

NORTH EAST PLANNING COMMISSION
North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, August 18, 2009
7:00 p.m.

Chairman Brian Morgan called the meeting to order at 7:00 p.m. Present for the meeting were Commissioner Eric Braley, Ranald Langille, and Cheryl Hite. Also present were Melissa Cook-MacKenzie, Town Administrator; Betsy Vennell, Director of Planning; Brenda Sexton-Wilson, Town Attorney; and Bethany Brock, Planning and Zoning Assistant. Valerie Combs was not present due to a prior engagement.

-MINUTES-

July 21, 2009

Commissioner Braley made a motion to approve the July 21, 2009 minutes. Ms. Hite seconded the motion, and the motion was approved by all. Mr. Langille abstained from voting, as he was not present at the July 21, 2009 Planning Commission meeting.

-COMMENTS FROM THE PUBLIC-

None.

-OLD BUSINESS-

1. **Case A-2009-24-SE: Continuance of Special Exception Application from Hook, Line, & Sinkers, LLC, 33 Lake Forest Drive, Elkton, MD 21921. (Re: Pickled Herring Pub and Hot Chicks Wings, 32 S. Main Street) Expansion of Picked Herring Pub by 860 square feet into Suites 8 & 7 connecting into a new restaurant entitled "Hot Chicks Wings" consisting of 1,400 square feet, in the remainder of Suite 14. Zoning Designation is General Commercial**

Lance Rowe
33 Lake Forest Drive
Elkton, MD 21921

Lance Rowe was present on behalf of Northeast Consolidated, LLC. Chairman Morgan asked Mr. Rowe to update the Planning Commission as to the status of Special Exception Cases A-2009-21-SE and A-2009-22-SE, as well as the status of all outstanding requirements as noted during last month's Planning Commission meeting in reference to Special Exception Cases A-2009-24-SE and A-2009-25-SE.

Mr. Rowe stated that both he and Karl Fockler, representing Northeast Consolidated, LLC, had met with several agencies at the Cecil County Administration Building on Thursday, August 13, 2009. Present for that meeting were Betsy Vennell and Bethany Brock of the Town of North East; Jeff Thorpe and Bill Funk of the Cecil County Department of Permits and

Inspections; Fred von Staten of the Cecil County Health Department; Tim Whittie of the Department of Public Works; Earl Bradley of the Cecil County Liquor Board; and Harry Bradley of the State Fire Marshal's office.

Mr. Rowe stated that the last outstanding requirement remaining for the expansion approval for the Pickled Herring Pub (Special Exception Cases A-2009-21-SE and A-2009-22-SE) was the installation of a gate at the entrance to the pub and the construction of a fire corridor within the shopping mall hallway. Mr. Rowe stated that the Cecil County Liquor Board was requiring that a gate be installed at the entrance to the Pickled Herring Pub to separate this area from the rest of the shopping mall. Consequently, the State Fire Marshal was requiring that an additional fire exit be installed in this area of the shopping mall to provide emergency egress in the event of a fire.

Mr. Rowe stated that all parties involved had come to terms with the installation and location of the required gateway and fire exit during the August 13, 2009 meeting at the County. Mr. Rowe stated that his architect had begun drafting a new site plan to include the placement of the required gates and fire exit; these new plans should be ready by tomorrow, and Mr. Rowe will submit them to the Town for review as soon as they are completed. Mr. Rowe noted that the fire exit will be constructed on the western-most wall of Suite 7 and will most likely remain a permanent fire exit.

Mr. Rowe stated that in regards to his current Special Exception cases (Cases A-2009-24-SE and A-2009-25-SE), the tenants in Suite 6 and Suites 1 & 3 are in the process of abating all current violations with the County. The tenant in Suite 6 has been granted occupancy for his real estate office, and the tenant in Suites 1 & 3 has been granted temporary occupancy by Pat Conway, Director of the Cecil County Department of Permits and Inspections. Mr. Rowe noted that the County electrical inspector is requiring that the tenant in Suites 1 & 3 install an additional electrical outlet near one of the front windows; and as soon as this outlet is installed, permanent occupancy will be granted.

Mr. Rowe stated that Northeast Consolidated, LLC plans to utilize Suite 5 for office space and a new internet transmission radio studio called Baysports Broadcasting. Mr. Rowe stated that this permit is currently being reviewed by either the Cecil County Health Department or the Department of Public Works. Mr. Rowe stated that it is his understanding that the Health Department has already signed off on the permit, and the Department of Public Works is simply reviewing the permit to see if additional sewer allocation will be required for the proposed use.

Ms. Vennell stated that one of the conditions of last month's continuance of Special Exception Cases A-2009-24-SE and A-2009-25-SE was to provide the Town and the Planning Commission with copies of approved, stamped plans for the pub entrance gates and the fire exit. Ms. Vennell suggested that the current special exception cases be continued until the September 15, 2009 Planning Commission meeting, at which time the applicant could provide the required approved plans to all parties. Mr. Rowe stated that he would be

willing to provide the Town and the Planning Commission with such plans and would be willing to continue the special exception cases until that time.

