

**NORTH EAST BOARD OF APPEALS**  
**North East Town Hall / 106 South Main Street**  
**Thursday, December 8, 2022**  
**7:00 P.M.**

Chairman Maurice Tenney called the meeting to order at 7:01 P.M. Present for the meeting included members, S.J. Anderson and Martha Kline. Also in attendance were David Beste, Esquire, Betsy Vennell, Director of Planning, and Lisa Rhoades, Planning and Zoning Assistant. Melissa Cook-Mackenzie was absent from the meeting.

**-MINUTES-**

October 27, 2022

Mrs. Kline made a motion to approve the minutes with a minor correction. Mr. Tenney seconded the motion and the motion was approved by all.

**-COMMENTS FROM THE PUBLIC-**

None.

**-PUBLIC HEARING-**

Open Public Hearing- Case: A-2022-04-SE

Chairman Tenney opened the public hearing at 7:02

Mrs. Vennell read the case into the record: Special Exception Case A-2022-04-SE Owner/Applicant, 120EM, LLC, PO Box 336, North East, Maryland, is requesting a special exception for the purpose of opening a Tavern, bar, pub or sports bar at 16/18 South Main Street, North East, Maryland per Section 5-8, Paragraph 2.h., "GC" General Commercial District Regulations. Also found on Tax Map 31B; Parcel 353 in the General Commercial Zoning District

Attorney Beste stated that according to Article 9, Section 9-9, Paragraph 1 of the North East Zoning Ordinance, the concurring vote of three members of the Board shall be necessary to decide in favor of the applicant any matter upon which it is required to pass under any ordinance. This shall apply to all cases heard this evening.

Ann Lavoie, court reporter, swore in the applicant, Mr. Brad Carillo, 196 Breon Lane, Elkton, Maryland.

Chairman Tenney inquired if Mr. Carillo would like the application to be part of the record and Mr. Carillo replied yes.

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Chairman Tenney inquired if any members of the Board of Appeals would need to recuse themselves and the Board of Appeals members replied no.

Mr. Carillo stated that he and his wife are the owners of Elk River Brewing Company in Elkton, Maryland and they are also the owners of 14, 16 and 18 South Main Street. Mr. Carillo stated that he is the owner of Aspen Property Management located at 14 South Main Street. He would like to open a restaurant with a bar at 16-18 South Main Street. Mr. Carillo stated if the use is approved, he plans to serve small plates of food. Mr. Carillo added that their hope is to add another business on Main Street that would not compete with existing restaurants that serve full dinners. Mr. Carillo stated that his hope is that people would visit his business prior to going out to dinner or if they were just looking for a lighter meal or snack. Mr. Carillo reported that the building is historic and he would like to keep the nostalgic feel by restoring the duplex. The proposed restaurant/bar would have a total of 50 seats disbursed between both sides of the duplexes first floor including one side of the second floor. The other portion of the second floor will be kept as an office and storage space.

With no further comment from the public, the Chairman Tenney closed the public hearing at 7:09 PM

Open Public Hearing: Case A-2022-06-SE

Chairman Tenney opened the Public Hearing at 7:09 PM

Mrs. Vennell read the case into the record Special Exception Case A-2022-06-SE: Owner/Applicant, 120EM, LLC, PO Box 336, North East, Maryland, is requesting a special exception for an alcohol beverage license for the purpose of opening a Tavern, bar, pub or sports bar at 16/18 South Main Street, North East, Maryland per Section 6-15, Alcoholic Beverage Sales/Liquor Store Paragraph 2. On-Premise Consumption. Also found on Tax Map 31B; Parcel 353 in the General Commercial Zoning District.

Chairman Tenney reported that the applicant, Mr. Brad Carillo was already sworn in during the previous case and is still under oath.

Chairman Tenney inquired if Mr. Carillo would like the application to be part of the record and Mr. Carillo replied yes.

Chairman Tenney inquired if any members of the Board of Appeals would need to recuse themselves and the Board of Appeals members replied no.

Mr. Carillo stated that he is applying for a liquor license so that he is able to open a bar in conjunction with the proposed restaurant. Mr. Carillo stated that he needs approval by the North East Board of Appeals before he is able to apply for an on-premise liquor license through the Cecil County Liquor Board. In addition, Mr. Carillo stated that he has spoken with Earl Bradford from the Cecil County Liquor Board and there are liquor licenses available in North

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East. Mr. Carillo stated that they would like to serve beer, wine and liquor. Mr. Carillo added that they will only serve Elk River Brewing Company beer from his Elkton Brewery.

With no further comment from the public, the Chairman Tenney closed the public hearing at 7:13 PM.

