

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, November 17, 2015
5:30 PM

Chairman Mark Dobbins called the Workshop to order at 5:39 P.M. Present included Commissioner Eric Braley, Valerie Combs, Judy Duffy, and Michael Nair. Also present were Steve Nolan and Bob Capalono from CNA Engineering, Melissa Cook-MacKenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant.

Mrs. Cook-Mackenzie introduced the new Planning Commission members, Judy Duffy, Valerie Combs and Michael Nair.

After introductions, Mrs. Cook-Mackenzie reviewed the Planning Roles and Responsibilities:

1. Planning Authority / Legal Authority Per Annotated Code of Maryland.

- The Annotated Code of Maryland, Land Use, is where the Planning Commission and Board of Appeals are given the duties, authority, and power to make decisions for the best interest of the Town.
- The term of a Planning Commission member, other than the ex-officio is 5 years.
- If a Planning Commission member needs to be removed, a public hearing must be held by the Mayor & Commissioners.
- Powers of Planning and Zoning are also found in North East Zoning Ordinance. The language used in the Towns Zoning Ordinance is the same language that is in the Annotated Code of Maryland which:

Ensures the Health, Safety, and general welfare of the community through regulating:

- Heights and size of buildings
- Parking
- Size of yards and open space
- Location of buildings and their uses
- Signs
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(Also see Attachment 1: Article 9 Administrative Mechanisms)

Mrs. Cook-Mackenzie stated that the Town's Planning Office at the Town Hall will be available to assist with any questions as well as the Town's Engineer. The Planning Commission will not be responsible for reviewing plans for setbacks and engineering but will be responsible for how they want the esthetic look and feel of the Town. While reviewing plans keep in mind the design. Is it compliant with the Comprehensive Plan.

2. North East Comprehensive Plan

The North East Comprehensive Plan is the long term plan for the Town. Mrs. Cook-Mackenzie stated the Comprehensive Plan must be revised every 10 years. Every 5 years a report is sent to the State of Maryland outlining the Comprehensive Plan accomplishments over the previous 5 years. Commissioner Braley suggested the Planning Commission review small sections of the Comprehensive Plan.

3. Site Plan Review

- Transportation
- Plan, Housing Plan, Economic Development Plan.
- Ask yourself whether the site plan will meet the goals and objectives of the Town of North East. If you do not think it meets the goals and objectives, the Planning Commission can request additional information from the developer.
- The North East Zoning Ordinance, has appearance standards, which guides the Planning Commission, with the opportunity to be creative.

4. Agencies

Other agencies which may be involved with site plan approval:

- Town's Engineer
- Critical Area Commission
- Maryland Department of the Environment
- Cecil Soil Conservation
- Stormwater Management Agency
- Sediment and Erosion
- Corp of Engineers
- Forest Conservation District
- Maryland Historical Trust
- State Highway Administration
- Town's Landscape Architect

Mrs. Vennell stated the typical wording with agency letters is "approved with conditions". Mrs. Vennell gave an example of receiving a State Highway Administration (SHA) letter, specifying the developer shall do x, y and z and a traffic study. Mrs. Vennell also reported that CNA, would address the SHA letter, stating for example "it is recommended that the Planning Commission adopt the letter and all the conditions there in." CNA will review submitted agency comment letters and include them in their comment letter to the Planning Commission. Typically, CNA will recommend adoption of all agency letters. CNA will verify that each agency letter has been addressed with each resubmittal and give a report of their findings. If it is found that agency letters have not been addressed, CNA will most likely not recommend approval of the site plan. Chairman Dobbins stated that according to the magnitude of conditions, the Planning Commission could table the case until all comments were addressed and conditions were met.

Mrs. Cook-Mackenzie reported that Mrs. Vennell would be available to answer any questions on comment letters received from any of the agencies.

5. CNA: Town's Engineer and Town's Planning Consultant

Mrs. Cook-Mackenzie reported that CNA will be present at the Planning Commission meetings going forward and will be available for any technical questions. Having CNA present to answer any questions during a Planning Commission meeting will contribute and enhance the process.

Mrs. Cook-Mackenzie reported CNA, generally reviews for technical compliance, such as;

- Water Utility Plans: Verification the plans are in accordance with the Town's Standards and Specifications
- Traffic Patterns: internal and external, relationship to major thoroughfares, North East Road Code.
- Drainage and storm drain locations
- Harmony with the Comprehensive Plan
- Compliance with the North East Zoning Ordinance
- Compliance with Agency Letters
- Open Space requirements have been satisfied
- Buffer Standards have been satisfied
- Parking spaces are accurate for size and quantity
- ADA Compliance
- Sidewalks: Consistency with the North East Comprehensive Plan, Transportation Plan, and North East Road Code standards

Mrs. Cook-Mackenzie invited Steve Nolan and Bob Capalono, of CNA Engineering to speak. Mr. Capalono handed out a comment letter (see Attachment 2, CNA comment letter dated August 28, 2015) typical of one that CNA would compose in relation to a project. The comment letter was written in relation to Case A-2015-05-SE and Case A-2015-06-SE for 26 South Main Street. Mr. Capalono and Mrs. Vennell gave a brief description of the project.