Commissioner Braley stated that he would like to hear the Special Exception cases tonight; he did not understand why gates were being required at the entrance to the Pickled Herring Pub when this was not required at restaurants in Baltimore. Chairman Morgan confirmed with the applicant that the only outstanding items remaining from Special Exception Cases A-2009-21-SE and A-2009-22-SE were the installation of the pub entrance gates and the fire exit; and Mr. Rowe confirmed that this was correct.

Mr. Langille stated that he liked the fire exit corridor as presented at tonight's meeting better than the corridor that was previously proposed, running through the middle of Suite 7. Mr. Langille confirmed that the applicant plans to recess the fire exit door so that it does not swing out onto the Town sidewalk. Mr. Rowe confirmed that the door will not project past the face of the building; however, he also wants to avoid creating an alcove that would serve as a "hangout spot" for kids. Ms. Cook-MacKenzie suggested that the applicant keep the fire exit well-lit to discourage any loitering in this area.

Ms. Vennell asked Mr. Rowe if he would be willing to come before the Planning Commission again at the September 2009 meeting and present his case, assuming that all outstanding requirements had been fulfilled by that time. Mr. Rowe stated that he was more than willing to do this. Chairman Morgan, Commissioner Braley, and Mr. Langille stated that they did not currently see any problems with what the applicant was proposing for Special Exception Cases A-2009-24-SE and A-2009-25-SE.

Chairman Morgan stated that Special Exception Case A-2009-24-SE will be continued until the September 15, 2009 Planning Commission meeting at 7pm.

2. Case A-2009-25-SE: Continuance of Special Exception Application from Hook, Line, & Sinkers, LLC, 33 Lake Forest Drive, Elkton, MD 21921. (Re: Pickled Herring Pub and Hot Chicks Wings, 32 S. Main Street) Expansion of existing liquor license into Suites 8 & 7 and the remainder of Suite 14, as well as a portion of the privately-owned sidewalk at the front of 32 S. Main Street. Zoning Designation is General Commercial.

Chairman Morgan stated that Special Exception Case A-2009-25-SE will be continued until the September 15, 2009 Planning Commission meeting at 7pm.

-NEW BUSINESS-

1. Delmarva – Commercial and Residential Lighting

Ms. Cook-MacKenzie stated that the discussion regarding Delmarva lighting will be tabled until the September 2009 Planning Commission meeting, as the Delmarva representative was unable to attend tonight's meeting.

Chairman Morgan stated that he would like additional detail sheets for concrete footers used with light pole installation. Ms. Vennell stated that Delmarva does not have or provide this type of information. Ms. Vennell noted that the Planning Commission was already provided with the concrete footer information that the Town had on file from other projects. Chairman Morgan confirmed that Delmarva does not concrete-bury its lighting poles; and Ms. Vennell stated that, per Delmarva, the developer is responsible for providing a concrete footer for lights if Delmarva's typical standard is not used.

Chairman Morgan stated that the Town either needed to put more pressure on Delmarva to offer additional types of lighting, or the Town needed to strip Delmarva of the authority to dictate what the Town can offer as lighting options.

2. Ordinance 2009-08-01: Amendments to the North East Zoning Ordinance – Article 5: Rear Setback Regulations, Article 6: Fencing Regulations, and Article 10: Site Plan Requirements. Recommendation to the Mayor and Commissioners.

Ms. Cook-MacKenzie stated that several amendments to the Zoning Ordinance will be adopted in response to discussion during previous Planning Commission meetings.

Article 5: Rear Yard Setback Regulations

Ms. Cook-MacKenzie stated that Article 5 will be amended to change the required residential rear yard setback from 50 feet to 30 feet.

Article 6-8: Parking Regulations

Ms. Cook-MacKenzie stated that changes to Article 6 had been suggested following the Planning Commission meeting in which parking was approved ovetop an existing County easement in North East Commerce Center. The proposed amendment to Article 6 would prohibit off-street parking or loading space from being located in any buffers or perimeter drainage easements:

“Section 6-8: Parking Regulations. Paragraph 1. With the exception of townhouse lots, no part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall be located in any setback, buffer, **or perimeter drainage easement, right of way, or other requirement** as set forth in the Zoning Ordinance or Subdivision Regulations.” (underlined text to be deleted, bolded text to be added)

Chairman Morgan stated that he did not feel the amendment was worded correctly; he stated that the amendment should read that parking “shall *not*” be located in any buffers or easements. Chairman Morgan stated that “with the exception of townhouse lots” could be stricken from the amendment, as well as the word “setback,” as he did not feel that parking should be prohibited from being placed in a setback.

Chairman Morgan stated that he would like to allow for residential driveways in setbacks. The amendment could be used for both residential and commercial applications, especially since there are bufferyard standards in place for the commercial zoning districts.