Open Public Hearing: Case A-2022-05-SE

Chairman Tenney opened the Public Hearing at 7:13 PM.

Mrs. Vennell read the case into record Case A-2022-05-SE: Owner/Applicant, Justine Patterson, 15 Juniper Circle, Elkton, Maryland is requesting a special exception for the purpose of opening a child care center at 15 Juniper Circle, Elkton, Maryland per Section 6-26 Home Occupation. Also found on Tax Map 31C; Parcel 235; Zoned “R-4” Mixed Use Residential District with the Master Planned Community Overlay District.

Ann Lavoie, court reporter, swore in the applicant, Ms. Justine Patterson, 15 Juniper Circle, Elkton, Maryland.

Chairman Dobbins inquired if Ms. Patterson if she would like the application to be part of the record and Ms. Patterson replied yes.

Ms. Patterson stated that she would like to open a family daycare in her home, A Time to Learn and Grow Academy. Ms. Patterson reported she would like to offer hours from 7AM-6PM. Ms. Patterson added that she can have up to 8 children (0-6 years old) per Maryland Department of Education. However, she has a 5 year old son and therefore, she is only eligible to have 7 children in the daycare. Ms. Patterson added that since there would only be 7 parents coming twice a day for a few minutes to drop off or pick up children she does not anticipate much traffic.

Ms. Patterson stated there is a need for childcare in her community, Ridgely Forest, as there are not many daycare facilities in the area. Ms. Patterson reported that she has been working with the Maryland Department of Education and has taken some classes and has obtained her business license in 2020. Ms. Patterson added that the State of Maryland has a check list that has to be completed prior to issuing a childcare license. A home inspection for health and safety is included on that check list. Ms. Patterson stated it is her passion to help children and mothers.

Chairman Tenney asked if anyone would like to speak in favor or opposition of this case. Ms. Veronica Newton, Ms. Patterson’s mother, stated that Ms. Patterson has always had a love for children since she was a child. Ms. Newton also added that she is very proud of her daughter and her daughter has a master’s degree from Temple University and previously worked at Holly Hall Elementary School.

Mr. Tenney closed the Public Hearing at 7:18 PM.

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**-NEW BUSINESS-**Case A-2022-04-SE

At the request of Chairman Tenney, Mrs. Vennell read the case into the record. Special Exception Case A-2022-04-SE Owner/Applicant, 120EM, LLC, PO Box 336, North East, Maryland, is requesting a special exception for the purpose of opening a Tavern, bar, pub or sports bar at 16/18 South Main Street, North East, Maryland per Section 5-8, Paragraph 2.h., "GC" General Commercial District Regulations. Also found on Tax Map 31B; Parcel 353 in the General Commercial Zoning District.

Mr. Carillo reported that he went before the Planning Commission on December 6, 2022. Mr. Carillo stated that he has a revised site plan and his engineer incorporated comments from Mr. Minks comment letter dated November 23, 2022. In addition, Mr. Carillo reported that since the Planning Commission meeting he has reached out to the Fire Marshall to inquire if there are any issues that would need to be addressed at the proposed restaurant/bar location. However, without a set of approved plans the Fire Marshall is unable to comment. Therefore, Mr. Carillo is seeking approval from the Board of Appeals so that he can move forward with the process. Should Mr. Carillo receive approval from the Board of Appeals this evening, his projected opening date would be Memorial Day weekend. Mr. Carillo added that he does not know what the lead times are on the equipment for the business, therefore the opening date may vary.

Ms. Anderson inquired if Mr. Carillo planned to use the over pass from 16 South Main Street to 14 South Main Street and will the speaker on the outside of the building be utilized in any way. Mr. Carillo reported that door is currently locked on both sides of the overpass and will not be used. Mr. Carillo stated the speaker was an alarm for the previous bank and it is not functional as the wires have been disabled. Ms. Anderson inquired about the use of the shed at the rear of the building. Mr. Carillo has removed all of the tools from the shed and his intention is to use it as storage for the restaurant. In addition, Mr. Carillo will be adding a trash enclosure on the side of the shed and this will be added to the site plan as discussed at the Planning Commission meeting. Ms. Anderson inquired what the proposed hours for the restaurant are. Mr. Carillo responded that he would like to ultimately be open 11 AM to 11 PM every day of the week. However, initially he would like to open Monday thru Thursday 3 PM to 9 PM, Friday and Saturday 12 PM to 11 PM and Sunday 12 PM to 6 PM. Ms. Anderson also inquired if there would be any security measures for intoxicated individuals. Mr. Carillo stated that his staff is trained as to not over serve patrons and they go through re-certification training periodically. Should an individual over consume a cab would be called for that individual. Mr. Carillo reported that in the 5 years of his Elkton business, this situation has only occurred one time. In addition, Mr. Carillo attributes this to his excellent well trained staff and the fact that he has very little staff overturn.

Mrs. Kline inquired if Mr. Carillo will be having live music. Mr. Carillo replied that he would like to have acoustic music inside, however the space is small and he will need to see if there is enough space. Mrs. Kline inquired if outdoor seating is proposed. Mr. Carillo stated initially they were planning to have outdoor seating however that will take some additional preparations, therefore there will be no outdoor seating at this time.

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Chairman Tenney inquired about the existing parking. Mr. Carillo responded that he currently owns 27 parking spaces which will be shared by Aspen Property Management and the restaurant. The dumpster enclosure will take up two parking spaces. Monday thru Friday 8 AM to 5 PM Aspen Property Management employees will be using some of the parking spaces. However, after 5 PM during the week and all weekend all of the spaces will be available for the restaurant employees and patrons.

Chairman Tenney inquired if the Planning Office had received any comments against or in favor of the applicant. Mrs. Vennell replied no. Chairman Tenney inquired if the Planning Office had any additional comments. Mrs. Vennell commented that the applicant had presented their site plan to the Planning Commission on December 6, 2022. The letter from the Towns engineer had 27 comments and the applicant has either complied with all of the comments or has agreed to add additional comments to the site plan.

Mrs. Vennell inquired if Mr. Carillo would like to discuss the ingress and egress to the parking lot in regards to the restaurants deliveries. Mr. Carillo stated that currently the alley behind the existing businesses along South Main Street is utilized for deliveries. The proposed restaurant/bar would also be using the alley for deliveries. The existing access off of South Main Street between 14 South Main Street and 16 South Main Street will be closed and not be utilized as access to the parking lot.

Mrs. Vennell reported that the Chesapeake Bay Critical Area had no comment in regards to the proposed restaurant.

Mrs. Vennell reported that the Planning Commission did make a recommendation to the Board of Appeals with the following condition:

1. Chris Mink, ENgineering comment letter dated November 23, 2022.

Mrs. Vennell also added that a bar can only be permitted in conjunction with a restaurant. Ms. Anderson inquired what type of food will be served. Mr. Carillo stated he is working with a chef to create a menu with seasonal options and will serve small plates. Mr. Carillo does not want a sit down dinner atmosphere.

Ms. Kline made a motion to approve the proposed restaurant at 16/18 South Main Street with the following condition:

1. Chris Minks, ENgineering comment letter dated November 23, 2022.

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

#### Case A-2022-06-SE

Chairman Tenney asked the applicant to state the details of the proposed bar in conjunction with a restaurant at 16/18 South Main Street.

Mr. Carillo explained that an approved Special Exception to serve beer, wine and liquor, by the Board of Apeals is required before he is able to apply for a liquor license. Mr. Carillo has checked with the Liquor Board and liquor licenses are available. Mr. Carillo added that adding a

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food component will allow them to welcome families to the establishment, which his Elkton location does not allow. Mrs. Kline inquired if there will be off premise sales. Mr. Carillo replied not at this time as the regulation does not allow for off premise sales. Mr. Tenney inquired if Mr. Carillo would be selling draft beer. Mr. Carillo replied that he will only sell draft beer that is brewed at his Elkton brewery. Ms. Anderson inquired if tastings will be offered and Mr. Carillo replied yes. In addition, they will also have a mug club and a Bourbon society as well as tasting events. Mr. Carillo reported that at the Elkton brewery he holds tasting events once a month.

Chairman Tenney inquired if there were any comments from the Planning Office. Mrs. Vennell commented that there are no off site sales permitted unless the product is brewed onsite. Planning Commission and the Mayor and Commissioners changed the regulations within the last year to allow product brewed onsite to be able to be sold off premise. However, Mr. Carillo is brewing his product in Elkton and therefore is not permitted to sell off site.

Mrs. Vennell reported that the Planning Commission made a recommended conditional approval of the on-site alcohol beverage license to the Board of Appeals.

Chairman Tenney made a motion to approve the on-site alcohol beverage license with the following condition:

1. The bar may open and continue to operate only when in conjunction with a restaurant.

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

Case: A-2022-05-SE

At the request of Chairman Tenney, Mrs. Vennell read the case into the record. Case A-2022-05-SE: Owner/Applicant, Justine Patterson, 15 Juniper Circle, Elkton, Maryland is requesting a special exception for the purpose of opening a child care center at 15 Juniper Circle, Elkton, Maryland per Section 6-26 Home Occupation. Also found on Tax Map 31C; Parcel 235; Zoned "R-4" Mixed Use Residential District with the Master Planned Community Overlay District.

Ms. Patterson stated that she is seeking approval for opening a child care center at her home which is located in the Ridgely Forest Community. Ms. Patterson reported she needs one year of experience owning her own business before she is able to open a larger center. Ms. Patterson stated she has a business plan and a name for her business "A Time to Learn and Grow Academy LLC". Ms. Patterson reported that she has taken several training courses. In addition Ms. Patterson stated she will also accept scholarships for low income families. If the Special Exception is approved, Ms. Patterson stated she will be applying for additional homeowners insurance. In addition, Ms. Patterson stated she will install a fence and installing a playground. Ms. Patterson added that she will be subject to state inspections including the Fire Marshall. Ms. Patterson reported that currently in North East there are only 7 in home child care centers and 4 out of home child care centers. Ms. Patterson would like to install a small sign in her front yard to advertise her business as well.

Ms. Patterson reported that the need for childcare is primarily between the hours of 7 AM to 6 PM and would like to keep her business open concurrent with the school year. However, she

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may consider a summer program if there is a strong need. Ms. Patterson reported that she does have an Emergency Preparedness Plan, which states she has to have two separate locations for the children to go in the event of an emergency, and how parents will be notified among other plans of action. Ms. Patterson reported that she has taken courses regarding children with disabilities act, medication administration as well as several others. Ms. Patterson is hoping to apply for future grants once she has been in business for a year so that she may be able to open a larger center outside of her home. Mr. Tenney inquired what degrees Ms. Patterson's holds. Ms. Patterson reported that she has a Master's Degree in Human Resources and has held positions as a Human Resource Manager and Director. Ms. Patterson added she also holds a Bachelor's Degree in Health Care Administration. However, Ms. Patterson stated she has a passion for children and has always wanted to own a child care center. Mrs. Kline inquired about when Ms. Patterson would like to open her business. Ms. Patterson replied February or March of 2023. Ms. Patterson stated she has three more classes to complete. Ms. Anderson inquired about the fence Ms. Patterson would like to install. Ms. Patterson stated she would like to install a fence off of the side of the home and around the back yard. Ms. Patterson stated that she is not permitted to use Home Owners Association amenities for her business.

Ms. Anderson inquired what Ms. Patterson's plans were for if a child was ill. Ms. Patterson stated that she will not discriminate and will still care for the child. Mrs. Kline inquired how long Ms. Patterson planned to operate the in home child care center before moving to a larger facility. Ms. Patterson replied that she would like to be able to move to a facility within two years.

Chairman Tenney inquired if the Planning Office has received any comments from the public. Mrs. Vennell replied no.

Mrs. Vennell stated that the North East Zoning Ordinance does permit Home Occupations and the child care center would be considered a Type 2 Home Occupation. A Type 2 Home Occupation would be one where an applicant would request a Special Exception approval from the Board of Appeals which gives the Board the ability to place conditions on an approval. Mrs. Vennell read the definition of A Type 2 Home Occupation as defined in the North East Zoning Ordinance:

Type 2: A Type 2 home occupation is one where either one employee (residing outside of the dwelling) or customers/clients come to the site. Examples are day care services, counseling, tutoring, and other such instructional services.

In addition, Mrs. Vennell reported that during another case the Planning Office learned that a second person is required, and would need to be named, to come to the child care site in the event the business owner is unable to care for the children.

Ms. Anderson inquired about the height and style of fence that will be installed. Ms. Patterson stated that she will need to check the HOA regulations and with the Planning Office to see what is permitted.

Mrs. Vennell reported that the Planning Commission recommended approval.

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Mrs. Vennell also added that the Planning Office would like the substitute teacher to be specified on the Home Occupation application. Ms. Patterson inquired what should she do in the event that the substitute person changes. Mrs. Vennell replied notify the Planning Office in writing of the newly named substitute.

Ms. Anderson made a motion to approve the child care center at 15 Juniper Circle subject to the following conditions:

1. State of Maryland Childcare License is obtained
2. A substitute teacher is named at the time of the Home Occupation License
3. A fence shall be installed in accordance with the Town of North East Zoning Regulations and the Ridgely Forest Home Owner Association Regulations

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

**-OLD BUSINESS-**

None.

**-NEW BUSINESS-**

None.

**-REPORTS-**

None.

**-MISCELLANEOUS-**

None.

**-NEXT MEETING-**

The next Board of Appeals meeting is scheduled for January 27, 2023.

**-ADJOURNMENT-**

Ms. Anderson made a motion to adjourn the meeting at 8:14 P.M. Mrs. Kline seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades  
Planning and Zoning Assistant

Maurice H. Tenney, Jr.  
Chairman

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