Mr. Nair inquired if the comment letters were typically that lengthy (3 pages) and Mr. Capalono replied it would depend on the project. Mr. Nolan added that in regards to this project, because the building was existing and a new use was proposed, it was somewhat more involved than if it was a new site. Mr. Capalono explained CNA would review the entrances, lighting, parking, setbacks and other technical items. Mr. Capalono added that their comments are based on the minimum requirements of the Town's Zoning Ordinance and a paragraph has been added to the bottom of their comment letters explaining such. Mr. Nolan stated they review the technical aspects of the site plan. However, the Planning Commission would have the knowledge of how the Town operates on weekdays, weekends, morning and evening and will determine how the façade and use will fit in with the community. Mrs. Vennell added the Planning

Commission could require a developer to reconstruct a broken sidewalk, construct a new sidewalk or other similar things which relate to the subject property.

Mr. Nair inquired how many times would an applicant be required to come into the Planning Commission. Mrs. Cook-Mackenzie stated it depends on the case, how big the project is and how quickly and efficiently the applicant responds to the comments from agencies, the Planning Office and CNA. Mrs. Vennell added typically there are three appearances before the Planning Commission, Concept, Preliminary and Final. On occasion an applicant will ask to combine the Concept and Preliminary because they are anxious to get a project started. However, that urgency at the beginning often declines as the applicant has many agency comments to address. Mrs. Cook-Mackenzie added it wastes a lot of time when an applicant does not address all of the different agencies comments before coming back to the Planning Office because staff has to pull the file each time to review the case to see what is still needed. Instead, if the site plan was re-submitted with all of the agencies concerns addressed, we could schedule a Planning Commission meeting and move to the next stage of the process. Mr. Nair clarified, ideally projects should not be approved with conditions, applicants should return only once conditions have been satisfied.

Mrs. Vennell inquired if the Planning Commission was interested in Town's Engineer recommending approval on a project if conditions have been satisfied. Mr. Nolan added that some Town's like the engineer to give input and others would prefer not to have the recommendation. Chairman Dobbins stated he thinks it would be helpful to have the engineer's recommendation at the end of their comment letters.

Commissioner Braley stated that in the past, the Town's engineer has recommended that a project be approved or approved with certain conditions and the Planning Commission has welcomed those comments. There have also been occasions where the Planning Commission has said thank you for the comments but they are going in a different direction. The Planning Commission can accept the CNA comment letter as part of the conditions for approval as well. Commissioner Braley stated that he learned during this workshop that he thought it was easier for the staff for the Planning Commission to approve a project with conditions, but what he has learned is that there is actually more administrative work involved when approving with conditions. Chairman Dobbins concurred and stated the Planning Commission can collectively make a decision on a project, whether or not to approve the project with or without conditions.

*CNA will place a comment in each project review letter which communicates that the applicant shall not resubmit plans on or before the Planning Commissions meeting date of _____. This comment ensures a new reviewed plan is not presented on the day of the meeting.

Heron Cove

Mrs. Vennell inquired if everyone was familiar with the proposed development of Heron Cove and gave a brief description of its proposed location and history. Mrs. Vennell stated that a large project like Heron Cove will take good communication between the Planning Office and McCrone engineering, the Town's Engineer for this project.

Mrs. Cook-Mackenzie pointed out that CNA will not be involved with the review of the Heron Cove development do to a conflict of interest.

Riverwoods

Mrs. Vennell briefly spoke of the “Riverwoods” project. The project manager for the Riverwoods project kept the project moving forward. Chairman Dobbins added that he has heard from several residents who report they are very happy living at Riverwoods.

It is important to make sure that as a Planning Commission we report to the developer our expectations and desires about the project. Once the approval has been given it is too late to make changes at that point. Chairman Dobbins reported that some applicants show a level of intensity to complete a project and follow through the entire process with the same intensity, an example is the “Riverwoods Project”. But, there are also applicants that start off with a level of intensity but then when the agency comments are returned the level of intensity diminishes.

