planning. See file for reference.

Health Department Report – No Health Department comments.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

PROGRAM OPEN SPACE:

Annual Program for FY 2012: Cecil County's Land Preservation, Parks and Recreation Plan.

Clyde Van Dyke, Director of Parks and Recreation presented the Annual Program for FY 2012. This document before the Board is a sister document to the County Comprehensive Plan which outlines the County's Open Space inventory which includes owned Federal, Local and State owned land along with current deficiencies and future needs. This document is required by the State as a mandate for the County to be eligible for County Open Space funds. It is required to be updated every six (6) years. The Parks and Recreation Board approved this document on April 28, 2011. See file for reference.

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

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: George Kaplan, 35 Oak Street, Colora, MD has one questions regarding the Martinuk property in Elk Neck which was purchased by the County, is that in this plan? That document has very low resolution on the Cecil County's web site, is there anything that can be done about the resolution?

Clyde Van Dyke, Director of Parks and Recreation does not have an answer to Mr. Kaplan's question in reference to the Martinuk property, but would happy to forward the question to the Department who could appropriately answer Mr. Kaplan's question. The web site is not a Parks and Recreation site; you would have to speak to the IT Department.

Commissioner Broomell suggested Mr. Van Dyke, Director of Parks and Recreation get with Mr. David Black, (GIS) to see if he could put the document on the WEB site as a searchable document.

AMENDMENT – Master Water & Sewer Plan

Section 3.2.11 – Amend language to reflect the present capabilities of the Mountain Hill and Carpenters Point water systems, the proposed interconnection between the two systems, and contemplated interconnections with other municipal systems.

Director Sennstrom presented the amendment. The private entity known as Artesian Water Maryland requested the County’s Master Water and Sewer Plan be amended to include new language that would reflect the present capabilities and proposed improvements to both the Mountain Hill Water System and the Carpenter’s Point Water System, which they both operate and own as well as to propose an interconnection between the two systems. As part of that interconnection, they would propose that other private systems as well as the Town of Charlestown could connect. This Planning Commission is mandated by the Zoning Ordinance to provide a recommendation. See file for reference.

Health Department Report – Interconnections and available capacities are subject to approval of Maryland Department of the Environment Water Supply Program.

COMMENTS IN SUPPORT: Diana Carabetta, 1611 Carpenters Point Road, Perryville, MD stated she is in favor of this amendment and Artesian has done a better job than the previous company has. Ms. Carabetta is concerned if there will be an inspection process set up and upgrades to the system in the future. Will they have good customer service?

Ed Cairns, 104 Jackson Hall School Road, Elkton, MD stated this is neither a comment for or against but a question; does this application cover further areas in the County such as Elkton, West? This matter should be clarified before a decision is made this evening on this application for Amendment to the Master Water and Sewer Plan. Please do not include other areas; it is like coming in the “back door”.

Eric Sennstrom, Director of Planning and Zoning stated “no”, it only pertains to Carpenter’s Point and Mountain Hill systems only. Mr. Sennstrom explained the locations of the inter connections to the Board and Commissioner Broomell.

Nancy Valentine, 135 Pine Cone Drive, North East, MD is representing CLUA, Cecil Land Use Alliance in opposition. See letter in file and attached for reference.

AMENDMENT – Clinic Drug, Treatment - Section 161, (4.06.300)

A facility other than a hospital, licensed by the state, that provides medical care and treatment on an outpatient basis to patients suffering from chemical and/or drug dependency.

Eric Sennstrom, Director of Planning and Zoning presented Section 161; Clinic, Drug treatment (4.06.300) as follows:

Proposed:

A clinic may be permitted as a special exception in the Heavy Industrial (M2) zone provided:

1. The clinic is located at least 1,000 feet from any structure used as a hospital, house of worship or school.
2. The clinic is located at least 1,000 feet from any residential zone.
3. Access to the site must be from a collector or arterial road and not from a local road or street in a residential subdivision.

4. All state permits and licenses required to operate the clinic have been obtained prior to applying for the special exception.
5. A narrative shall be provided that describes the method and type of treatment to be administered as well as the clientele proposed to use the facility. The narrative will need to provide a description of the hours of operation, number of clients, drugs to be used and the symptoms, addiction, dependency, and/or illness targeted for treatment, the demonstration of effectiveness in managing other clinics, and plans for addressing medical or other emergencies that may arise.

Clinic Drug Treatment – A facility other than a hospital, licensed by the state, that provides medical care and treatment on an outpatient basis to patients suffering from chemical and/or drug dependency. Clinics shall not lodge clients overnight.

Eric Sennstrom, Director of Planning and Zoning presented letters in opposition to the proposed amendment, in file for reference and listed below:

Stephanie Garrity, Health Officer, Cecil County Health Department and

Kenneth Collins, Director, Division of Addition Services

John Foraker, Executive Director, Haven House, Inc.

Eric F. McLaughlin, Shaffer, McLaughlin & Stover, LLC, Attorney at Law

Richard H. Bayer, Ph.D., Licensed Psychologist, Chief Executive Officer of Upper Bay Counseling & Support Services, Inc.

John Bennett, Chairman, Cecil County Alcohol and Drug Council

Jacob F. Frego, Executive Director of Eastern Shore Health Education Center

Major Jeff Clewer, Director of Community Corrections, Elkton Treatment Center

Howard Isenberg

Patrick Doordan, Vice-Chair would like to see a volunteer committee formed to do further study.

Commissioner Broomell agrees there should be a volunteer committee to do further study.

Health Department Report – Treatment centers for alcohol and drug rehabilitation are regulated and must be certified by the Office of Health Care Quality of the Maryland Department of Health and Mental Hygiene. The Health Department’s public health responsibility includes the assurance of quality and accessibility of health services, and we strongly support access to medical care in the County, including these types of treatment facilities.

It appears that this proposed amendment would either effectively prohibit or at least severely limit where this type of clinic could be located. Looking at the Zoning Ordinance, the types of facilities that are restricted to M2/Heavy Industrial zone by special exception include asphalt plants, hazardous waste recycling facilities and prisons, although even they do not include all of the separation requirements included for the drug treatment clinics. Other medical-type facilities are permitted by the Zoning Ordinance in the BG/Business General, BI/Business Intense and M1/Light Industrial zones, which if clinics were zoned comparably would be at least be less restrictive.

COMMENTS IN SUPPORT: Michael Mazoli, added comments to the Health Department comments in behalf of Stephanie Garrity, Cecil County Health Department, see file for reference.

COMMENTS IN OPPOSITION: Diana Carabetta, 1611 Carpenters Point Road, Perryville, MD stated she would like to see residents from the area put on a committee along with professionals to study this further.

