

## **NORTH EAST PLANNING COMMISSION**

North East Town Hall Meeting Room  
106 South Main Street, North East, Maryland 21901  
Wednesday, March 4, 2015  
7:00 PM

Chairman Brian Morgan called the Public Hearing to order at 7:03 P. M. Present included, Ranald Langille and Vice Chairman Mark Dobbins. Also present were Melissa Cook-MacKenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant. Mike Kline and Commissioner Eric Braley were absent from the meeting.

### **-MINUTES-**

January 7, 2015 Meeting Minutes.

The Planning Commission accepted the minutes as presented.

### **-COMMENTS FROM THE PUBLIC-**

None.

### **-NEW BUSINESS-**

#### **1. Holiday Inn Express Expansion**

Holiday Inn Express, North East: Concept/Preliminary Site Plan for a proposed 12 room expansion of the existing Holiday Inn Express Hotel, located at 101 Hotel Plaza, North East, Maryland, Found on Tax Map 25; Parcel 0739. Property Owner: Eleven Willow Court, Inc.

Mr. Dan Speakman from McCrone Engineering, 106 East Main Street, Elkton, Maryland represented the applicant, Eleven Willow Court, Incorporated. Mr. Speakman stated that the proposed 4 story expansion will add 12 new guest rooms to the existing Holiday Inn Express Hotel. The expansion will protrude south of the existing building. Mr. Speakman presented an architectural rendering of the proposed expansion of the Holiday Inn Express.

Mrs. Vennell added that the original zoning for this property was originally C-1. However, there was a zoning change during the Comprehensive Plan of 2006 and the zoning district was re-zoned to H-C, Highway Commercial.

#### Height Variance

Mr. Speakman reported the proposed addition is 50 feet in height to match the height of the existing Holiday Inn Express. However, the North East Zoning Ordinance Article 5 District Regulations, Section 5-9, Paragraph 3 state the maximum height permitted is 3 stories or 45 feet. Mr. Speakman stated that a height variance application was submitted to the Town of North East Board of Appeals and the hearing is scheduled for

March 26, 2015. Therefore, Mr. Speakman is requesting approval of the Concept/Preliminary Site Plan contingent on the Variance approval scheduled to be heard by the North East Board of Appeals March 26, 2015.

#### Signs

Mrs. Vennell inquired if new signage would be needed. Mr. Speakman stated that no new signage or lighting will be necessary. He added that the owner would like to open as soon as possible and pending the site plan submittal and variance approvals. They hope to begin construction in April.

#### Parking

Mr. Speakman stated that two of the current loading/unloading spaces, which are 12' x 35', will be removed in conjunction with the proposed expansion. However, Mr. Speakman reported that there is adequate space for delivery trucks to load/unload adjacent to the new addition. He also added that only 45 parking spaces are required and 75 spaces are being provided.

Chairman Morgan inquired if the loading/unloading would be occurring at the front entrance and what type of deliveries do they have. Mr. Speakman stated that currently most of the loading/unloading activity occurs at the front entrance. The deliveries include laundry, cleaning supplies, food and beverage supplies and postal trucks. Chairman Morgan commented that according to the site plan there are larger trailer spaces in the front of the hotel as well that could also serve as additional delivery parking. Mrs. MacKenzie stated that during the construction of the Holiday Inn Express they had decided to install larger parking spaces to accommodate trucks pulling boats/trailers, utility and other types of large trucks.

#### Stormwater

Mr. Speakman stated that some of the stormwater drains will have to be rerouted. He also stated that the Holiday Inn Express was granted an exemption from submitting to Cecil County Stormwater Management, Erosion and Sediment and Forest Conservation because the area of disturbance will remain under 5,000 square feet.

Chairman Morgan commented that this addition may significantly reduce access to the storm water management area for maintenance. Specifically, there is an infill pipe into the stormwater facility that is essentially going to be blocked with the current plan. Mr. Speakman stated that the main access to the pond is located south of the pond. In addition, access to the pond could be gained through the State Highway Park and Ride area. Also, Mr. Speakman will be sending a copy of the site plans to Stormwater Management for their record. Mr. Speakman stated that the majority of the area, where the expansion will be built, is already a paved surface and there will only be a very small area of unpaved area disturbed.

#### Landscape

Mrs. Vennell inquired about the landscape that will be disturbed. Mr. Speakman stated the landscape will be replaced on a one to one basis and as close to the same caliber as possible. Mr. Speakman suggested to install plantings along the stormwater basin. Mrs. Vennell stated the Holiday Inn Express had to put in a large caliber tree on site due to buffer variance they received and inquired if there was adequate room to support

the plantings survival in this location. Mr. Speakman replied that there was sufficient room and other plantings are doing well in this location.

Mr. Speakman proposed white pine trees. However, Chairman Morgan commented that there does not appear to be ample space for this variety of tree as they grow quite large. Mr. Speakman stated that they can revisit the variety of trees suggested for the landscape plan.

Mr. Speakman reported that he has addressed all of the comments on the CNA letter dated February 10, 2015. He also reported that a water allocation request would be submitted. Mr. Speakman added that the storage units currently placed on the site will be removed prior to occupancy.

Mr. Langille made a motion to approve the Holiday Inn Express Expansion Concept/Preliminary Site Plan subject to the following conditions:

1. Letter from CNA dated February 10, 2015.

Mr. Dobbins second the motion and the motion was approved by all.

## **2. Special Exception Case R-2015-02-SE – 101 Mill Lane, North East**

Special Exception Case R-2015-02-SE: Special Exception application from Connie Muller-Thym, 17 South Main Street, North East, Maryland 21901 for a proposed professional medical office located at 101 Mill Lane, North East, Maryland 21901, also found on Tax Map 400; Parcel 0265. Applicant proposes to provide counseling services. Property owner Capital Development Associates, Inc. The North East Planning Commission will hear this Case in order to form a recommendation to the Board of Appeals who will hear this Case March 26, 2015.

Ms. Connie Muller-Thym presented her application to the Planning Commission. Ms. Connie Muller-Thym stated although her business, Resolution Services, is set up as a group practice, she is a single medical practitioner, currently located in the General Commercial zoning district. She would like to operate her business at new location, in the Village Commercial zoning district, 101 Mill Lane, North East, Maryland. Ms. Muller-Thym also commented that she intends to purchase this property once her business is established at this location. Chairman Morgan inquired about the total square footage of the house and asked Ms. Muller-Thym to describe the layout of the business. Ms. Muller-Thym described 101 Mill Lane as a two bedroom cottage. She stated she intends to use one room as a waiting room, one room as an office and the dining room as a conference room. Ms. Muller-Thym stated she does not intend to reside on the premises. She also stated her services will include marriage, family, child, and job counseling including court ordered evaluations. She has a degree as a Psycho-therapist specializing in relationship counseling.

### Parking

Chairman Morgan inquired if parking would be an issue. Ms. Muller-Thym stated there was sufficient space to park 6 vehicles. Ms. Muller-Thym commented she wanted to add a handicap parking space and a handicap ramp from the back door to the parking area.

Ms. Muller-Thym stated she spoke to a construction company and they verified there would be adequate space for one handicap parking space and two regular parking spaces (480 square feet). Mrs. Vennell stated that in Article 5-6, off street parking is encouraged but not required if the use is 800 square feet or less. Chairman Morgan stated that the parking spaces need to be 9' by 18'. Mr. Langille inquired about the necessity of providing a handicap space in the "Village Commercial" district. Chairman Morgan clarified that if parking was being provided at this address than it was also required under the A.D.A. guidelines to provide a handicap space.

#### Pharmaceuticals

Chairman Morgan inquired about the services being offered at the proposed medical office and would there be any distribution of pharmaceuticals. Ms. Muller-Thym stated no, there would be no pharmaceuticals disbursed. Mr. Langille inquired about the disbursing of pharmaceuticals which is a concern due to possible theft. Mr. Dobbins inquired about the number of people seen per day. Ms. Muller-Thym stated there are approximately 6 to 10 sessions a day.

Mrs. Vennell reported of a previously heard special exception case similar to this case. The North East Board of Appeals made a conditional approval, in the previous case, which stated there would be no dispensing or administering of medication, drugs or prescriptions associated with the professional medical office on the premises either currently or anytime in the future, and inquired if this would be a problem for Ms. Muller-Thym's business. Ms. Muller-Thym responded that there would be no problem with agreeing to those terms.

Ms. Muller-Thym added that she has had a successful business in the Town of North East for the last two years. She is also a member of the North East Chamber of Commerce and on the Board of Directors for the North East Chamber of Commerce.

Mr. Langille made a motion to recommend approval of the special exception to the Board of Appeals. Mr. Dobbins seconded the motion and the motion was approved by all.

### **3. Draft Floodplain Regulations and Floodplain Maps - Review**

Mrs. Vennell reported the Planning Commission has received the draft floodplain regulations and the attached correspondence from Kevin Wagner, Maryland Department of Environment. Mrs. Vennell stated that Kevin Wagner suggested keeping all of the outlined flood zones in the regulations, even though the Town does not have those zones on their maps. Mrs. Vennell stated she went through each paragraph of the draft regulations and compared them with the current regulations and contacted Kevin Wagner for clarification when needed. There were some changes that would affect future developments, for example Heron Cove.

Mrs. Vennell reported that the Town has not received many inquiries about the new maps, other than a few from residents of North East Isles. Chairman Morgan clarified that technically there are only a few minor changes on the maps and a small amount of the wording. Mr. Langille stated it appears there are some properties which will be removed from the floodplain, which Mrs. Vennell confirmed.

Mrs. Cook-MacKenzie stated the effective date for the new floodplain maps and regulations is May 4, 2015. Mrs. Vennell stated the Public notice will appear in the Whig March 13, 2015 and March 20, 2015. The Planning Commission will render a recommendation to the Mayor and Commissioners on April 1, 2015 and they will come before the Mayor and Commissioners for adoption on April 8, 2015.

**OLD BUSINESS-**

None.

**-REPORTS-**

REZONING CASE 2014-01-01-R: The Mayor and Commissioners unanimously approved the rezoning request for 101 Mill Lane, North East, Maryland from R-1 Single Family Residential District to V-C Village Commercial District.

CECIL COUNTY ROUTE 40 – WILMAPCO

Wilmapco is conducting two charrettes regarding the Cecil County Route 40 Transportation Vision Plan, March 16, 2015 and March 24, 2015. WILMAPCO is looking for comments from the public regarding the Route 40 plan.

PIER ONE RESTAURANT-1 South Main Street, North East:

Pursuant to prior discussions with the Planning Commission regarding the Pier One Restaurant Site Plan, Mrs. Vennell sent a letter to Mr. Vincent Cirino, property owner for Pier One Restaurant, where he was advised to bring this property into compliance before March 30, 2015:

Complete the Site Plan Process:

- Install the stone within the area of the proposed parking, immediately after the entrance was installed (subject to authorization from the Cecil County Department of Public Works).
- Install the one compacted handicap parking space as directed by the Planning Commission (subject to authorization from the Cecil County Department of Public Works).
- Receive and provide evidence of final approval from Cecil County Public Works for this project's required Stormwater Management Plan.
- Submit 5 paper and 2 Mylar original prints of your final site plan to the Town to obtain signatures of approval from Town Engineer, North East Planning Commission and North East Planning Commission Secretary.
- Enter into a landscape Agreement with the Town of North East for the required landscape for this project.
- Submit Construction/Use Authorization for the proposed work on the lot. Subsequent approval of the Authorization shall be required.

OR

Vacate Use of Land as a Parking Lot and Restore to its Prior Status

- Remove SHA entrance and replace sidewalk, curb and gutter in accordance with the Town of North East Road Code Standards (previously provided to you and your Contractor). Inspection to be conducted by the Town of North East Maintenance Supervisor. (Please Note: closure of the town sidewalk shall be coordinated with the Town of North East Police Department).
- Install three replacement trees, native species, and planted with balled and burlap or containerized trees, of two inch caliper, on this lot.

Mrs. Vennell stated she had received a phone call from Dwight Tomey, Mr. Cirino's lawyer. Mr. Tomey stated that Mr. Cirino would like to finish the parking lot. Mrs. Vennell invited Mr. Cirino to speak to the Planning Commission.

**-MISCELLANEOUS-**

Pier One Parking Lot/Mr. Cirino

Mr. Vincent Cirino, owner of Pier One Restaurant, came to speak to the Planning Commission regarding the Pier One Restaurant – Parking Lot Site Plan project. Mr. Cirino stated that he had no idea when he started this parking lot the expense of this venture. He also reported Mrs. Vennell had explained that keeping the proposed parking lot under 5000 square feet would have less stormwater requirements, and had advised him to speak to his engineer.

Curb Cut

Mr. Cirino commented that it would be very expensive for him to replace the curb and sidewalk if he chose not to complete the parking lot. Therefore, he would like to try to proceed with the completion of the parking lot but if it is going to be too much money he will have to restore the sidewalk and curb. Mrs. Cook-MacKenzie clarified the term of "restoring" to its original state. The lot would be vacant, the sidewalk would be put back and the curb re-installed. There would then be a grassy area with no parking allowed, it would be a vacant lot.

Chairman Morgan stated he understands that Mr. Cirino would ultimately like to install and use the parking area. The current issue is that the parking lot is being used but it has not been developed to the standard that was agreed upon. The Planning Commission fears that mud and sediment will enter the stream or run down Main Street. Chairman Morgan inquired if the parking lot would not be used, could the curb cut remain until the parking area is brought into compliance with the previous conditions. Mrs. Cook-Mackenzie stated that would be acceptable if there was an understanding of compliance until the parking lot was completed. Mrs. Cook-MacKenzie also stated that if Mr. Cirino's intention was to abandon the project, he would have to reinstall the sidewalk. Mrs. Cook-MacKenzie stated that if Mr. Cirino is willing to set up a timeline and complete the project within a certain time frame then the Town is willing to work with Mr. Cirino and allow the curb cut to remain at this time.

Duplex

Mr. Cirino inquired about putting a duplex back on the property. Mrs. Cook-MacKenzie encouraged Mr. Cirino to talk to his engineer before making a decision to build a duplex because he would still be subject to the Stormwater Management regulations.

Stormwater Management

Mrs. Vennell also encouraged Mr. Cirino to speak with his engineer regarding the theory behind submitting a 5000 square foot site plan. Mr. Cirino stated he already had spoken with the engineer regarding the exceeding the 5000 square feet on his site plan and also spoke with his attorney Mr. Dwight Tomey. Chairman Morgan clarified that Stormwater Management only became involved once the foot print of the lot became larger than 5000 square feet. Once the disturbed are is larger than 5000 square feet all of the regulatory process come into effect. If you keep a project under 5000 square feet it would be exempt from Stormwater Management regulations. Mrs. Cook-MacKenzie stated that after Mrs. Vennell had informed Mr. Cirino that keeping the lot size under 5000 square feet would be in his best interest, this office did not hear from Mr. Cirino or his engineer until the site plan was submitted to the County for Stormwater review. Mrs. Vennell stated that Mr. Cirino's engineer should be able to explain to him why they choose to submit the site plan to Stormwater Management.

Mr. Dobbins stated that when Mr. Cirino came to the Planning Commission with this project, and he wanted to expand the parking lot to help his business, the Planning Commission was in full support of Mr. Cirino's project. Mr. Dobbins stated that it was very clear when Mr. Cirino was before the Planning Commission previously that when the curb cut was installed and stone was put in the parking lot Mr. Cirino wanted to wait 1 year prior to paving the lot. Mr. Dobbins commented that the stone was never installed after the curb cut was installed. In addition, the Planning Commission made exceptions to extend the paving for 1 year however, there was never conversation about seeding and using the parking lot before completion of the gravel. If the parking lot is going to be used, then Mr. Cirino needs to comply with what he originally agreed upon.

Mr. Cirino stated when the curb cut was put in the sewer line needed to be moved, then a waterline needed to be capped. Cecil County Public works told him that he could not install the stone because he did not have a completed and signed stormwater management plan. Chairman Morgan stated that the Planning Commission wants to work with Mr. Cirino and would like to see the parking lot completed. Mr. Cirino came in with an engineered plan and the expectation was that that was going to be provided. The only exception was that stone was going to be installed one year prior to paving to allow for settling. Chairman Morgan stated that the Planning Commission does understand there were some unforeseen expenses and if Mr. Cirino needs an extension that is understandable but that needs to be conveyed and a timeline for completion achieved.

Landscaping

Mrs. Vennell stated that Mr. Cirino could post a letter of credit for the landscaping which would be refundable upon completion of the installation of the landscaping. Mrs. Vennell had spoken with American Engineering, Patti Lemmerman and the Critical Area about the number of trees on the site plan. The Critiical Area is only requiring 8 trees and the Planning Commission concurs that this is sufficient for the space provided for

planting. Chairman Morgan stated the County generally wants the landscaping to be installed at the time the impervious surface is installed.

Mr. Cirino stated that he did get frustrated and just abandoned the project. Mr. Cirino stated he is going to go to Public Works to get things straightened out and he needs to pay \$300.00 to have the stormwater management plan released. Mrs. Cook-MacKenzie inquired if the engineer had ever given Mr. Cirino an estimate to complete the project. Mr. Cirino stated the engineer had not given him an estimate and he has lost confidence in his engineer, American Engineering. Chairman Morgan recommended that he get a cost estimate from several engineers. Mrs. Vennell stated she had spoken to American Engineer to inquire if all the revisions had been made to Mr. Cirino's site plan and they confirmed the changes had been completed. Mrs. Vennell referred to the letter she had sent Mr. Cirino outlining the items which are still outstanding or restore property to its prior status. Mrs. Vennell stated the Planning Commission is willing to work on timeline with Mr. Cirino. However, the parking lot is not to be used in the interim.

Mrs. Vennell encouraged Mr. Cirino to put an action plan in writing. Mrs. Cook-MacKenzie inquired if Mr. Dennis Reynolds, Reynolds Excavating (who is Mr. Cirino's contractor) had given Mr. Cirino a cost estimate for the completion of the Stormwater Management Plan. Mr. Cirino will be meeting with him in the coming week. Mrs. Vennell offered to have a meeting with Mr. Cirino, Mark Woodall of Cecil County Public Works and Dennis Reynolds. Mr. Cirino stated he was willing to get the project restarted and completed.

**-ADJOURNMENT-**

With no further business, Mr. Dobbins made a motion to adjourn at 8:06 p.m. Mr. Langille seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

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Lisa Rhoades  
Planning and Zoning Assistant

\_\_\_\_\_  
Brian Morgan  
Chairman