Highway Corridor Overlay District:

Mrs. Vennell briefly went over Article 5; Section 5-16 Highway Corridor Overlay District. This section outlines the area within 500 feet of Route 272 and 40. The regulations require the Planning Commission to review a project to determine if the project/plan:

- Protects or enhances the aesthetic and visual character of the Town
- Provides for orderly growth
- Provides the Planning Commission the ability to determine whether the proposed project and proposed architecture is in harmony and is compatible within the community.
- Review of visual enhancements
- Entrances and exits
- Evaluation of the signs: existing and proposed
- Discretionary ability to determine if extra plantings are in the best public interest.

Mrs. Vennell also briefly went over the section on Community Appearance Standards: Section 6-32. Applicable in the Village Commercial, Residential Office and General Commercial Districts. The regulations require the Planning Commission to review a project to determine if the project/plan:

- Protect the character of existing and new commercial areas
- Improve visual appearance
- Improve access and circulation
- Encourage appropriate design linkages between sites
- Relationship of buildings to site and adjoining area
- Landscape and site treatment
- Building Design
- Structures and Street hardware
- Lighting

- Materials
- Harmonious colors

Mrs. Vennell stated these standards give the Planning Commission a lot guidelines and flexibility. The Planning Commission should consider all of these items before project approval. Mr. Nolan stated any project involving a new structure should have architectural drawings submitted with the package.

Chairman Dobbins inquired if there was a different level of intensity when reviewing plans for Concept, Preliminary and Final. Mrs. Vennell replied Concept considers the overall layout, entrances, exits and the use. It is also a good opportunity to inform the developer of the Planning Commission expectations at this point to prevent any surprises later in the project. Preliminary and Final are more intense because the developer has more time and money involved and is looking for approvals to move forward with the actual project.

PLANNING PACKAGES

Mrs. Vennell described the Planning packages that would be mailed prior to a meeting.

Planning Commission will typically receive their planning package two weeks prior to the date of the meeting. A typical Planning package may contain:

- Planning Commission Agenda
- Planning Commission Minutes from previous meeting (to be edited and/or accepted at next mtg.)
- Application from subject project
- Site plan
- Architectural and Sign Plans
- Landscape Plans
- Review letter from Town Engineer
- Agency letters which may have been forwarded

6. Board of Appeals

Mrs. Cook-Mackenzie discussed the relationship between the Planning Commission and Board of Appeals. The Board of Appeals handles such cases as an Administrative Appeal in relation to a decision, Special Exceptions and Variances. A variance will not come before the Planning Commission but a Special Exception will. A Special Exception is not an exception to the rules and regulations, it is not a relaxation of the written rules. A zoning district has uses, which are listed in the North East Zoning Ordinance, that are permitted by right and those which are permitted by special exception. The uses permitted by special exception are the uses that the Town feels as though would be acceptable if certain plans are verified, checked and perimeters put in place prior to approval. For example, if the Board of Education would like to build a school in a residential area. Because the area is residential, the Planning Commission would want to verify that the proposed school would blend in with the neighborhood. A Special Exception affords the opportunity for the adjoining neighbors to be notified at the beginning of a project. Typically Special Exception uses are business in nature with

hours of 9am to 5pm and the neighborhood is undisturbed during the evening hours. The Planning Commission would be responsible for reviewing the proposed use first, to form a recommendation to the Board of Appeals

Mrs. Cook-Mackenzie stated the Planning Commission will also be involved in:

- Rezoning Applications
- Annexations
- Zoning designation of land being annexed into the Town.

Planning Commission –Training/Classes

Mrs. Vennell informed the Planning Commission there is an educational requirement for all Planning Commission members to complete per the Maryland Department of Planning. There is an online course and test which can be used. The Maryland Department of Planning also schedules an educational class for the required course throughout each year, and the Town could take a group to the course if there is interest.

Workshops

Chairman Dobbins suggested a GIS training session.

Mrs. Mackenzie also offered to conduct a workshop about reading maps.

Mrs. Vennell inquired if the Planning Commission would like to hold another workshop to review the Comprehensive Plan. The Planning Commission concurred.

-MISCELLANEOUS-

Mrs. Vennell stated that the open dialogue between the Planning Commission, CNA and the Planning Office is needed, desired and will be very helpful as we move forward.

Commissioner Braley stated it is really nice to have Ms. Combs back on the Planning Commission because she has had a lot of previous experience on the Planning Commission and more recently the Board of Appeals.

-NEXT MEETING-

A 2016 schedule was distributed. The Planning Commission has officially changed their meeting day to Tuesday. Due to no agenda items, the December 1st meeting has been cancelled.

The next meeting will be Tuesday, January 5, 2016. (Inclement weather date January 11, 2016)

-ADJOURNMENT-

Planning Commission Workshop Minutes
November 17, 2015

With no further business, Ms. Combs made a motion to adjourn at 7:23 p.m. Commissioner Braley seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman