

NORTH EAST PLANNING COMMISSION
North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Tuesday, June 7, 2016
7:00 PM

Chairman Mark Dobbins called the meeting to order at 7:05 P.M. Present included Commissioner Eric Braley, Valerie Combs, 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-

May 3, 2016 Meeting Minutes

The Planning Commission accepted the minutes as presented.

-NEW BUSINESS-

The following subjects under “New Business” were heard at the same time.

1. “Waterfront North East”-Concept: Proposal from Hudson Benson to develop a plan to create a water oriented pedestrian walkway bordering the North East Creek, extending from the Herring Snatchers Park to the North East Community Park.
2. North East Comprehensive Plan Amendment Proposal from Hudson Benson for an amendment to the North East Comprehensive Plan to include a water oriented pedestrian walkway bordering the North East Creek, extending from the Herring Snatchers Park to the North East Community Park.

Mr. Hudson Benson, 15 North Main Street, North East, MD, reported that “the Town of North East is a town that is near the water but only the Town of North East Park is the only water front” area. Mr. Benson stated along Main Street there is not an area where the general public can access the water. Mr. Benson also stated that he and others have been researching ways to form a strategy so that Town of North East can feel more like a waterfront town. Mr. Benson referenced Kennebunkport, Maine and stated that this town has walkways along the water as well as shops along the walkways and is a thriving town. Mr. Benson also referenced Chesapeake City, Maryland which may be in the process of installing a promenade. Mr. Benson stated the North East Community Park is separated from the Town and it is not easy for a pedestrian to get to the park from the Town. The pedestrians have to walk down Main Street to Walnut Street, then to the park and this does not feel like a waterfront town. Mr. Benson stated that he was trying to create a way for pedestrians to get from the park to the town where the shops are located. Mr. Benson displayed a drawing (see attached) and discussed his 5 options to install a pedestrian walkway. Mr. Benson suggested that the walkways be constructed of red brick and be lined with flower gardens.

1. Red Walkway 1: Begins at the North East Community Park, down Walnut Street, left on 3rd Street, right onto Beech Street, left onto 2nd Street (location of a footbridge

- several years ago which has since been removed) over a new footbridge crossing the North East Creek; right onto Church Point Road. (Mr. Benson displayed photos of the area)
2. Red Walkway 2: Begins on Main Street through the property of Crouch's Funeral Home Parking Lot to the North East River.
 3. Gold Walkway: Begins at the North East Community Park, down Walnut Street, left on 3rd Street, across Beech Street, crosses over private property, crosses over the mouth of the creek, borders private property along the North East Creek and ends at Church Point Road. Mr. Benson acknowledged there are private boat docks bordering the private properties and there would need to be creative solutions regarding the existing docks.
 4. Green Walkway: Begins at North East Community Park, left onto 3rd Street, across private property, across the mouth of the creek, bordering private properties along the North East River to the Mill House property, across private property (Mr. Benson states there is no known property owner for this property), the walkway continues along the library, Police Station, across Route 7, across private property - Mill Race, behind Port House Grill to Herring Snatchers Park. Mr. Benson pointed out old bridge supports which could be used as a pedestrian bridge.
 5. Magenta Walkway: Begins at North East Community Park, left onto 3rd Street, across private property, across the mouth of the creek, bordering private properties along the North East River, crossing the North East River, bordering private property (marshlands), crossing back over the North East River, across private property (Mr. Benson states there is no known property owner for this property), the walkway continues along the library, Police Station, across Route 7, across private property - Mill Race, behind Port House Grill to Herring Snatchers Park.

Mr. Benson stated the Waterfront North East walkway would:

1. provide the community an opportunity to reconnect with nature through the walkways which would be bordered by flowerbeds and gardens.
2. attract more visitors to the town.
3. provide walkways which would increase property values.

Mr. Benson stated that there are government funds available to offset the costs involved with this project. Also, Mr. Benson suggested creating a non-profit organization to maintain the walkways such as the "Friends of the Riverwalk" of Tampa, Florida.

In summary, Mr. Benson stated the walkways would encourage visitors to park (their vehicles) in the park instead of on Main Street and this would make a beautiful waterfront that is accessible to the public.

Mrs. Cook-Mackenzie briefly spoke about the Town of North East Comprehensive Plan. Mrs. Cook-Mackenzie stated that all municipalities within the State of Maryland are required to have a Comprehensive Plan which is dictated under the Land Use Plan within the Annotated Code of Maryland. The Comprehensive Plan is the official statement of the legislative body that indicates what they envision the desirable growth of the area to be both private and public. In creating a Comprehensive Plan there are elements that are required, one of which is a Transportation Plan. If this proposed project was to move forward, the Transportation Plan section of the Comprehensive Plan

would need to be amended to include such a project. By law, the Planning Commission is required to review the Comprehensive Plan every 10 years. An amendment to the Comprehensive Plan outside of the 10 year process would go through public hearings with both the Planning Commission and the Mayor and Commissioners, then sent to the State of Maryland for final approval.

-COMMENTS FROM THE PUBLIC-

Pat Lynch, 49 Algonquin Road, North East, Maryland. Mr. Lynch stated he is the 2016 President for Chamber of Commerce for the Town of North East. Mr. Lynch stated he feels this project is positive for the town and is speaking in favor of the pedestrian walkways. Mr. Lynch stated he has visited other towns which have similar walkways such as Havre de Grace, Maryland.

Kelly Benson, 10 North Main Street, North East, Maryland. Mr. Kelly Benson spoke of the Tampa, Florida Riverwalk and stated the Riverwalk started as wood boardwalk. The concept or intention was to connect different parts of the city. The Tampa Riverwalk is now three miles long and it allows people to run, walk and bike throughout area. Mr. Kelly Benson supports the idea of a pedestrian walkway in the Town of North East.

Connie Muller-thyme, 101 Mill Lane, North East, Maryland. Ms. Muller-thyme stated she is a board member of the Chamber of Commerce and she supports the pedestrian walkway which would potentially be located near her property.

Mike Benjamin, 223 South Main Street, North East, Maryland. Mr. Benjamin stated he recently purchased a home (at the above address) as it was located directly on the water with a dock for his boat. Mr. Benjamin stated his family owns Herbs Tackle Shop, 203 South Main Street, which is also located on the water. Mr. Benjamin stated he and his family purchased these properties knowing that there would be public traffic in the front of the properties. However, they enjoy the privacy in the rear of their properties and are very much against having the public walkway constructed in the rear of their properties.

Kay Ciabattoni, 219 and 211 South Main Street, North East, Maryland. Ms. Ciabattoni does not want anyone to have access to her rear yard. Ms. Ciabattoni stated she and her husband enjoy the tranquility and wildlife and do not want the area disturbed. Ms. Ciabattoni wants to maintain her current privacy. Ms. Ciabattoni stated currently there are kayakers and boaters passing by her property (in the rear) daily, which she does not object to. However, Ms. Ciabattoni stated she does not want foot traffic in her rear yard. Ms. Ciabattoni also stated she feels re-routing people off of Main Street may take away from business. In addition, Ms. Ciabattoni stated Havre de Grace's boardwalk was constructed in a separate location not bordering private property and not diverting people away from businesses. Ms. Ciabattoni does not support the proposed pedestrian walkway.

Barb Daniel, 213 and 215 South Main Street, North East, Maryland. Ms. Daniel, for reasons already stated, does not support the proposed pedestrian walkway.

Herb Benjamin, 303 South Main Street, North East, Maryland. Mr. Benjamin stated he owns 3 properties which border the North East Creek. Mr. Benjamin stated he did not buy these properties to have a public walkway constructed in the rear of his properties so that the public can throw trash etc. onto his properties. Mr. Benjamin also stated he has serious concern of how these public walkways would be policed. Mr. Benjamin stated he remembers the foot bridge on 2nd Street (which has been removed) and stated this foot bridge was not replaced due to the drug activity and difficulty in policing this area. Mr. Benjamin feels that although Mr. Benson may have good intentions with his idea of a walkways, the reality is, the walkways may be used by some not so respectable people. Mr. Benjamin stated he is not in support of the pedestrian walkway.

Ms. Duffy inquired if Mr. Benson had done any outreach to property owners concerning how this walkway may affect them and their properties. Mr. Benson responded that this meeting was the outreach. Mr. Benson stated the title of this walkway is "Waterfront North East". Mr. Benson stated that the town residents that spoke, live in an area that would not be affected by the walkway, if the walkway could cross the North East Creek and run along the opposite side of the river. Ms. Duffy stated that the area Mr. Benson is referring to is critical area wetlands. Mr. Benson stated "raised walkways are installed in critical area wetlands all of the time". Mr. Benson stated people should do their research on other communities that have walkways like the one he has proposed. Ms. Duffy believed that the property where the Magenta walkway was proposed, belonged to a proposed developer, North East, LLC, Heron Cove. Mrs. Cook-Makenzie, confirmed this. Ms. Duffy stated this area is critical area wetlands. Mr. Benson stated that "this is the kind of thing left to environmental engineers who know how to build pathways in areas like that, that is what they get paid for". Ms. Duffy also stated that the residents raised some real concerns with potential security issues and inquired how this would be handled. Mr. Benson stated that would be part of the plan and stated that currently this area is not being policed. Ms. Duffy stated it is an interesting concept but she is not in agreement with going along the rear of people's yards with a pedestrian walkway. Mr. Benson stated a nature park could be created on the opposite side of the creek. Ms. Duffy inquired if the funding Mr. Benson previously spoke of, would be obtained by applying for grants. Mr. Benson concurred.

Mr. Nair inquired how Mr. Benson perceives a waterfront walkway constructed away from the general businesses would be a benefit to the commerce. Mr. Benson stated that other towns have walkways and he feels this will draw tourists as the town could be marketed as a waterfront community. Mr. Benson stated patrons can have dinner, shop and then stroll along the water. Mr. Nair inquired if there are other areas which could cross link the walkways down to the water which would not infringe on residents private property. Mr. Benson stated there could potentially be other accesses.

Commissioner Braley stated he has walked wooded walkways in other towns, however the majority, if not all of them, have been on public land. In addition to propose this project on a resident's private land, Commissioner Braley would not be in support of that. Commissioner Braley stated that as much as he would like to think everyone using the walkway would be visitors, boaters and patrons of the town, the reality is, there will be others using the walkways as well. Commissioner Braley added that lighting may be a suggested solution, however, installing lighting along the rear of residential properties requires maintenance, cost, etc. Commissioner Braley stated that

the proposed walkway will not shorten the walk into town and to construct a walkway that would cost hundreds of thousands of dollars, if not more, and is not a necessity, does not seem practical. Commissioner Braley stated the town just rehabilitated the existing sidewalks.

Mr. Benson stated the Town of North East must decide whether they want to be known as a waterfront town because visitors do not know unless you tell them, that the town has a water front park. Commissioner Braley stated the town only has a small creek and other towns that currently have walkways, have much larger bodies of water. Commissioner Braley also reported that very large ice breaks moved down the creek this past winter and would have most likely taken down any walkway structure in its path. Commissioner Braley stated that he believes ideas to draw people into the town is a good idea but building pathways in residents backyards is not the way to do it. Commissioner Braley also stated that he did not believe that a decision needed to be formed during this evening's meeting regarding amending the Comprehensive Plan.

Mr. Nair inquired if the residents who spoke, did their properties border the North East River. The residents all concurred. Mrs. Cook-Mackenzie stated the residents also have riparian rights.

Chairman Dobbins inquired if Mr. Benson has contacted any state agencies regarding the walkway. Mr. Benson stated no, however, reported that Chesapeake City, Maryland has walkways throughout their town. Commissioner Braley stated there is a huge difference between Chesapeake City, MD and the Town of North East. Chesapeake City borders a canal and the property adjoining the canal is owned by the Army Corps of Engineers.

Chairman Dobbins stated his biggest concerns are:

1. property owners (along Main Street bordering the North East River) purchased their properties without any walkway between their property and the water;
2. the commitment the town would need to make to maintain the walkways, funding etc.
3. security along the walkway, for pedestrians and property owners.

Chairman Dobbins stated due to his concerns he feels an amendment to the Town of North East Comprehensive Plan is premature. Amendments to the Comprehensive Plan should not be taken lightly, it is a vision of the Town for the future. Chairman Dobbins inquired when the next Comprehensive Plan review was to take place. Mrs. Vennell stated approximately 2019 a committee would be formed to start reviewing the Comprehensive Plan and the adoption would take place in 2022. Chairman Dobbins stated, if the town was to embark on this project, the State would question what is the sustainability and what commitment can the town make in ensuring the success of maintaining this proposed walkway in the future. Chairman Dobbins stated there are many future discussions to be had before the next Comprehensive Plan review.

Mr. Benson stated this project needs to be in the Comprehensive Plan or the project cannot be considered. Commissioner Dobbins stated there would need to be phasing, funding discussions, engineering, etc. Mrs. Cook-Mackenzie stated that she has had meetings with Mr. Benson regarding the proposed project and that a Comprehensive

Plan amendment would be necessary to accomplish what has been proposed. That being said, one of the goals and objectives of the town is to connect the park to the commercial district. Mrs. Cook-Mackenzie referenced the method that was used in regards to the pedestrian traffic crossing Route 40. In the Comprehensive Plan, a need was expressed for a connectivity from the town to the Northside of Route 40. Currently State Highway is in the process of designing and constructing the access from the Southside of Route 40 to the Northside of Route 40 to provide pedestrians a safe route. This project began with conversations about a need within the town. Mr. Nair inquired if the majority of the properties Mr. Benson was proposing for the walkways were private or public. Mr. Benson responded that most of the properties are private property. Chairman Dobbins added that most importantly when speaking about private property, is that our goal is to allow private property owners to do as much with or as little with their property, within the Zoning Ordinance, as they see fit, which has always been the intention of the Planning Commission.

Ms. Combs inquired if the Planning Commission would prefer to consider this topic as one of the changes during the Comprehensive Plan's 10 year scheduled review in 2019 or would like to have some discussions leading up to making a decision on whether the Planning Commission chooses to amend the Comprehensive Plan. Ms. Combs stated that if the Planning Commission chooses not to discuss this topic until 2019, they may have missed the opportunity to have many discussions leading up to the Comprehensive Plan review, as time passes quickly. Ms. Combs stated it may be more productive to have conversations now leading up to the review. Ms. Combs suggested the Planning Commission members reconvene and discuss:

1. what are the specific concerns with the walkway;
2. are there ways around the concerns and issues of the walkway;
3. are there other options which should be considered;
4. after discussing from all angles, can they come to a place where they are comfortable amending the Comprehensive Plan as opposed to waiting for the next Comprehensive Plan review process.

Ms. Combs stated she supports ideas that draw patrons to the Town of North East. Chairman Dobbins inquired if Ms. Combs is suggesting a focused workshop. Mrs. Cook-Mackenzie stated formal workshops are not necessary, this topic could be on the agenda in the future as "Old Business" to continue the conversation.

Mr. Nair inquired how would a goal be turned into plan for the Comprehensive Plan and who is it incumbent on, the Planning Commission. Mrs. Cook-Mackenzie concurred and Mrs. Vennell gave an example of a re-zoning involving the "VC" Village Commercial Zoning District, the procedure and process of how this was achieved. Ms. Combs reported that this process took approximately 3 to 4 years which is why she believes starting conversations regarding the proposed project should begin now. Commissioner Braley concurred. Chairman Dobbins stated his only concern would be for the amount of time the Planning Office would spend on a project that has not even reached a Concept stage. Mrs. Cook-Mackenzie stated if too much time is required, a consulting firm may need to be obtained, as the Mayor and Commissioners currently have approved projects on the Planning Office schedule, that have already received funding.

Chairman Dobbins stated he would like the proposed walkway topic to be added to the August 2016 Agenda and that additional conversations must occur to put more thought and research into the development of the amendment to the Comprehensive Plan.

-OLD BUSINESS-

None.

-REPORTS-

State Highway Administration-Follow Up

Mrs. Vennell reported Peter Sotherland, guest, during the April 2016 Planning Commission meeting sent an email which responded to questions the Planning Commission had:

1. Temporary Stop Signs: the temporary stop signs installed at the end of Mechanic's Valley Road and Route 7 will remain in place until the completion of the Route 272 Bridge project. At the completion of the Route 272 Bridge project the stop signs will be reevaluated.
2. Sidewalk Project 272: Between Church Street and Irishtown Road: This project is currently underway.
3. Traffic Impact Study Inquiry: The Planning Commission inquired; "What would trigger a traffic impact study without a change of use?" The State Highway District office is looking into this inquiry.

Route 272 Bridge Project

Mrs. Cook-Mackenzie stated the Route 272 Bridge project will be re-bid in October 2016.

-MISCELLANEOUS-

-NEXT MEETING-

The next Planning Commission Meeting is scheduled July 5, 2016.

-ADJOURNMENT-

With no further business, Ms. Combs made a motion to adjourn at 8:24 p.m. Mr. Nair seconded the motion and the motion was approved by all.