

NORTH EAST PLANNING COMMISSION

Virtual Meeting conducted via ZOOM
106 South Main Street, North East, Maryland 21901
Tuesday, April 5, 2022
7:00 P.M.

Chairman Mark Dobbins called the meeting to order at 7:00 p.m. Present included Commissioner Raymond Mitchell and member Judy Duffy. Also present were Chris Mink, Town Engineer, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant. Melissa Cook-Mackenzie, Zoning Administrator, was absent from the meeting.

-MINUTES-

March 8, 2022

Ms. Duffy made a motion to approve the March 8, 2022 Planning Commission minutes, as presented. Commissioner Mitchell second the motion and the motion was approved by all.

PUBLIC HEARING: Ordinance 2022-04-01

Chairman Dobbins opened the Public Hearing at 7:04 PM and read the amendment to the North East Zoning Ordinance, Ordinance 2022-04-01 into the record.

Amendment to the North East Zoning Ordinance. Article 6. Supplementary Regulations. Amending Section 6-15 Alcoholic Beverage Liquor Store; Adding Paragraph 3. To provide for on premise consumption and carry out sales, permitted with an approved special exception, in accordance with all provisions of Article 6. Section 6-36 and 6-37; Adding Section 6-36. Distillery, Craft Distillery or Craft Beverage Manufacturing and Section 6-37. Pub-brewery, Micro-brewery, Gastropub and Taproom. Ordinance provides definitions, regulations, and conditions for on premise consumption and carry out sales with an approved special exception, in the “GC” General Commercial District, “HC” Highway Commercial District and “HI” Heavy Industrial Districts. Complete draft Ordinance 2022-04-01 is available for viewing at the North East Town Hall, 106 South Main Street, North East, Maryland or at the Town’s website: www.northeastmd.org.

Mrs. Vennell reported that Mayor Michael Kline had requested that the Planning Office create a regulation or amend the Town of North East Zoning Ordinance regulations to include brew pubs and distilleries. Mrs. Vennell stated that she had researched brew pubs and distilleries for several months, and had spoken to the State of Maryland and Cecil County liquor boards as well. In addition, to sending a draft of the proposed ordinance to the State and Local liquor boards for review, Mrs. Vennell also sent it to the town attorney David Beste. During the March 8, 2022 Planning Commission meeting, the Planning Commission directed the Planning Office to prepare the draft Ordinance 2022-04-01 for the public hearings. During this public hearing the public is given the opportunity to speak to the board about the draft ordinance. At the conclusion of the public hearing should the Planning Commission decide to make a recommendation to the Mayor

APPROVED
May 3, 2022

and Commissioners, the Mayor and Commissioners will then hold a public hearing to determine whether or not to adopt the draft ordinance.

Chairman Dobbins stated that he did not see any significant changes to the draft ordinance other than what had been discussed during the March Planning Commission meeting.

Chairman Dobbins inquired if anyone from the public would like to speak.

Brad Carillo, 196 Breon Lane, Elkton MD 21921, stated that he supports draft Ordinance 2022-04-01. Mr. Carillo stated that he and his wife are the owners of Elk River Brewing, located in Elkton, Maryland and are also the owners of 14, 16, and 18 South Main Street in the town of North East in the "GC" General Commercial Zoning District. Mr. Carillo stated that he and his wife have been interested in bringing a brewery operation to the town of North East but have not had the time up until this point. They would like to open a taproom and Mr. Carillo added that they currently have a 6 barrell brewing system at the Elkton location. Mr. Carillo inquired what the intended purpose of Ordinance 2022-04-01 was. Mr. Carillo inquired if the purpose of the ordinance amendment was production driven (to brew or distill spirits); or was the purpose to bring tourism to the general commercial and highway commercial zoning districts. Mr. Carillo stated that he believes, in the general commercial district, it will be very difficult to attract a brewery with a restaurant to downtown, the way the ordinance is written. In addition, Mr. Carillo stated that the inventory of buildings within the general commercial district, do to their size, will not allow for the space to have a brewery in conjunction with a restaurant.

Mr. Carillo state that he and his wife would like to open a taproom in the General Commercial Zoning District and he would like to do that under a Special Exception. Mr. Carillo also stated he would like to offer some suggestions of wording changes to the draft ordinance to attract business owners in the General Commercial District. In addition, Mr. Carillo referred to Section 6-36 and 6-37, of Ordinance 2022-04-01, and stated that the intent for a brewery, taproom or gastropub is to be able to sell your product off-site. Mr. Carillo would like the wording of the ordinance changed to state "brewed or distilled by the applicant" instead of "onsite". Mr. Carillo added that he would like to continue to brew his beer in Elkton with the ability to sell it, on and off-premise from a North East taproom. Mr. Carillo stated that the wording could be just changed in the General Commercial and/or the Highway Commercial. Mr. Carillo stated he would not be interested in selling any other product to customers, to go, other than his brewed beer. Mr. Carillo gave a definition of a taproom, "a space in which an on-site brewery serves its beer to customers". Mr. Carillo would like to change the definition, to take out the words "on-site", to "a space where a brewery serves its beer to customers". Mr. Carillo stated the ability to sell off-premise is vital to a taproom, gastro-pub or distillery.

Mr. Carillo also stated that Ordinance 2022-04-01 is more restrictive than the Maryland State alcoholic beverage license, as the state license he holds allows him the ability to distribute, self-distribute and sell off premise. Mrs. Vennell reported that she forwarded the letter dated February 25, 2022 sent from Mr. Carillo, to Earl Bradford, from the Cecil County Liquor Board and he forwarded the letter to Lou Berman, the Comptroller at the Maryland Liquor Board. Mr. Bradford responded stating that Mr. Berman's department oversees the brewery portion of Mr. Carillo's alcoholic beverage license. Mr. Berman stated that there is a federal regulation which

allows another location to sell a product off premise if the two properties were within 10 miles of each other and the original location did not sell their product (beer) for consumption. Since consumption is allowed at the original location, Mr. Berman stated that what Mr. Carillo is asking, would not be allowed. Mr. Carillo stated that he wanted to open a second location of his Elk River Brewing business and it is his understanding that he is permitted to do so.

Mrs. Vennell stated that the Ordinance 2022-04-01 is being presented as advertised, however, if approved, the ordinance could be amended in the future as times change and State and County regulations change.

Mr. Carillo reported that he has not spoken to the State or County Liquor Boards and stated that he would apply for a Special Exception if needed to sell off-premise. Mrs. Vennell explained that the regulations would need to be amended. A special exception would only be an option for a use that is permitted, to give the opportunity for conditions to be added to the approval of that use by the board.

Mrs. Vennell reported the Ordinance 2022-04-01 is scheduled for introduction to the Mayor and Commissioners on April 13, 2022 and they are scheduled to vote on the Ordinance April 27, 2022.

Commissioner Mitchell motioned to approve the recommendation to the Mayor and Commissioners and Ms. Duffy seconded the motion. The motion was approved by all.

The Public Hearing was closed at 7:26 P.M.

-OLD BUSINESS-

None.

-NEW BUSINESS-

Final Subdivision Plat Section 5B: 52 Single Family lots

Ridgely Forest Master Planned Community-Section 5B: Request from Owner/Developer WORF, LLC, 2301 Rutledge Road, Fallston, Maryland 21047. Subject property: Ridgely Forest, zoned "R-4" Mixed Use Residential District with the Master Planned Community Overlay District. Also found on Tax Map 31, Parcel 235.

Mr. Mathai, MRA 3342 Box Hill Drive, Abington, presented for the developer. Mrs. Vennell reported that there are several letters from EnEngineering. Mr. Mink stated that the Final Plat submittal and recommended for approval can be found in the April 1, 2022 letter.

Chairman Dobbins requested a recap of the comment letters and approvals. Mr. Matthai stated there are 52 duplex lots similar to the product in 3B Phase 2. The minimum lot area requirement is 3500 square feet. There were a couple of lots that were 5 – 10 square feet short, therefore, they did not meet the minimum requirement. These lots were adjusted to meet the requirement. In

APPROVED
May 3, 2022

addition, on Olive Way, Lot 92 and 93, the driveways did not initially meet the 5 foot setback requirement however, these lots were also adjusted and are now in compliance with the requirements.