Bradley Stover, 836 South Main Street, Bel Air, MD representing Shaffer, McLaughlin & Stover, LLC, Attorney at Law stated the way this is drafted violates The American Disability Act , see file for reference.

Joe Carabetta, 1611 Carpenters Point Road, Perryville, MD stated, there needs to be revisions and balance to this proposal.

Diana Broomell, County Commissioner stated that this matter should be tabled for further study.

SPECIAL EXCEPTIONS:

FILE: 3554 - APPLICANT: Cecil County Farm Museum, Attn: Benjamin Haines, President.
FOR: Special Exception to establish a Farm Museum on the property.
PROPERTY LOCATION: 1416 Telegraph Road, Rising Sun, MD 21911, Election District: 9,
Tax Map: 11, Parcels: 178 & 248.
PROPERTY OWNER: Edward C. Plumstead, Revocable Trust.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jerry England, 954 England Creamery Road, Rising Sun, MD, Board of Directors of Cecil County Farm Museum representing Ben Haines, President. Mr. Haines could not be at the meeting this evening due to an illness. The Farm Museum has been working on this project for 15 years with a different piece of property and now they would like to establish the Farm Museum next to the Plumpton Park Zoo. There are commercial properties located around this parcel, zoned Northern Agricultural Residential, (NAR). They do not wish to change the outlay of the land and the Farm Museum is a 501-C status. This will fit well within the plan of Cecil County to have this adjoin the Zoo. The other parcel located at 123 Elk Mills Road, Elkton is currently being put back to its natural state, which will satisfy the Maryland Department of the Environment, MDE and The Army Corp. of Engineers.

Health Department Report – Contact the Cecil County Health Department to discuss the intended use to determine water supply and sewage disposal requirements.

COMMENTS IN SUPPORT: Diana Carabetta, 1611 Carpenters Point Road, Perryville, MD is 100% in favor of this new location for the farm museum. This has great access and combining the Zoo with the museum would be a great asset to Cecil County.

Joseph Carabetta, 1611 Carpenters Point Road, Perryville, MD feels this is a good location because it is adjacent to the rural legacy area and it will bring in tourism into Cecil County.

Donald Frist, 68 North Hills Drive, Rising Sun, MD stated he has been a member since inception of the farm museum. Mr. Frist stated one of his main objections has been to promote the area and activities to the schools. He has shown the children how corn is grown, shelled, harvested and how it was cracked and made into corn muffins. We have also shown children how things were washed years ago and how butter is churned and made

Floyd Warrington, 810 Telegraph Road, Rising Sun, MD representing Albeck Farms, adjacent to this property and would welcome having the Farm Museum as neighbors.

Nickolas Lackavera, 37 Cherry Lane, Elkton, MD has taken over the development of the Plumpton Park Zoo and is leasing the property from Edward Plumstead. Combining the Zoo and the Museum will make the area more dynamic and would be a perfect marriage for tourism. There are very few family oriented things to do in Cecil County and this would be perfect to be together.

FILE: 3556 - APPLICANT: John Lowe.

FOR: Special Exception to operate a in home business.

PROPERTY LOCATION: 543 Kirks Mill Lane, North East, MD 21901, Election District: 9,
Tax Map: 19, Parcel: 15.

PROPERTY OWNER: John Lowe.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John Lowe, 543 Kirks Mill Lane, North East, MD would like a special exception to operate an internet business is in home; 95% of his business will be done inside his home, no signage, no employees, no conflict with neighbors and very few deliveries.

Health Department Report – The Health Department has no objection to the proposed special exception.

COMMENTS IN SUPPORT: Joseph Carabetta, 1611 Carpenters Point Road, Perryville, MD stated in the current economy any job created would be good for Cecil County.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: Planning Commission Annual Report.

Staff recommended adoption.

ACTION: Motion made to adopt by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Parks and Recreation.

FOR: Annual Program for FY 2012: Cecil County's Land Preservation, Parks and Recreation Plan.

Staff recommended approval.

ACTION: Motion made to recommend approval by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County – Master Water and Sewer Plan.

FOR: Section 3.2.11 – Amend language to reflect the present capabilities of the Mountain Hill and Carpenters Point water systems, the proposed interconnection between the two systems, and contemplated interconnections with other municipal systems.

Staff recommended approval.

ACTION: Motion made to recommend approval by Doordan, seconded by Wallace.

VOTE: All in favor, motion carried.

APPLICANT: Cecil County - Clinic Drug, Treatment - Section 161, (4.06.300)

FOR: A facility other than a hospital, licensed by the state, that provides medical care and treatment on an outpatient basis to patients suffering from chemical and/or drug dependency.

Staff recommended approval.

ACTION: Motion made to recommend tabling until further study by Doordan, seconded by Wiggins.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Cecil County Farm Museum, Attn: Benjamin Haines, President.

FOR: Special Exception to establish a Farm Museum on the property.

Staff recommended approval for the Northern Agricultural Residential, (NAR) portion of the property, along with site plan approval.

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

VOTE: All in favor, motion carried.

APPLICANT: John Lowe.

FOR: Special Exception to operate an in home business.

Staff recommended approval for two (2) years.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 8:23 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, July 18, 2011, at 7:00 p.m.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

July 18, 2011

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wallace, Wiggins, Thorne, Taylor, Broomell, (Ex-Officio), Houston, (Zoning Administrator) and Dempsey.

ABSENT: Sennstrom, (Director of Planning and Zoning) and McDowell, (Alternate).

MINUTES- Motion made by Doordan, seconded by Wallace and unanimously carried to approve the Monday, June 20, 2011, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTIONS:

FILE: 3557 - APPLICANT: Eileen Victoria Palmer.

FOR: Special Exception renewal 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 Victoria Palmer.

PRESENTLY ZONED: Rural Residential, (RR).

WITHDRAWN.

FILE: 3558 - APPLICANT: Thomas Mulligan.

FOR: Special Exception renewal of 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.

PRESENTLY ZONED: Urbanized Residential, (UR).

WITHDRAWN.

FILE: 3560 - APPLICANT: James W. & Suzanne Mann.

FOR: Special Exception renewal for a home occupation to operate an internet-based business.

PROPERTY LOCATION: 204 Wedgemont Drive, Elkton, MD 21921, Election District: 3, Tax Map: 21, Parcel: 891.

PROPERTY OWNER: James W. & Suzanne Mann.

PRESENTLY ZONED: Suburban Transition Residential, (ST).

James Mann, 204 Wedgemont Drive, Elkton, MD would like to renew his special exception to operate an internet-based business out of his home. This will be an extension of an application that was processed two (2) years ago, essentially for the ability to do a small amount of e-commerce product development and design. This process is ongoing with a patent office. There are no significant changes at this location, no signage required or manufacturing being performed at the site.

Health Department Report – F0274 was issued in 1999 for the existing dwelling. Well and septic systems are satisfactory for the proposed use.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

FILE: 3562 - APPLICANT: Frank Allen.

FOR: Special Exception for a farmers market.

PROPERTY LOCATION: 35 New Bridge Road, Rising Sun, MD 21911, Election District: 8,
Tax Map: 2, Parcel: 148.

PROPERTY OWNER: Frank Allen.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Frank Allen, 35 New Bridge Road, Rising Sun, MD and David Stoltzfus, 106 Cedar Hill Road, Peach Bottom, PA presented this application for a farmers market. Mr. Allen purchased the property in 2004 and he would like to take the existing produce stand and expand the operation to a farmers market to sell flowers, shrubbery, jellies, pies, etc. Mr. Stoltzfus and his family will be operating this farmers market, seasonally, which is owned by Mr. Allen.

Owen Thorne asked for clarification of a farmers market.

Health Department Report – Submit a written proposal for the intended use including information on the number of employees and items to be sold to determine water supply, sewage disposal and food permitting requirements.

COMMENTS IN SUPPORT: Ray Montville, 4 Penny Lane, Perryville, MD stated he is in support of this operation and uses it every weekend; convenient and the prices are good and the produce is fresh.

Julia Montville, 4 Penny Lane, Perryville, MD stated the produce is fresh and she knows it is grown locally.

Shannon Hum, 8 Penny Lane, Perryville, MD supports this farmers market, as she feels that family operations are good for the community and the county.

Melvin Richardson, 1322 Winch Road, Port Deposit stated he has been going to Mr. Stoltzfus's market for a long time because the produce and vegetables are fresh and he enjoys taking his grandson there to show him how the food is grown.

Susan Snyder, Conowingo, MD stated her whole family goes to Mr. Stoltzfus's stand because he has wonderful prices and fresh vegetables; she stocks up and freezes all her vegetables for the winter.

Patricia Brown, Conowingo, MD in support.

Mr. Allen has a letter of support with 230 signatures; in file for reference.

COMMENTS IN OPPOSITION: None.

Randy Taylor recluses himself from this application.

FILE: 3563 - APPLICANT: Stephen Frederick Simmons, II.
FOR: Special Exception for a Class "C" Office Building.
PROPERTY LOCATION: 12 Lewisville Road, Elkton, MD 21921, Election District: 4, Tax Map: 13, Parcel: 125.
PROPERTY OWNER: Stephen Frederick Simmons, II.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Stephen Simmons, 571 Ostego Street, Havre DeGrace, MD stated the property is located on the corner of Rt. 213 and Rt. 273. Mr. Simmons would like to maintain the residential look and integrity of this older house. He opened his business (insurance) in 2004 at a different location in Fair Hill and he needs to expand. Mr. Simmons currently employs three (3) Cecil County residents and feels this property is a perfect fit for an insurance office. There is adequate parking.

Health Department Report – Submit a written proposal describing the proposed business use including the number of employees so the Health Department can review the adequacy of the well and septic systems.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

SPECIAL EXCEPTIONS:

APPLICANT: Eileen Victoria Palmer.
FOR: Special Exception renewal for a home occupation to operate a hair salon.

Withdrawn, not in attendance.

APPLICANT: Thomas Mulligan.
FOR: Special Exception renewal of a home occupation to operate a business installing alarm systems.

Withdrawn, not in attendance.

APPLICANT: James W. & Suzanne Mann.
FOR: Special Exception renewal for a home occupation to operate an internet-based business.

Staff recommended approval for as long as the Mann's own the property and operate the business.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wallace.
VOTE: All in favor, motion carried.

APPLICANT: Frank Allen.
FOR: Special Exception for a farmers market.

Staff recommended approval for two (2) years with compliance to the Health Department regulations.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wallace.
VOTE: Four to one to approve, motion carried.

APPLICANT: Stephen Frederick Simmons, II.
FOR: Special Exception for a Class "C" Office Building.

Staff recommended approval for two (2) years.

ACTION: Motion made to approve with staff conditions by Doordan, seconded by Wiggins.
VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 7:35 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 15, 2011, at 7:00 p.m.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

AUGUST 15, 2011

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wallace, Taylor, McDowell (Alternate), Houston, (Zoning Administrator) and Bakeoven.

ABSENT: Sennstrom (Director of Planning and Zoning), Wiggins, Thorne, Broomell (Ex-Officio) and Dempsey.

MINUTES- Motion made by Mr. Doordan, seconded by Mr. Wallace and unanimously carried to approve the Monday July 18, 2011, 7:00 p.m., minutes as mailed.

Mr. Houston stated the Lighting Sub-Committee draft – County Lighting Ordinance, under the General Discussion portion of the agenda, will not be heard until the September Planning Commission meeting, due to the absence of Ken Wiggins, Sub-Committee Chairman.

PROGRAM OPEN SPACE:

Annual Report FY 2012: Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Clyde VanDyke, Director of Parks and Recreation, appeared and presented an overview of the annual report. Mr. VanDyke stated that this document is mandated by the State of Maryland. It is presented to DNR once per year. The document outlines projected projects for acquisition and development that the County plans to use program open space funding. Mr. VanDyke stated that funding has significantly decreased from previous years. See file for the document in its entirety.

Mr. McDowell asked what the ratio was between the State portion of the funding and the County portion of the funding. Mr. VanDyke stated that the State portion is 75% and the County portion is 25%.

Health Department Report - Please contact the Health Department prior to any development requiring onsite water supply, sewage disposal, or food service.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

REZONING:

FILE 2011-01APPLICANT: Jesse McMillian.

PROPERTY LOCATION: Tome Highway, Rising Sun, MD 21911.

ELECTION DISTRICT: 6, TAX MAP: 10, PARCEL: 527.

PRESENTLY ZONED: Open Space, (OS).

REQUEST: Request to rezone 10.06 Acres from Open Space, (OS) to Rural Residential, (RR).

PROPERTY OWNER: Jesse J. & Patricia A. McMillian.

Jesse McMillian, 279 Lombard Road, Rising Sun, MD, appeared and presented an overview of this request.

Mr. Houston stated that this property was previously zoned Suburban Residential (SR). During the most recent Comprehensive Rezoning, the Suburban Residential (SR) zoning was eliminated. The properties that surround Mr. McMillian's property are all zoned Rural Residential (RR). Through a mistake that was made in the Office of Planning & Zoning during the Comprehensive Rezoning process, Mr. McMillian's property was zoned Open Space (OS).

Chairman Mortimer asked why Mr. McMillian did not submit an appeal of his zoning during the Comprehensive Rezoning. Mr. McMillian said he was not aware of the error.

Chairman Mortimer asked what the difference is between the Suburban Residential (SR) zoning and the Rural Residential (RR) zoning. Mr. Houston stated that Suburban Residential (SR) allows for 1 dwelling unit per acre (with well and septic) and Rural Residential (RR) zoning allows 1 dwelling unit per 5 acres which makes Rural Residential (RR) a more restrictive zoning.

Health Department Report - The Health Department has no objection to the proposed rezoning.

COMMENTS IN SUPPORT: NONE

COMMENTS IN OPPOSITION: Betty Jane Barney, 25 Pear Tree Lane, Colora, MD and Eric Conrad, 2617 Liberty Grove Road, Colora, MD, spoke in opposition of this request.

Mr. Wallace explained the potential reasoning behind rezoning requests.

Chairman Mortimer asked Mr. McMillian how long he has owned the property. Mr. McMillian stated that he has owned the property since 1976.

SPECIAL EXCEPTION:

FILE: 3567 – APPLICANT: Clinton Reddig.

FOR: Special Exception renewal to operate a group daycare.

PROPERTY LOCATION: 782 Shady Beach Road, North East, MD 21901, Election District: 5, Tax Map: 36, Parcel: 651.

PROPERTY OWNER: Clinton and Nancy Reddig.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Clinton and Nancy Reddig, 782 Shady Beach Road, North East, MD, appeared and gave an overview of the request. Mr. Reddig explained that they have not yet opened the daycare for business as they are completing renovations before opening. Chairman Mortimer asked what the number of children is that they are approved to have in the daycare. Mr. Reddig said 20.

Health Department Report - Septic system installed under permit R3775 in 2008 for the existing dwelling. Septic system is adequate based on applicants proposal that daycare center replaces residence.

Chairman Mortimer requested that the applicant contact the Health Department for clarification of their comments.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

PROGRAM OPEN SPACE:

APPLICANT: Clyde VanDyke, Director of Parks and Recreation.

FOR: Annual Report FY 2012: Cecil County's Plan for Park Land Acquisition and Recreation Facility Development.

Staff recommended approval.

ACTION: Motion was made by Doordan, seconded by Wallace.

VOTE: All in favor, motion carried.

REZONING:

APPLICANT: Jesse McMillian

FOR: Request to rezone 10.06 acres from Open Space (OS) to Rural Residential (RR).

Staff recommended approval.

ACTION: Motion was made to approve was made by Wallace, seconded by Doordan.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTION:

APPLICANT: Clinton and Nancy Reddig.

FOR: Special Exception renewal to operate a group daycare.

Staff recommended approval for four (4) years or as long as the Reddigs own the property and operate the daycare.

ACTION: Motion for approval with staff conditions was made by Doordan, seconded by McDowell.

VOTE: Members in favor of approval were Taylor, Doordan and McDowell, with Wallace voting in opposition. Motion for approval with staff conditions carried.

GENERAL DISCUSSION:

Lighting Sub-Committee Draft – County Lighting Ordinance.

To be heard on September 19, 2011.

The meeting adjourned at 7:36 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 19, 2011, at 7:00 p.m.

Respectfully submitted:

Jennifer Bakeoven, Administrative Assistant
Office of Planning & Zoning

CECIL COUNTY PLANNING COMMISSION
Monday, September 19, 2011, 7:00 p.m.
County Administration Building
200 Chesapeake Blvd., Elk Room, Elkton, MD 21921

Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in September 2011.

PLANNING COMMISSION MEETING

October 17, 2011

7:00 p.m.

PRESENT: Doordan, (Vice-Chairman), Wiggins, Taylor, Wallace, Yust, O'Connor, Sennstrom, Houston and Dempsey.

ABSENT: Mortimer, (Chairman), McDowell, (Alternate) and Broomell, (Ex-officio).

MINUTES- Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the Monday, August 15, 2011, 7:00 p.m., minutes as mailed, no September 2011 meeting.

TEXT AMENDMENT – ZONING ORDINANCE

Amend Section 196 – Buffer Requirements; Amend Section 215 – Mitigation Bank

Summary – Proposes language amendments that will permit a Fee-in-Lieu for Critical Area planting requirements that cannot be adequately met.

Steve O'Connor, Planner, Office of Planning and Zoning presented revisions to Article XI. Part 1, Sections 196 and 215 to the Cecil County Zoning Ordinance. The proposed revision to Section 215 was to revise the current Fee-in Lieu program for the Critical Area Buffer planting requirements and expand the Fee-in-Lieu program to include FIDS planting mitigation and forest and developed woodland clearing mitigation.

The proposed changes to the Fee-in Lieu program included text that would allow the fee rates to be determined by the County Commissioners. The proposed change to Section 196 was to match the revised text in Section 215 to allow the County Commissioners to change the Fee-in-Lieu rate for Buffer mitigation requirements.

Planning Commission members had several questions concerning the monies being collected. Mr. O'Connor responded, a specific account has been set up with the County Treasurer and the monies will be placed in a liability account.

Wyatt Wallace asked, "What precipitated this need for change?"

Steve O'Connor stated that when applicants use the State required formulas and ratios in determining mitigation requirements, the mitigation requirement often exceed the amount of available space.

A letter was received from the Critical Area with comments on the proposed text amendments, attached and in file for reference.

Health Department Report – No Health Department comments required.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

SPECIAL EXCEPTIONS:

FILE: 3569 - APPLICANT: Nancy J. Murphy.

FOR: Special Exception to operate an Art Studio.

PROPERTY LOCATION: 105 Brantwood Drive, Elkton, MD 21921, Election District: 2, Tax Map: 38, Parcel: 528.

PROPERTY OWNER: Thomas H. & Nancy J. Murphy.

PRESENTLY ZONED: Low Density Residential, (LDR).

Nancy Murphy, 105 Brantwood Drive, Elkton, MD stated she has just moved to Cecil County recently from Clayton, New York and has been a working artist her entire life. She makes wood sculptures, jewelry, fine art on canvas and various other artworks. The building is a 12' x 24' Amish built barn, heated with ceiling fans, air conditioning, and no water. Ms. Murphy does not intend to put a sign up for advertising and there is plenty of room for parking for customers.

Health Department Report – Sanitary permit B9461 was issued in 1986 for this residence. The record plat for Brantwood has identified a 10,000 sq. ft. sewage area for this lot, which must be maintained. The special exception shows a 12' x 24' art studio location within the designated sewage area.

COMMENTS IN FAVOR: None.

COMMENTS IN OPPOSITION: None.

FILE: 3570 - APPLICANT: Arthur J. & Mary E. Boltz, Jr.

FOR: Special Exception for a home occupation to operate a Bed and Breakfast.

PROPERTY LOCATION: 151 Fawn Drive, Elkton, MD 21921, Election District: 2, Tax Map: 43, Parcel: 340.

PROPERTY OWNER: Arthur J. & Mary E. Boltz, Jr.

PRESENTLY ZONED: Rural Residential, (RR).

Arthur Boltz, Jr., 151 Fawn Drive, Deerhaven, Elkton, MD. Mr. Boltz would like to operate a Bed and Breakfast in his home. The meal served will be a continental breakfast, nothing cooked on the stove. His home has three bedrooms, two bathrooms, so the maximum would be six guests, no children. The advertising will be done on the internet, no sign in front of home.

Health Department Report – Sanitary permits C4310 and R4123 were issued for a three-bedroom residence at this property. Contact the Health Department to discuss water, sewerage and food service licensing requirements for conversion of the residence to a bed and breakfast.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Don Niehouse, 57 Yellowfield Blvd., Deerhaven, Elkton, MD has lived in Deerfield for twenty-seven years, his concerns are this is a quiet neighborhood and once this would be approved there would be more traffic on a private road, also advertising on the internet can bring all different types of people. Mr. Niehouse feels a Bed and Breakfast located in the middle of a development would not be favorable. This is a residential area, not commercial for a business.

Diane Poore, 70 Yellowfield Blvd., Deerhaven, Elkton, MD stated she is concerned about traffic, one way in and out of the neighborhood. This could change into something else and bring in homeless people and drug addicts. Ms. Poore is also concerned this would raise the tax rate in the neighborhood bringing in a business and lowering property values.

Heather Hamby, 160 Fawn Drive, Deerhaven, Elkton, MD stated she does not have an issue with a Bed and Breakfast, but is concerned this could change to another type business after approved.

Cliff Houston, Zoning Administrator stated this application is for a Bed and Breakfast only and if they wanted to do something different they would have to come back and go through the same process of applying for another special exception.

RECOMMENDATIONS:

TEXT AMENDMENT – ZONING ORDINANCE

APPLICANT: Cecil County.

FOR: Amend Section 196 – Buffer Requirements; Amend Section 215 – Mitigation Bank

Staff recommended approval.

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

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Nancy J. Murphy.

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

Staff recommended approval for two (2) years with all business transactions to take place within the residence.

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

VOTE: All in favor, motion carried.

APPLICANT: Arthur J. & Mary E. Boltz, Jr.

FOR: Special Exception to operate a Bed and Breakfast.

Staff recommended approval for two (2) years.

ACTION: Motion made to disapprove by Wiggins, seconded by Wallace.

VOTE: All in favor, motion carried.

The meeting adjourned at 7:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 21, 2011, at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

November 21, 2011

7:00 p.m.

PRESENT: Mortimer, (Chairman), Wiggins, Taylor, Wallace, Yust, Sennstrom, Bakeoven and Dempsey.

ABSENT: Doordan, McDowell, (Alternate), Broomell, (Ex-officio) and Houston, (Zoning Administrator).

MINUTES- Motion made by Wallace, seconded by Wiggins and unanimously carried to approve the Monday, October 17, 2011, 7:00 p.m., minutes as mailed.

Cecil County Master Water & Sewer Plan 2011

Summary: The document is the new County Plan that deals with goals and objectives, background information, water supply systems, and sewerage systems in Cecil County. The Master Water & Sewer Plan will provide the mechanism for the implementation of the goals and objectives of the County's Comprehensive Plan and to achieve the recommendations of the plan's water resources and land use elements.

Eric Sennstrom, Director of Planning and Zoning presented the proposed County's Master Water and Sewer Plan 2011. Section 9-503 of the Environmental Article of the Annotated Code of Maryland requires the County to have a Water and Sewer Plan to review, revise, or amend its Plan every three (3) years. The principal elected official of each municipal corporation of the County has to be notified of the Plan Amendment. The County's planning agency will certify that the Plan is consistent with the County's Comprehensive Plan.

Bill Mortimer, Chairman questioned what are the significant changes in this lengthy document.

Eric Sennstrom, Director of Planning and Zoning stated the most significant changes were in Chapter three (3) with the water systems owned and operated by Artesian Water Maryland, Inc.

The Planning and Zoning Department received a very lengthy document from the Town of North East late in the afternoon on 11-21-11; the Board has not had time to review this document and Mr. Mortimer, (Chairman) made a recommendation not to vote on something they have not reviewed.

Letters in file from the Town of Chesapeake City and the Town of North East in file and attached for reference.

Health Department Report - The Health Department appreciates the opportunity given by the Office of Planning and Zoning to provide input into the development of the 2011 Master Water and Sewer Plan. This office supports the overall goals and objectives of the plan and commends Planning and Zoning on producing a much more complete and "user-friendly" plan.

The overall goal of concentrating growth in specific areas, with adequate water and wastewater infrastructure can contribute to improved environmental health for the citizens of Cecil County. The Health Department is particularly supportive of the goal of abating areas of older, failing septic systems through connection to community systems or construction of new facilities as appropriate.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ford Hall, Sr., 40 Schoolhouse Lane, Frederick, MD owner of the Granary Restaurant and lives in Cecil County. Mr. Hall would like to know if there is a possibility of wastewater service to Fredericktown. The entire Village of Fredericktown is in the critical area, older community; this would eliminate older septic systems and help with keeping the Chesapeake Bay cleaner if they could hook up to the Town of Cecilton.

Eric Sennstrom, Director of Planning and Zoning stated there is no plan for the Town of Cecilton to extend their services into Fredericktown.

George Kaplan, 35 Oak Street, Colora, MD has a couple of comments, first there needs to be a better Table of Contents in this proposed Master Water and Sewer Plan, second the S-1, S-2, S-3 and W-1, W-2 and W-3 areas on the maps never change color, even though they are updated every several years. The County is not making much progress bringing water and sewer to the growth corridor. Mr. Kaplan feels there should be dates on the maps along with the sewer and water markings; dates need to be inserted as well to keep track of the progress. What is going to happen with the County taking back over the wastewater treatment plants since Artesian is no longer in the picture. Mr. Kaplan is also concerned about the Watershed Implementation Plan, (WIP) in conjunction with upgrading the system.

Nancy Valentine, 135 Pine Cone Drive, North East, MD stated she is concerned about the same issues that Mr. Kaplan has stated. She would like to re-emphasize the Plan and other things going on in the County. If this plan is not in conjunction with the Capital Improvement Plan the Master Water and Sewer Plan will not work. Another aspect that has not been mentioned is funding.

Elmer Justice, III, 457 Stoney Battery Road, Earleville, MD mentioned he has two (2) pieces of property on Bailiff Road. In the current plan his property has been mislabeled and eliminated. Mr. Justice has talked to Mr. Sennstrom and he is aware of the error.

Perry Otwell, 8709 Brooks Drive representing Elmer Justice on Bailiff Road, LLC was surprised because typically when you go through sanitary up-grades, you go from S-3 to S-2 and was surprised when it disappeared off the map. Mr. Otwell stated this is an ideal location for the sewer.

Jacob Bailiff, 367 Bailiff Road, North East, MD is in favor of the same zoning.

Eric Sennstrom entered into the minutes there was correspondence from Barry Montgomery, The Town of Chesapeake City and the Town Administrator of Perryville.

Bill Mortimer, Chairman changed the order of the Special Exceptions, as File-3572 is very lengthy.

SPECIAL EXCEPTIONS:

FILE: 3573 - APPLICANT: Robert E. Duncan.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 985 Liberty Grove Road, Conowingo, MD 21918, Election District: 7, Tax Map: 16, Parcel: 278.

PROPERTY OWNER: Robert E. Duncan.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Robert Duncan, 985 Liberty Grove Road, Conowingo, MD stated his wife has sever lung and health problems and he would like to have a singlewide manufactured home on his property for her son and children to live in and to assist him with work around the house and take care of his wife. This is a large parcel and it will be screened from adjoining property owners.

Health Department Report – Sanitary Permit A8587 was issued for a dwelling in 1977. Additional percolation tests are required to identify sufficient sewage area to support a second dwelling.

COMMENTS IN SUPPORT: Cora Duncan, (wife), 985 Liberty Grove Road, Conowingo, MD is in favor.

COMMENTS IN OPPOSITION: None.

FILE: 3572 - APPLICANT: Outdoor Extreme Chesapeake City, c/o Lawrence R. Carver.

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

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

PROPERTY OWNER: Lawrence R. & Nancy M. Carver.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

William Riddle, Esquire, Elkton, MD representing Lawrence and Nancy Carver, 2981 Old Telegraph Road, Chesapeake City, MD. Mr. Carver has been in operation at this location for five (5) years and has operated under his special exception for four (4) years. This is Mr. Carver's third request for his paintball operation. The paintball playing facility is 117 acres total and 57 acres for playing. There are air ball, speed ball and recreation fields. The play areas are safe, there are hedgerows, buffer areas on the northern side, and woods on the other side, there is a marsh area by the Back Creek Subdivision. There are no traffic problems and plenty of room for parking on the farm. Over the past two (2) years, since the last special exception renewal, the Carver's had 198 days of playing out of 730 days. The paint is 100% biodegradable and never shot into the critical area. The hours of operation are 9:00 a.m. to 4:00 p.m. and port-a-potties scattered throughout the property.

David Kerr, 48 Robert Oaks Drive, Newark, DE retired Newark Police Officer specializing in measurements of sound, reading and analyzing noise meters. Mr. Kerr went around the Carver's property with the noise meter and took readings by the creek and other locations of his property. The noise meter recorded 40 decibels up to 86 decibels around the perimeter. Mr. Kerr stated a shotgun is 140 decibels, so a paintball gun is much less.

Health Department Report – Sanitary Permit 8446 was issued in 1996 for an existing mobile home. As proposed by the applicant, water and septic are adequate for the proposed use.

COMMENTS IN SUPPORT: Names and address listed below in support, in file and audio on-line for reference. The people listed below are in support of the paintball field; it is a great activity for children and adults of all ages. It brings teamwork, exercise and gives back to the community with charitable organizations. This facility is very safe, clean and a great training facility for all groups. Noise has not been a problem and it is not driving the game away for hunting. The park has more pros than cons and this is a first class operation.

1. Lance Powers, 2935 Old Telegraph Road, Chesapeake City, MD
2. Richard Carver, 536 Bethel Road, Chesapeake City
3. Chuck Mayer, 208 Pebble Creek Place, Bear, DE
4. Tesfaye Ali, Student at Temple University in Philadelphia, PA
5. Bill Tidaback, 98 Andrea Drive, Chesapeake City, MD
6. Pam Mayer, 208 Pebble Creek Place, Bear, DE
7. Dave Christian, 546 Red Fox Circle, Middletown, DE
8. Jeff Woomer, 1811 Reindeer Place, Bear, DE

COMMENTS IN OPPOSITION: Robert Jones, Esquire, 157 East Main Street, Elkton, MD represented the following people in opposition, 1-9, in file and audio on-line for reference. Mr. Foster presented a video presentation of mapping and adjoining property owner's property lines, (Section 108) not being 1,000 feet from

the Paint Ball Park. The following homeowners in opposition because of noise, (bullhorn in early morning hours), weekend hours, accelerated usage, explosives, depreciation in property values, trash, scarring wildlife and spooking horses, safety and traffic on Old Telegraph Road.

1. Jeff Foster, Sr., 54 Wilmon Street, Chesapeake City, MD
2. John Cochran, 750 North St. Augustine Road, Chesapeake City, MD
3. Jeff Foster, Jr., 38 Wilmon Street, Chesapeake City, MD
4. Brian Johnson, 2827 Old Telegraph Road, Chesapeake City, MD
5. Katherine Manlove Jester, 3061 Old Telegraph Road, Chesapeake City, MD
6. Emily J. Malin, 700 Bethel Road, Chesapeake City, MD
7. Deborah Dayton, 41 Fox Valley Road, Chesapeake City, MD - (appeared separately)
8. Donna Hollifield-Main, Realtor Long and Foster, Elkton, MD
9. Anthony Smiertka, 32 Andrea Drive, Chesapeake City, MD
10. Jim Bonner, 115 Andrea Drive, Chesapeake City, MD
11. Cathy Rodgers, 2827 Old Telegraph Road, Chesapeake City, MD

Robert Jones, Esquire, stated the present Planning Commission and former County Commissioners described this area to be the most sensitive land in Cecil County. This area has the largest agricultural easements and largest area of protective land in the State of Maryland. Mr. Jones stated all the testimony heard this evening in support is mostly from out of state customers.

Eric Sennstrom, Director of Planning and Zoning called the following names that did not speak, but signed attendance sheet, below and in file for reference.

1. George Kaplan, 35 Oat Street, Color, MD
2. Elmer Justice , 457 Stoney Battery Road, Earleville, MD
3. Gail Cochran, 750 North St. Augustine Road, Chesapeake City, MD
4. Robert Duncan, 985 Liberty Grove Road, Colora, MD
5. Tom Leavey, 37 Manassas Drive, Middletown, MD
6. Kim Foster, 54 Wilmon Street, Chesapeake City, MD
7. Charles Saxton, 43 Woodcrest Drive, Elkton, MD
8. Jim Floyd, 104 Andrea Drive, Chesapeake City, MD

Eric Sennstrom, Director of Planning and Zoning stated there are two letters in the file, item one (1) The Chesapeake Bay Critical Area Commission and Chuck Mayer who spoke earlier.

RECOMMENDATIONS:

APPLICANT: Cecil County.

FOR: Cecil County Master Water & Sewer Plan 2011

Staff recommended approval.

ACTION: Motion made to table to December Planning Commission meeting for more study, by Wallace, seconded by Wiggins

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

APPLICANT: Outdoor Extreme Chesapeake City, c/o Lawrence R. Carver.

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

Staff recommended approval for two (2) years, course 1,000 feet from any residence.

ACTION: Motion made for disapproval by Wiggins due to the preponderance of the testimony given, no second, motion died.

ACTION: Motion made to approve for two (2) years, Section 108 compliance, 9:00 a.m. to 4:00 p.m. and 200 maximum patrons per day by Taylor, seconded by Wallace, two to three vote, (Mortimer, Wiggins, & Yust), motion defeated.

ACTION: Approval for two (2) years, open seven (7) days a week from 9:00 a.m. to 4:00 p.m. by Yust, seconded by Taylor,

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

APPLICANT: Robert E. Duncan.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

Staff recommended approval for two (2) years or as long as Mr. Duncan owns property, whichever shall sooner occur.

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

VOTE: All in favor, motion carried.

GENERAL DISCUSSION: None.

The meeting adjourned at 10:25 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, December 19, 2011, at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

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

PLANNING COMMISSION MEETING

December 19, 2011

7:00 p.m.

PRESENT: Mortimer, (Chairman), Doordan, (Vice-Chairman), Wiggins, Yust, Wallace, Broomell, (Ex-officio), Sennstrom, Houston and Dempsey.

ABSENT: McDowell, (Alternate).

MINUTES- Motion made by Wallace, seconded by Doordan and unanimously carried to approve the Monday, November 21, 2011, 7:00 p.m., minutes as mailed.

Cecil County Master Water & Sewer Plan 2011

Summary: The document is the new County Plan that deals with goals and objectives, background information, water supply systems, and sewerage systems in Cecil County. The Master Water & Sewer Plan will provide the mechanism for the implementation of the goals and objectives of the County's Comprehensive Plan and to achieve the recommendations of the plan's water resources and land use elements.

Tabled from November 21, 2011 Planning Commission Meeting.

Eric Sennstrom, Director of Planning and Zoning announced the Cecil County Master Water and Sewer Plan for 2011 has been withdrawn, discussions ongoing on issues that could effect the document.

TEXT AMENDMENT – ZONING ORDINANCE

Add Section 161 – Clinics

Revise Article I, Part I, Section 12 – Add definition of Clinic

Revise Article XIV – Add parking regulations for clinics

Summary – The proposed revisions will add text to the Zoning Ordinance regarding where clinics will be permitted and the conditions that will apply, define what a clinic is, and add minimum parking requirements.

Eric Sennstrom, Director of Planning and Zoning presented the text amendment proposing new language adding the definition of a clinic and adding parking regulations for clinics, the proposed ordinance would create Section 161 - A clinic shall be permitted in the Business Local, (BL), Business General, (BG), Business Intensive, (BI), Light Industrial, (M1) and Heavy Industrial, (M2) zones providing the following five (5) conditions listed below are met:

1. The clinic is located at least 200 feet from any residential zone.
2. The clinic is located 750 feet from any structure used as a house of worship, school or daycare.
3. Access to the site must be from a collector or arterial road and not from a local road or street in a residential subdivision. Adequate off-street parking must be provided.
4. All state permits and licenses required to operate the clinic have been obtained prior to applying for the occupancy permit.
5. A description of the medical services proposed to be rendered by the clinic shall be provided with the application for an occupancy permit.

Clinic: A place for the treatment of outpatients by three (3) or more health professionals include doctors, nurses and counselors.

Off Street Parking Requirements: Clinics shall provide one (1) off street parking space per client during the peak hour.

Mr. Sennstrom stated the Planning Office received comments in vehement objection to this proposed zoning ordinance from Dr. Richard C. Szume, M.D., Dr. John Mulvey, M.D. and Dr. Karen Lefrak, M.D. staff from Union Hospital, see attached letter and in file for reference.

Ms. Clara Campbell, Legal Counsel provided written comments stating that condition #4 be re-written to state that the state permits shall be obtained prior to the granting of the occupancy permit and the off-street parking requirements should be revised to say one space per client at maximum capacity. Mr. Sennstrom noted that several departments within county government have reviewed the proposed language provided this evening and they are of the opinion that language be enhanced rather by right in the BL, BG, BI, M1 and M 2 zones. The clinics are permitted as a special exception in those zones with the same conditions.

Health Department Report – “Part of the Health Department’s mission is to assure the quality and accessibility of health services in Cecil County. The Health Department strongly supports easy access to much-needed medial care in Cecil County, including these types of substance abuse treatment facilities. The State of Maryland licenses and regulates facilities for quality. The proposed text amendment may be too restrictive and as a result, severely limit where substance abuse treatment facilities as well as other health care services, can be located.”

COMMENTS IN SUPPORT: Andrew Jodlbauer, 901 East Pulaski Highway, Elkton, MD stated he strongly supports this ordinance. Economic growth is a big picture for Cecil County and with that comes responsibility for property use. Mr. Jodlbauer is in full agreement that Cecil County needs these “Methadone Clinics”. There will be a vast amount of people coming to these clinics after speaking to the Elkton Drug Treatment Center; their calculations would be around 520 to 540 people a day. Mr. Jodlbauer owns the furniture store across the street from where this clinic would be and feels the traffic and parking will be a nightmare during peak hours between 6:00 a.m. to 10:00 a.m. when people would be coming for their medications. The buffer zones, the adequate parking, location, sidewalks, crosswalks are all concerns of Mr. Jodlbauer.

Patricia Jones, 118 Rolling Ave., North East, MD commends the County for opening these conversations on clinics. Ms. Jones feels these clinics need to be defined with special insurance requirements for them to operate in the state. They should be defined as a drug-dispensing clinic whose sole purpose is to dispense controlled substances. The County should limit the amount of clinics in operation and she feels this is not restrictive enough. There should be limitations set on drug dispensing clinics.

Walter Rozanski, 33 Woodholme Way, Elkton, MD stated there is a lot of information on the WEB under the United States Department of Justice about clinics and about our neighboring states and the amount of people that are dying every year from substance abuse clinics.

Laurie Stertz, owner of “Your Corner Store Squires Dairy Delight,” 705 East Pulaski Highway, Elkton, MD supports the proposed ordinance because she believes this clinic should not be in a residential area, there is already a terrible traffic problem at this intersection.

Elise Pipkin, 400 Patriots Way, Elkton, MD supports this ordinance 100% and Ms. Pipkin stated there are no crosswalks or sidewalks in this area.

Sean Sturtz, 102 Washington Ave., Elkton, MD stated there are other places that the clinic could be located safely and securely.

