

**NORTH EAST PLANNING COMMISSION**

North East Town Hall Meeting Room  
106 South Main Street, North East, Maryland 21901  
Tuesday, February 2, 2016  
7:00 PM

Chairman Mark Dobbins called the meeting to order at 7:15 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-**

January 5, 2016

The Planning Commission accepted the minutes as presented. Commissioner Braley abstained as he was absent from the January 5, 2016 meeting.

**-COMMENTS FROM THE PUBLIC-**

None.

**-NEW BUSINESS-**

North East Comprehensive Plan Discussion

Mrs. Cook-Mackenzie presented an overview and background of the Town's Comprehensive Plan as it relates to the duties of the Planning Commission.

History and Intent

Mrs. Cook-Mackenzie stated that The Annotated Code of Maryland, Land Use (previously Article 66B, renamed in 2012), states the Planning Commission's duties, authority, and power to make decisions for the best interest of the Town. Mrs. Cook-Mackenzie explained that the Town of North East has a strategic plan for the Town (as do most towns or municipalities) and this plan is called the Comprehensive Plan. The North East Zoning Ordinance and Subdivision Regulations, which were derived from the Annotated Code of Maryland, Land Use and the Town of North East Comprehensive Plan are tools for the Planning Commission to refer to when making decisions regarding the Town's development and future.

Comprehensive Plan Overview

Mrs. Cook-Mackenzie stated the Comprehensive Plan is an important document that requires a lot of thought and planning and is the Town's roadmap to the future. If the town intends to adopt its own rules and regulations, to have input on development, the town shall have a Comprehensive Plan, a zoning ordinance and subdivision regulations. The Town Board shall act, adopt and execute a Comprehensive Plan. The Comprehensive Plan controls and directs the use of land and buildings within the town from the present into the future. One of the functions of the Planning Commission is to create the Comprehensive Plan. The Planning Commission shall include in the

Comprehensive Plan the following elements: a community facility element, areas of Critical state concern element, goals and objectives element, land use element, development regulations, sensitive areas, transportations, water resource and municipal growth element. If the geological information is available the Comprehensive Plan shall include a mineral resource element (normally seen in a County Comprehensive Plan). The town was required to include a municipal growth element therefore, in 2009, the plan was amended to include a municipal grown element. The Planning Commission may also include elements such as: community renewal, conservation, flood control, housing, natural resources, pollution control, public utilities, and a priority preservation control element.

Mrs. Cook-Mackenzie reviewed the following elements which are more relevant and a higher priority for our town due to our location:

1. Development Regulation Element: This element shall be included in the Planning Commission's recommendation for land development and its purpose shall encourage use of flexible development regulations to promote innovative and cost effective site design and protect the environment designated for growth in the plan. It is essentially an economic development plan. The town is also required to have streamline review of applications for development including permit review and subdivision plat review.
2. Sensitive Areas Element: The sensitive area element incorporates the critical area and floodplain. The town does not have a lot of flexibility in regards to the language in this section as it comes from the state via Maryland Department of the Environment and Maryland Department of Natural Resources. A Sensitive Areas Element shall include the goals, objectives, principals, policies and standards designed to protect sensitive areas from the adverse effects of development. Before the plan is adopted the Department of the Environment and the Department of Natural Resources shall review the sensitive areas element to determine if it is consistent with the programs and goals of the departments. These departments can make comments on the language the Town has in this section of the Comprehensive Plan.
3. Transportation Element: The Transportation Element includes airways, highways or streets, railways, waterways, mass transit routes and terminals for individuals, goods and vehicles related to airways, highways, railways and waterways. The transportation element assists towns and municipalities improve the circulation of individuals and goods. The Planning Office relies heavily on this section because the Town of North East is located closely to major highways and roads (county and state), waterways and mass transit routes. In addition, the Planning Office works closely with WILMAPCO on various studies, projects and grants. The Planning Commission will refer to this section when discussing the future train station. The Transportation Element shall propose a schedule that extends far into the future the most appropriate and desirable patterns for the general location, character and extent of routes, channels and terminals for transportation facilities. In addition, the Transportation Element shall address the circulation of individuals and goods, provide for bicycle and pedestrian access and travelways and include an estimate of

the use of any proposed improvement. WILMAPCO is a great resource when preparing updates to this element.

