

NORTH EAST PLANNING COMMISSION
North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, September 5, 2017
7:00 PM

Chairman Mark Dobbins called the meeting to order at 7:02 P.M. Present included Valerie Combs, Commissioner Eric Braley (by teleconference), Michael Nair and Judy Duffy. Also present were Melissa Cook-Mackenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant.

-MINUTES-

June 6, 2017

The Planning Commission accepted the minutes as presented.

-NEW BUSINESS-

Jacob Tome Institute

Tome School: Preliminary/Final Site Plan: Proposed gymnasium addition to an existing school, 581 South Maryland Avenue, North East, Maryland 21901, Also found on Tax Map 31; Parcel 0354. Zoning District: R-1, Single Family Residential. Applicant: Site Resources, 14315 Jarrettsville Pike, Phoenix, MD 21131

Mr. Peter Soprano, Site Resources, 14315 Jarrettsville Pike, Phoenix, Maryland, Mr. Richard Rand, Tome School, 581 South Maryland Avenue, North East, Maryland and Mr. Scott Dillow, Dillow Associates Architects, 1750 Cloverton Drive, Columbia, Pennsylvania came to represent the Jacob Tome Institute (also known as the Tome School). Mr. Soprano stated that the Tome School is seeking Preliminary/Final Site Plan approval for the proposed gymnasium addition to the existing school. Mr. Soprano reported that the project has received approvals from the following agencies:

1. Forest Conservation
2. Eco-Science Professionals
3. Maryland Department of Natural Resources
4. Storm Water Management and Erosion & Sediment Control
5. Cecil Soil Conservation
6. Fire Marshall

Mr. Soprano also reported that responses to all of the items on CNA's (Town Engineer) comment letter dated August 24, 2017 have been addressed. Mr. Soprano read through each item and response on the comment letter. (See attachment 1).

Regarding item #4, in reference to "Dark Sky exterior lighting, Mr. Soprano stated the Tome School would like to maintain the historical integrity of the exterior by matching the light pole fixtures and requested this from the Planning Commission. The Planning Commission concurred with matching the existing light pole fixtures.

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Regarding #8, in reference to requiring a bicycle rack for this project, Mr. Soprano stated there is an existing bicycle rack located at the Tome School. The Planning Commission agreed that an additional bike rack would not be required.

Chairman Dobbins reported that the letter from Cecil County Stormwater Management is stating “the Final Stormwater Management Plan is not to be signed until a Letter of Understanding between the Development Services and the Jacob Tome School, concerning the unpermitted parking lot, is agreed upon.” Mr. Rand explained the letter of understanding, requested by the County, is to state that Stormwater Management will be provided for the unpermitted parking area. This parking area is an existing parking lot on the property which is unrelated to this project. Mr. Rand stated that the Tome School had no objection to the proposed agreement, which would be signed soon.

Mr. Nair made a motion to approve the Jacob Tome Institute final site plan for a gymnasium addition with the following conditions:

1. a letter of understanding between Cecil County Development Services and the Jacob Tome Institute concerning the unpermitted parking lot is executed
2. comments and responses on letter from Site Resources dated August 31, 2017
3. the new light pole fixtures will match the existing light pole fixtures
4. the existing bicycle rack is sufficient and shall not be replaced

Ms. Duffy seconded the motion and the motion was approved by all.

Heron Cove Subdivision

Heron Cove Subdivision: Discussion regarding feasibility of a required walkway into Town. Proposed subdivision is located on Tax Map 31, parcels 898, 1079 and 1140. Zoning Designation: R-3 Multi-Family District for a Planned Residential Development. Property owner: Manual Lazerov, N.E. LLC., 7520 Indian Pipe Court, Columbia, MD 21046

Dwight Thomey, Baker, Thomey & Emery Pa and Manual Lazerov, N.E. LLC, developer, came to discuss the feasibility of a required walkway into the Town. Attorney Thomey reported his client Mr. Lazerov had sought approval for the proposed Heron Cove Subdivision previously and obtained most of the approvals. Attorney Thomey reported a condition that was imposed by the North East Planning Commission required the developer provide walking access from the entrance of North East Isles Drive, over the North East Creek to meet the end of the existing Town sidewalk on the east side of the bridge, created several obstacles. The first obstacle was that the State Highway Administration informed the developer that he could not attach the walkway to the existing Route 7 Bridge due to the age of the bridge. The second obstacle was that the Maryland Department of the Environment, at that time, was not supportive of a separate walkway being built and the third obstacle was locating the owner of a portion of the land along the North East Creek. In addition, some property owners did not want to grant permission to have a sidewalk installed in their front yards. Chairman Dobbins inquired about the undetermined ownership of the parcels along the North East Creek and Mrs. Mackenzie stated that the Town can go through a process to acquire those parcels if ownership cannot be determined. Attorney Tomey stated Mr. Lazerov would like to discuss the walkway requirement further as he feels that it is unfair that he is required to construct a walkway, which is more for the general public than related

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to the Heron Cove development. Attorney Thomey stated that Mr. Lazerov is not opposed to installing a walkway in front of the Heron Cove development but not over the creek and into Town. Attorney Thomey stated Mr. Lazerov is aware that he would have to comply with all of the current regulations for all agencies potentially involved.