Chairman inquired if there were any comments from the Planning Department. Mrs. Vennell confirmed that all of the agreements are in place before the final plans are signed.

Commissioner Mitchell made motion to approve the Final Subdivision Plat subject to the following condition:

- Chris Mink's, EnEngineering, comment letter dated April 1, 2022. (attached)

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

Open Space, Traffic, Signage and public street lighting plan

Mr. Matthai stated there was a comment about the open space, there is 10.108 total open space acres, the lots total 4.25 acres and the right of way equals 1 acre. The total area is 15.4 acres for Section 5B. The open space was relabeled for clarity. Mr. Mink stated that all of the comments have been addressed.

Commissioner Mitchell made motion to approve the Open Space, Traffic, Signage and Public Street Lighting Plan subject to the following condition:

- Chris Mink's, EnEngineering, comment letter dated March 18, 2022. (attached)

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

Landscape Plan-Section 5B

Mrs. Vennell reported that the final approval letter arrived today, April 5, 2022. Mr. Matthai stated that the last comment can be reworded. Mr. Mink commented that when the final landscape plans are submitted, Note #5 needs to be re-worded.

Ms. Duffy made motion to approve the Landscape Plan subject to the following condition:

- Chris Mink's, EnEngineering, comment letter dated April 5, 2022. (attached)

Commissioner Mitchell seconded the motion and the motion was approved by all.

Maryland Department of Transportation-Priorities Letter 2022

Mrs. Vennell reported that the Planning Office sends a priority letter every year to the State of Maryland. The Planning Commission was forwarded a copy of last year's Maryland Department of Transportation letter.

Planning Commission Meeting Minutes
April 5, 2022

Ms. Duffy inquired about the I-95 interchange project and a completion date. Mrs. Vennell replied that she did not know the status of the project or the projected completion date.

Chairman Dobbins inquired about the surveying done on Route 7. Mrs. Vennell reported the Planning Office is having a meeting with the State Highway Administration tomorrow and they may be given an update at the meeting.

Chairman Dobbins inquired where Catherine Street is located and Mrs. Vennell explained its location near the North East Police Station. Chairman Dobbins also inquired if every town submits a similar wish list and do we receive feedback on the wish list items. Mrs. Vennell reported that some towns send their wish list requests to the County to have submitted to the State and unfortunately we do not receive any feedback or reply regarding the wish list. Chairman Dobbins stated he had no changes to the current list.

Chairman Dobbins stated that in 2008-2009 there was recovery act funding, did the Town receive any of the funds. Mrs. Vennell responded that she was unaware of the recovery act funding at that time.

Mrs. Vennell stated that she will forward the Maryland Department of Transportation letter to the Mayor and Commissioners.

-MISCELLANEOUS-

None.

-REPORTS-

North East Station-Lot 4

Mrs. Vennell reported that the Town has approved a demolition permit for the existing building located on Lot 4. The Concept Plan was received for the May Planning Commission meeting. Ms. Duffy inquired if they would be proposing a new entrance off of Route 40. Mrs. Vennell stated that the Concept Plan does not propose a new entrance.

-COMMENTS FROM THE PUBLIC-

Chairman Dobbins inquired if anyone from the public would like to speak.

Mr. Paul Kurzer, 15 Magnolia Drive, North East, Maryland. Mr. Kurzer inquired if a sidewalk from the Ridgely Forest Development into the town was on the priorities list being sent to the Maryland Department of Transportation. Mrs. Vennell replied that it was not on the list but it could be added. Chairman Dobbins inquired if Planning Office could look into this before the Mayor and Commissioners meeting. Mrs. Vennell replied yes.

-NEXT MEETING-

The next Planning Commission meeting is scheduled for May 3, 2022 at 7:00 P.M.

-ADJOURNMENT-

APPROVED
May 3, 2022

Planning Commission Meeting Minutes
April 5, 2022

With no further business, Ms. Duffy made a motion to adjourn at 7:54 P.M. Commissioner Mitchell seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Mark Dobbins
Chairman

APPROVED
May 3, 2022