Stephanie Garrity, serves as Cecil County Health Officer, stated part of her responsibility of health services in Cecil County is to assure quality and accessibility. She strongly supports easy access to much needed medical care, including substance abuse treatment facilities. The State of Maryland licenses and regulates treatment facilities. Ms. Garrity feels that the proposed text amendment may be too restrictive resulting in locations of clinics. Letter attached and in file for reference.

John Bennett, Chairman of Cecil County Alcohol and Drug Council, 496 Old Elk Neck Road, Elkton, MD stated the proposed ordinance places too many restrictions on the location of clinics as defined in the ordinance. Letter attached and in file for reference.

Ken Lewis, President of Union Hospital, 106 Bow Street, Elkton, MD stated the definition of clinic is so fundamentally over broad that the zoning ordinance creates unattended consequences that are harmful to Cecil County. Mr. Lewis stated the locations are being more de-centralized.

Mark Roqueski, Executive Director for West Cecil Health Center, Rising Sun, MD stated he is opposed to this ordinance for a couple of reasons, West Cecil Health Center is a non-profit health center, presently considered a clinic. His clinic deals with the un-insured and school programs in the area. He is concerned that this ordinance will impede access to primary care. Second, how will school based health clinics operate. There is a great need for school-based clinics', since there is not much public transportation in the county.

Dr. John Mulvey, M.D., 104 West Main Street, Elkton, MD stated he is a primary care physician and this will put too many restrictions on physicians in the county. The more you restrict primary care access the more the problems will grow.

John Connelly, 66 Sarah Drive, Elkton, MD stated he supports the legislature; he lives directly behind the diner in the community of Northgate. Mr. Connelly stated we need this legislation, need the right words, need these clinics, but do not put it in his backyard, this will attract more people from out of state; put these clinics in the proper places.

Ann Connor, 45 Enfield Road, Elkton, MD supports this text amendment for clinics; these are very reasonable buffer areas but her property meets the property line of the old Roses Diner property, which are less than 30 feet from her property line and less than 200 feet from her front door. This is going to affect her property values and the ability to sell her home. With the amount of volume, there will be major traffic problems.

Kelly Frost, 6 Lovell Court, Elkton, MD stated Cecil County would have three (3) operating clinics within 2 miles of each other near residential communities. Once the addicts find out they can enroll in all three clinics because of privacy laws, Cecil County will have a buffet table for drug addicts. Ms. Frost stated the residents will live in fear and home invasions are on the rise presently.

Commissioner Diana Broomell re-read the definition of clinics.

TEXT AMENDMENT – CODE OF CECIL COUNTY

Add Chapter A282 Transfer of Development Rights to the Code of Cecil County

SUMMARY: The proposed language will add a new chapter to the Code of Cecil County regarding the transfer of development rights. The language will enable the County to establish a TDR bank and the procedure to be followed in order for the County to buy and sell development rights.

Eric Sennstrom, Director of Planning and Zoning stated to date no one has taken advantage of this Transfer of Rights Ordinance. The purpose of the Transfer of Development Rights bank is to create an inventory of development rights available for sale to qualifying receiving area parcels and to create a market for the sale of development rights from qualifying sending area parcels. The bank will maintain an inventory of the number of development rights purchased, the parcels from which the rights were obtained, the cost of the acquisition, the number of development rights sold, the parcels to which they were transferred and the price for which they were sold. The bank shall maintain a ledger of the funds encumbered in the acquisitions, funds received through the sale and available funds to perpetuate the program.

Mr. Sennstom stated the Office of Planning and Zoning received a letter from Bill Kilby, President, Cecil Land Trust, 153 East Main Street, Elkton, MD stating the Transfer of Rights is an excellent tool for directing growth to the areas of the county that best can be served by sewer and water infrastructure meeting the goals of the county's Comprehensive Plan. See file and attached for reference.

Bill Mortimer explained the designated sending and receiving areas to the present Planning Commission board. Mr. Mortimer explained the government would be wasting money.

Health Department Report – No Health Department comments required.

COMMENTS IN SUPPORT: Nancy Valentine, 135 Pine Cone Drive, North East, MD supports the concept of putting a Transfer of Development Rights, (TDR) bank in place and the idea of being able to buy something now, preserve the land, and sell it in the future when the demand is there. Ms. Valentine stated she has not seen any public and Commissioners comments incorporated in the proposed document. Financial management provisions need to be in place for this bank.

Jonathan Quinn, 445 Church Road, Warwick, MD, President, representing The Cecil County Farm Bureau and the Agricultural Advisory Committee; there have been extensive discussions with the County Commissioners and would like this be tabled until further discussion. Mr. Quinn is concerned with the language included in the proposed document. Mr. Quinn supports a TDR program and get one up and going.

Walter Rozanski, 33 Woodholme Way, Elkton, MD spoke on an article he read in the paper for landowners purchasing and selling development rights for \$600,000.00, is that correct?

GENERAL DISCUSSION: Homeowners Association Sub-Committee presented by Wyatt Wallace. This was approved with changes, stronger language, October 2011, inserting missing words, November 2011 and the final draft in December 2011.

Eric Sennstrom, Director of Planning and Zoning stated the staff is fine with the contents of the document presented. Motion made to approve by Wallace, seconded by Wiggins, all in favor, motion carried.

RECOMMENDATIONS:

TEXT AMENDMENT – ZONING ORDINANCE

APPLICANT: Cecil County.

FOR: Add Section 161 – Clinics.

Revise Article I, Part I, Section 12 – Add definition of Clinic.

Revise Article XIV – Add parking regulations for Clinics.

Staff recommended approval as special exception with five (5) conditions listed above.

ACTION: Motion made for disapproval of staff recommendations by Wallace, seconded by Wiggins.

VOTE: All in favor, motion carried.

ACTION: Motion made by Wallace for approval with Attorney Clara Campbell's text changes to sub paragraph's 4 and 5, for the County Commissioners to revisit the definition of Clinic with input from concerned citizens and the medical community, no second, motion died.

ACTION: Motion made by Wiggins for disapproval of the Text Amendment due to Health Department concerns, no second, motion died.

ACTION: Motion made by Wallace for approval with Attorney Campbell's revisions, definition of clinic to be revised with input from the medical community, seconded by Yust.

VOTE: Two in favor, one opposed, with one abstention, motion carried.

TEXT AMENDMENT – CODE OF CECIL COUNTY

APPLICANT: Cecil County.

FOR: Add Chapter A282 Transfer of Development Rights to the Code of Cecil County

Staff recommended approval.

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

VOTE: Three to one to approve, motion carried.

The meeting adjourned at 9:47 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, January 18, 2012, at 7:00 p.m.

Respectfully submitted:

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