Chairman Dobbins stated he understands the concern but has a reluctance to approving a project or plan piece by piece. Chairman Dobbins inquired if the Planning Office could give some history on how the requirement for the walkway came about and how it fit in to the Comprehensive Plan. Mrs. Cook-Mackenzie stated it came before board as a Planned Residential Development (PRD) several years ago. Through the standard planning process, the sidewalk was a requirement of both the Planning Commission and the Mayor & Commissioners. Mrs. Cook-Mackenzie reported that because it was a PRD it also was required to be heard by the Mayor & Commissioners and at that time the developer had agreed to the installation of the walkway. However, it appears that through the development stages it became more challenging for the developer. The sidewalk is outlined in the Towns 2012 Comprehensive Plan as a goal and objective. The Planning Commission and the Mayor & Commissioners both agree this is an area of Town that should have sidewalks. The primary reason being safety for our pedestrians as well as connection to other areas of Town and community. Mrs. Mackenzie reported that she and the Mayor had met with the State Highway Administration (SHA) and discussed the necessary easement on the eastside of the North East Creek and the Route 7 Bridge. Mrs. Mackenzie reported that there are new programs in place today that were not in place back in 2010. The Town has a "wish list" of projects that they work on together with the SHA and these projects are primarily funded by the SHA. The Route 7 Bridge is currently on this list.

Chairman Dobbins inquired how long ago Mr. Lazerov sought approvals or easements over the North East Creek. Mr. Lazerov responded that in 2010 he reached out to property owners stating that he was proposing a Planned Residential Development adjacent to the North East Creek and a requirement prior to doing so was the installation of a walkway into the Town. Attorney Thomey reported the developer was willing to work with SHA to install a walkway, however, at that time SHA was not interested. In addition, it is very costly for a developer to go through the approval process and the requirement of this walkway may potentially be the deal breaker of whether Mr. Lazerov moves forward with this project.

Mrs. Cook-Mackenzie reported the Planning Office had received comments via email from the following residents: Brain Kuhn, 160 North East Isle Drive, Wayne and Nancy Carpenter, 39 North East Isle Drive, Tom and Nancy Winn, 159 North East Isle Drive; Bruce and Barbara Darnley, 22 North East Isle Drive; Mr. Pete Scilla, 45 North East Isle Drive; Ned Meyer, 115 North East Isle Drive. There were two consensus: one the project was not wanted at all and the other, if the project was to move forward they would like the requirement of the walkway to remain in effect. (See Attachment 2)

Public Comments

Dianna Gatchell, 113 North East Isle Drive; stated her nephew Ryan Lidell owns 202 W Cecil Avenue, one of the parcels that borders the North East Creek. The other parcel bordering the North East Creek is owned by the estate of Linda James, 224 W Cecil Avenue, currently occupied by Linda James 3 grandsons (Sean, Ethan and Eric Brown). The owners of these two parcels have not been contacted previously about easements in regards to a walkway and have no objection to an easement or walkway.

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Joy Kirsh, 49 North East Isles Drive; stated it is encouraging that the Town and developer may be able to work with the State Highway Administration and other agencies regarding the walkway. However, she is worried about the traffic a new development would bring to the area and if the development is approved than the walkway is definitely needed.

Jack Davidson, 148 North East Isles Drive; stated he would love to be able to walk in to town more often but it is too dangerous. Mr. Davidson stated more development without the installation of a walkway will exacerbate an already existing problem and this is unacceptable. The Town receives significant revenue from North East Isles and Mr. Davidson feels with the help of other agencies the Town should be able to install the walkway and sidewalk just as other Towns have done.

Peg Dubois, 17a North East Isles Drive; stated she is concerned with the environmental impact regarding the walkway and development. She stated she and other North East Isles residents have been working on the environmental protection plan within their community. One of their concerns is the impact on the areas where all of the proposed building is to take place as there are wetlands and established environmental friendly areas.

Tracey Ganjoin, 200 North East Isles Drive; stated to walk her dog from North East Isles to town she has to walk along Route 7. There is no shoulder on the edge of the road in places. Then she has to make sure no cars are coming and run with her dog over the bridge. It is very dangerous.

Nick Neiley, 138 North East Isles Drive; stated he would enjoy the sidewalk and walkway as there is currently a significant safety issue. Hopefully, with the assistance of multiple agencies this could get done. This would be for the residents of North East Isles and any future development.

Thomas Smith, 57 North East Isles Drive; stated he is pleased that the Town is requiring the walkway as it is needed.

William Ashmore, 177 North East Isle Drive; was there a concession on the original plan and this is why the developer originally agreed to build the walkway and now the developer is trying to back out of building it or is it just a cost issue. Attorney Thomey responded that the walkway was a requirement of the Planning Commission and the cost of the walkway is why the feasibility is questioned.

Jackie Row, 51 North East Isles Drive; stated that there most likely is different requirements environmentally now. North East Isles Drive is a public road and not only would residents of North East Isles walk to Town more frequently but residents of a new development most likely would as well. The walkway would bring more revenue to the Town because the residents on the west side of the North East Creek would take advantage of the safe route to get exercise and walk to restaurants and shops.

Allen Row, 51 North East Isles Drive; stated there are two things 1. The contingency of the walkway in regards to the proposed development and 2. The safety of resident's safe access to Town which is currently needed.

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Chairman Dobbins stated before a development could be constructed the developer would have to submit plans according to the planning process and be subject to approvals from numerous agencies including Chesapeake Bay Critical Area, Maryland Department of the Environment, Soil Conservation, Stormwater Management and many others. Chairman Dobbins stated there needs to be a collaborative partnership with the Town regarding the connectivity and walkway. However, without a concept plan it is difficult to discuss. The developer is specifically looking at meeting the requirements of the Transportation portion of the Comprehensive Plan that would include the pedestrian walkway and sidewalk, and has to consider: what is the feasibility and what is the cost. In addition, what agency state/county or otherwise are willing to partner with them so the developer does not bare the entire financial burden. Chairman Dobbins stated that in finding the ideal solution, all of the interested parties need to meet. Attorney Thomey stated he and Mr. Lazerov would like to sit down with the Town and the SHA to discuss new possibilities regarding the installation and funding of the walkway. Mrs. Cook-Mackenzie stated the Town would be willing to meet with the developer and SHA. Attorney Thomey stated he will contact Mrs. Cook-Mackenzie and Mrs. Vennell in regards to scheduling a meeting with the Town, developer and SHA.

Dan Speakman, McCrone Engineering, stated that there may also be grants available which may help in the development of a walkway. Mr. Speakman discussed the Heron Cove Development Flow Chart (see attachment 3) and the process of what has to take place in order to approve a final subdivision plat for Heron Cove. Mr. Speakman stated reviewing the feasibility for the walkway and applying for grants first is a good idea. If a plan is submitted, as long as there are not significant changes, the developer may not be required to go back to the Technical Advisory Committee. Mr. Speakman recommends that the plan is initially submitted to the Maryland Department of Environment because if it is determined that the land is within the Coastal A Zone, the development would be prohibited. Mrs. Cook-Mackenzie inquired what would have to be submitted to get the determination of whether this project lies within the Coastal A Zone. Mr. Speakman replied an existing conditions plan would be submitted and MDE would review the flood study and floodplain impact.

Mr. Speakman stated that after all approvals have been met, the developer will have 12 months to develop the land. Mr. Speakman recommends that this requirement is discussed and defined because he does not believe that a developer could bring in all the fill dirt that will be required and build the townhomes within 12 months. Mrs. Vennell stated that with a PRD, phasing needs to be discussed in the very beginning if it is going to be considered.

Chairman Dobbins inquired about the Traffic Impact Study. Mr. Speakman stated that he would like to see that submitted with the Concept Plan and he can recommend that it is submitted prior to the Concept Plan submittal.

-OLD BUSINESS-

None.

-REPORTS-

None.

-MISCELLANEOUS-

Library

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Mrs. Cook-Mackenzie stated the Town is meeting with the Director of the library regarding the process of selecting an architect for the proposed library site at North East Station. There will be public meetings concerning the design and appearance, as they are interested in the public's opinion.

510 S Main Street-Limited Restaurant

Ms. Combs inquired if the police department will receive a copy of the conditions of the approval for 510 South Main Street. Ms. Combs wanted to verify that the police department will be notified that they may get phone calls and the complaints need to be recorded. Mrs. Cook-Mackenzie replied they will receive a copy of the conditions.

-COMMENTS FROM THE PUBLIC-

None.

-NEXT MEETING-

Next meeting

-ADJOURNMENT-

With no further business, Ms. Combs made a motion to adjourn at 9:00 P.M. Ms. Duffy seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman

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