The Planning Commission agreed that the final amendment shall read:

“Section 6-8: Parking Regulations. Paragraph 1. With the exception of townhouse lots, no part of a yard, other open space, off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance shall **not** be located in any setback, buffer, or perimeter drainage easement, right of way, or other requirement as set forth in the Zoning Ordinance or Subdivision Regulations.” (underlined text to be deleted, bolded text to be added)

Article 6-13: Fences

Ms. Cook-MacKenzie stated that Article 6-13 will be amended to remove the prohibition of the placement of fences within 1-foot of Town sidewalks.

Article 10: Site Plans

Ms. Cook-MacKenzie stated that two amendments to Article 10 regarding site plan requirements and approval were being proposed, not necessarily because the Planning Commission had requested such amendments, but because discussion had occurred on several occasions regarding site plan requirements and approval.

The proposed amendment to Section 10-2 outlines when a site plan will be required in conjunction with a special exception case. The proposed amendment to Section 10-6 outlines when a drawing or sketch will be acceptable in a special exception case. Chairman Morgan stated that he agreed with both proposed amendments and felt that they were necessary to include in the Zoning Ordinance.

Ms. Cook-MacKenzie stated that she would like to re-present all of the Zoning Ordinance amendments proposed to the Planning Commission tonight at the September 2009 meeting for recommendation to the Mayor and Commissioners, along with several additional amendments as proposed by Mark Gradecak regarding House Bill 1141. The Planning Commission agreed to revisit all proposed amendments during their September 2009 meeting.

-REPORTS-

Senate Bill 280– Required Training for Planning Commission and Board of Appeals

Ms. Cook-MacKenzie stated that one of the provisions of Senate Bill 280 requires that all Planning Commission and Board of Appeals members complete educational courses within 6 months of being appointed to their respective boards. Ms. Cook-MacKenzie stated that she has been in contact with the State, and there are currently no programs in place to provide for this required training at the local level. The Eastern Shore Land Conservancy has been tapped to create and offer related training programs. Ms. Cook-MacKenzie noted that the State is open to suggestions regarding programs and topics for training, and any feedback from the Planning Commission would be welcomed. Chairman Morgan suggested that the State should reach out to the American Institute of Community Planners for assistance in providing the necessary training. Mr. Langille suggested that some of the required training could be offered through local community colleges.

House Bill 1141 – Update regarding Comprehensive Plan amendments

Ms. Vennell also reported that a Planning Commission workshop will be needed to review and discuss all County and State comments received in response to the House Bill 1141 draft. All agency comments should be submitted back to the Town by the end of August; the Planning Commission will need to decide whether to adopt any of these comments. The Planning Commission agreed to conduct a workshop on September 8, 2009 at 6pm to review and discuss all agency comments relating to the House Bill 1141 draft.

NE Commons and State Highway Administration

Ms. Vennell reported that she had met with both the NE Commons applicants and State Highway Administration. All traffic study information has been submitted to State Highway Administration for review. The site plan for NE Commons is being revised, and the applicant is hoping to be ready to re-present the plan to the Planning Commission at the September 2009 meeting.

Commissioner Braley stated that he would like to see the applicant propose more “walkability” throughout the site. He would like to see a sidewalk provided from the NE Commons site out to Route 40.

Mr. Langille stated that it is pointless to consider approving any NE Commons site plans unless linkage is provided between the NE Commons site and NE Plaza.

Mr. Langille stated that he would not be in favor of approving any site plan for NE Commons unless connectivity between the two sites was provided. Mr. Langille also stated that he has strong concerns about the traffic impact that the NE Commons site will have on Route 272, Route 40, and the surrounding area; and traffic studies should be conducted to this effect.

Heron Cove

Ms. Vennell reported that the Heron Cove project will not be reviewed during the September 2009 Planning Commission meeting, as more work and research is required to determine ownership of the properties along Route 7 for placement of the pedestrian bridge. Ms. Vennell reported that the applicant indicated that evidence of

progress will continue to occur until such time that the applicant feels prepared to return before the Planning Commission.

Ridgely Forest – Change to Housing Unit Types

Ms. Vennell reported that Clark Turner Communities will appear before the Planning Commission during their September 2009 meeting to request approval for changes to the housing unit types and percentages in the remainder of the Ridgely Forest development. Ms. Vennell stated that Town staff will be verifying whether the changes that Clark Turner Communities proposes meet the townhome-percentage requirements as outlined in the Zoning Ordinance.

-MISCELLANEOUS-

-NEXT MEETING-

September 15, 2009

ADJOURNMENT:

With no further business to discuss, Mr. Langille made a motion to adjourn the meeting at 9:15 p.m. Commissioner Braley seconded the motion, and the motion was approved by all.

Respectfully submitted:

Attest:

Bethany Brock
Planning and Zoning Assistant

Brian Morgan
Chairman