4. Water Resource Element: This element addresses the adequacy and quality of water needs and future development. The Town of North East depends on drinking water from the North East Creek and it is imperative that the Town remains aware of water quality issues. This element also addresses suitable receiving waters and land areas to meet stormwater management and wastewater treatment and disposal needs of existing and future development. The Department of Environment shall provide, on request of a local jurisdiction, technical assistance on the development of the water resources element and review the element to determine if it is consistent with the programs and goals of the department.
5. Mineral Resource Element: The Town of North East has not had the need to utilize this element in the past however, Cecil County has several areas within the county where this element has been utilized. The Mineral Resource Element shall identify undeveloped land that should be kept in its undeveloped state until the land can be used to assist in providing a continuous supply of minerals. In addition, for each mining area there must be a mining plan and a plan for redevelopment. Commissioner Braley used the sand pit on Route 40 as an example.
6. Community Facility Element: On a schedule that extends as far into the future as is reasonable, a community facilities element shall propose the most appropriate and desirable patterns for the general location, character and extent of public and semi-public buildings, land and facilities. A community facilities element may include: places of worship, fire stations, hospitals, institutions, jails, libraries, parks and recreation areas, police stations, schools and other educational facilities, cultural facilities, social welfare and medical facilities and other public office or administrative facilities.
7. Areas of Critical State Concern Element: Due to the location of the Town of North East, this element is often utilized. The Areas of Critical State Concern Element shall include the planning commission's recommendations for the determination, identification, and designation of areas within the local jurisdiction that are of critical State concern.
8. Fisheries Element: The Planning Commission of a county that is located on the tidal waters of the State shall designate an area on or near the tidal waters for loading, unloading and processing of finfish and shellfish including docking and mooring commercial fishing boats and vessels.
9. Goals and Objectives Element: This element shall include a statement of goals and objectives, principles, policies, and standards. The statement shall serve as a guide for the development and economic and social well-being of the local jurisdiction.

#### Amending and Updating the Comprehensive Plan

By law the Comprehensive Plan must be reviewed and modified every 10 years. The Comprehensive Plan should not be changed due a development not falling within a developer's plan. Developers have been known, in the past, to impose pressure on the

Planning Commission to amend the Comprehensive Plan to fit their needs. Any changes made to the Comprehensive Plan are permanent and will apply to all future development not just to one specific project. The Town has established the Comprehensive Plan for a reason and it is important to follow the Plan that has been set in place. The Town has modified the Comprehensive Plan in the past, outside of the scheduled review, for instance a rezoning application or annexation which may require an amendment to the Comprehensive Plan however, this is rare. Once the Comprehensive Plan is approved and adopted the Zoning Ordinance and Subdivision Regulations will be updated.

Mr. Nair inquired when an application for an amendment or modification to the Comprehensive Plan is received, what is the procedure. Mrs. Cook-Mackenzie stated that the Planning Office staff would review the application against the Town of North East Zoning Ordinance and Subdivision Regulations.

Ms. Duffy inquired about a time when the Comprehensive Plan was modified. Mrs. Cook-Mackenzie stated in 2008 the Stoney Run Apartments (which had been already constructed) requested to be annexed into the Town of North East. Mrs. Vennell added the Town needed to provide a zoning district and land use area, therefore, the Comprehensive Plan was modified by adding a new zoning district classification. Mrs. Cook-Mackenzie also stated that in 2010 the Comprehensive Plan was amended to add comments to the Water Resource Element. Mrs. Vennell added that the Comprehensive Plan is sometimes amended due to state mandates.

Mrs. Vennell stated the next scheduled review of the Comprehensive Plan will be 2022, however, the Comprehensive Plan review is lengthy and should probably begin in 2018. Mrs. Cook-Mackenzie stated the Planning Commission may prepare the Comprehensive Plan through workshops, public hearings, surveys, and community meetings to get input from public. The Comprehensive Plan shall be updated in accordance with present and future needs of the Town. The Planning Commission would review the current conditions of the Town, future desired grow and neighboring jurisdictions. It is important to consider adjoining jurisdictions and their current zoning designations as well. Mrs. Cook-Mackenzie stated the Planning Commission may want to consider undeveloped areas of the town during their review of the Comprehensive Plan. Mrs. Cook-Mackenzie stated many years ago when reviewing the Comprehensive Plan the Planning Commission felt there was a disconnect on Main Street where the retail stores stopped, residential began and then retail stores began again. The Planning Commission thought there should be a better transition or flow and created the Village Commercial district which allowed a mixed use of both retail and residential. In addition, the Planning Commission thought by extending the retail area this may encourage visitors to enjoy our Town Park as well.

Mrs. Cook-Mackenzie stated the Planning Commission shall prepare the Comprehensive Plan and recommend the plan or sections of the plan to the Mayor and Commissioners for adoption. The Planning Commission must advertise 60 days prior to allow adjoining jurisdictions and state agencies an opportunity to comment. The Planning Commission must hold a public hearing for the recommendation and the Mayor and Commissioners will hold a public hearing for the adoption of the plan. In addition, the law now states that if the Mayor and Commissioners do not take action within 90 days, the plan will be

automatically approved. There is a provision to extend beyond the 90 days but this must be a significant reason. The Comprehensive Plan is approved via a resolution. The resolution must include the text, maps, images etc. This action is required to be signed by the Planning Commission Chairman and the Secretary to the Planning Commission.

Mrs. Cook-Mackenzie stated the North East Zoning Ordinance and Subdivision Regulations language mirrors the language of the Town of North East Comprehensive Plan. The Comprehensive Plan is critical to a Town and the future of where the Town intends to be.

Rezoning:

The Land Use plan dictates the criteria which must be used in considering rezoning applications. Mrs. Cook-Mackenzie stated that it is rare to have a re-zoning, outside of the Comprehensive rezoning. The reasons for approving a re-zoning outside of a Comprehensive rezoning would be if there was a change in surroundings (must be documented and proved after the most recent Comprehensive rezoning) or a mistake made during a Comprehensive rezoning. To clarify a mistake would be a clerical error.

Comprehensive rezoning: Comprehensive rezoning is the product of thorough review of the facts and circumstances. This is the time when the Town can rezone properties without a rezoning application. Mr. Nair inquired if the Town is required to notify a property owner. Mrs. Cook-Mackenzie stated during a Comprehensive rezoning a Town is not required to notify a property owner but the Town of North East has never not notified a property owner when a rezoning is taking place. Chairman Dobbins inquired who is responsible for deciding what areas will be rezoned and their zoning designations. Mrs. Cook-Mackenzie replied the Planning Commission and Mayor and Commissioners. Mrs. Vennell reported that during the previous Comprehensive rezoning the Planning Commission and Mayor and Commissioners invited property owners to come in and give their input. Mrs. Vennell stated that when properties were rezoned on Race Street to incorporate the Village Commercial zoning district, the Maryland State Department of Planning called Mrs. Vennell to gain an understanding of the reasoning of the rezoning. Chairman Dobbins inquired if in the future a train station was to be constructed, the area was going to be rezoned and one resident did not want to rezone. Mrs. Vennell stated the Town will use an Overlay district for the future train station so that the zoning designation will not change for the property owners adjoining the train station. The first step was to choose a location, the second step is to create an overlay district which the Planning Commission will be involved in creating. Mrs. Vennell stated she has been seeking funding for a consultant in regards to the overlay district.

Mrs. Cook-Mackenzie reported that the land use section of the annotated code outlines it is clear for a municipality to have areas designated for industrial, commercial, residential, etc. Chairman Dobbins and Ms. Combs inquired if a property owner purchased a section of properties that were all zoned under one zoning district for instance General Commercial but after the purchase the owner decided he would like one of the properties to be a single family home, would this be considered spot zoning and would it be permitted. Mrs. Vennell stated if the zoning district was Village Commercial a single family home would be permitted and would not be spot zoning.

However, in other commercial districts the owner of the property would be required to complete a rezoning application indicating the intent for the rezoning. Mrs. Cook-Mackenzie stated the application would be reviewed and then be compared to the Town's Comprehensive Plan and it would need to be determined if this is the intended look of the Town in the next 10 years.

Mrs. Vennell stated a property owner came before the Planning Commission during the previous Comprehensive rezoning and inquired would the Planning Commission consider rezoning the property from Village Commercial to General Commercial. The property owner shared their visions for the future intent of their property and the Planning Commission concurred and rezoned the property during the Comprehensive rezoning.

Mrs. Cook-Mackenzie stated that only reviewing the Comprehensive Plan every 10 years is a huge project. Mrs. Vennell stated it would be advantageous to start composing an ongoing list of items the Planning Commission would like to consider.

Mrs. Cook-Mackenzie stated Mrs. Vennell has invited the Maryland State Highway Administration to a Planning Commission meeting regarding their role with future projects. Mrs. Vennell stated one current project is the sidewalk connecting Irishtown Road to Church Street.

**-OLD BUSINESS-**

None.

**-REPORTS-**

Ridgley Forest:

Mrs. Cook-Mackenzie stated Clark Turner the developer of Ridgley Forest, off of Route 7, has filed bankruptcy. The property is not currently being maintained. The Town has been meeting with an attorney, David Beste, regarding the development. Chairman Dobbins inquired how many homes have been constructed in the development. Mrs. Vennell stated approximately 75. Ms. Duffy inquired about new townhomes that were being constructed. Mrs. Vennell reported the construction of the townhomes was not completed and the Town has requested the owner secure the structures. Mrs. Vennell reported that a homeowner association liaison was recently hired by the property owner. Mrs. Vennell stated the owner is still responsible for the development, the town does not have a deed of conveyance. The Town is currently not responsible for streets or sidewalks.

North East Commons:

Mrs. Cook-Mackenzie stated there will be a meeting February 5, 2016 with the current property owner of North East Commons. Previously, in 2014, a cross dock facility was proposed for the property. Mrs. Cook-Mackenzie stated the Planning Commission may see plans in the near future for this property. In addition, the pavilion located on the property must be relocated due to Maryland historic trust. The Planning Commission discussed reviewing plans for this property in the past, however, the property remained undeveloped. Mrs. Vennell stated zoning permits a warehouse on this property

however, the zoning does not permit a cross dock facility which is what is being proposed.

C & S Wholesale Grocers

Mrs. Cook-Mackenzie reported C & S Wholesale Grocers, Lums Road, will be closing. Commissioner Braley inquired if C & S Wholesale owns the property and Mrs. Cook-Mackenzie stated yes. Chairman Dobbins inquired how many employees are affected. Mrs. Vennell responded 192.

**-MISCELLANEOUS-**

Next meeting March 1, 2016.

Chairman Dobbins would like to discuss transportation at the next available workshop. Commissioner Braley would like to keep updated on the Ridgley Forest bonds.

**-ADJOURNMENT-**

With no further business, Ms. Combs made a motion to adjourn at 9:12 p.m. Ms. Duffy seconded the motion and the motion was approved by all.