

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Wednesday, April 1, 2015
7:00 PM

Chairman Brian Morgan called the Public Hearing to order at 7:00 P.M. Present included, Vice Chairman Mark Dobbins, Mike Kline and Commissioner Eric Braley. Also present were Melissa Cook-MacKenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant.

-PUBLIC HEARING-

Chairman Morgan opened the Public Hearing at 7:01 P.M.

Ordinance 2015-03-01

Article 5. Section 5-13: Floodplain Management Regulations:

Repeal current Floodplain Management (Tidal) Regulations

Adopt revised Floodplain Management Regulations

Repeal Map panel (FIRM) 152D; 154D, 160D

Adopt Map panel (FIRM) 152E, 154E, 160E

Adopt a revised flood insurance study for Cecil County and Incorporated Areas

There were no comments from the public. Chairman Morgan closed the Public Hearing at 7:02 P.M.

-REVISED AGENDA-

Mrs. Vennell reported that the agenda was revised to add Pier One Restaurant under Old Business and Heron Cove under Miscellaneous. There were no objections to the revision to the April 1, 2015 Planning Commission Agenda.

-MINUTES-

March 4, 2015

The Planning Commission accepted the March 4, 2015 minutes, as presented.

-COMMENTS FROM THE PUBLIC-

None.

-NEW BUSINESS-

1. Holiday Inn Express Expansion

Holiday Inn Express, North East: Final Site Plan for a proposed 12 room expansion of the existing Holiday Inn Express Hotel, located at 101 Hotel Plaza, North East,

Maryland, Found on Tax Map 25; Parcel 0739. Property Owner: Eleven Willow Court, Inc.

Site Plan

Mr. Dan Speakman from McCrone Engineering, 106 East Main Street, Elkton, Maryland represented the applicant, Eleven Willow Court, Incorporated. Mr. Speakman stated they made some refinements to the site plan for the 12 room expansion to the existing Holiday Inn Express. Mr. Speakman stated a handicap ramp was added and as a result, one parking space will be lost. However, Mr. Speakman reported there are adequate parking spaces per the North East Zoning Ordinance. Mr. Speakman reported there are no other changes to the previously submitted site plan other than the mentioned handicap ramp. Mrs. Vennell reported that the Holiday Inn Express was granted a 5 foot height variance, from the North East Board of Appeals at the March 26, 2015 Board of Appeals meeting. The maximum height of the addition is 50 feet with the approval of the 5 foot height variance.

Landscape Plan

Mr. Speakman reported that the Holiday Inn Express will be installing dogwood trees instead of the white pine trees discussed at the March 4, 2015 Planning Commission meeting. Mrs. Vennell discussed the letter of credit required for the landscape. Mr. Speakman reported that he has requested \$250.00 per tree.

Water Service Agreement

Mrs. Vennell reported that a signed Water Service Agreement has been executed by the Mayor and Commissioners.

Utilities

Mr. Speakman reported that they need to make some adjustments to the on-site utilities. Mr. Speakman also added that the architectural plans should be done by the end of April.

Mr. Dobbins made a motion to approve the Holiday Inn Express-Final Site Plan for a proposed 12 room expansion of the existing Holiday Inn Express Hotel, subject to compliance with the letter from CNA dated March 26, 2015. Mr. Kline second the motion and the motion was approved by all.

2. Recommendation of Ordinance 2015-03-01

Mr. Kline made a motion to recommend approval of Ordinance 2015-03-01 to the Mayor and Commissioners. Mr. Dobbins seconded the motion and the motion was approved by all.

-OLD BUSINESS-

Pier One Restaurant

Violation

Mrs. Vennell reported that a violation letter had been sent to Mr. Cirino on January 26, 2015 with requirements to meet, outlining a March 31, 2015 deadline. Mr. Cirino came

before the Planning Commission on March 4, 2015 regarding the letter, and reported that the costs of the project had escalated and he was unsure whether he was going to complete the project. During the March 4, 2015 meeting, Mr. Cirino agreed to bring his contractor to a meeting with the Town and the Department of Public Works, for the purpose of determining a cost for completion of the stormwater requirements (rain garden), landscape installation, and parking lot construction. After that meeting, Mr. Cirino thought he would be able to determine whether he would complete the project, or not.

Mrs. Vennell reported the meeting was conducted on March 11, 2015 with Mr. Cirino, Mr. Dennis Reynolds of Reynolds Excavating (Mr. Cirino's contractor), Mr. Mark Woodhull, Cecil County Department of Public Works and Lisa Rhoades, Planning and Zoning Assistant. The following were discussed:

Landscape

Mr. Reynolds and Mr. Cirino requested a couple alternate tree species due to the size of the trees which were shown on the landscape plan. Mrs. Vennell reported she worked directly with Patty Lemmerman, Landscape Architect for this project, who approved alternate tree species. Mr. Reynolds indicated he would not be the contractor installing the landscape, therefore, Mr. Cirino would contact a landscape company about the installation of the landscape. The landscape can be installed after the parking lot has been constructed. A landscape agreement and letter of credit will be required. Mr. Cirino was advised to include the installation of the landscape requirements in his timeline for the Planning Commission.

Stormwater Management/Rain Garden

Mr. Cirino asked Mr. Reynolds to provide an estimate for the installation of the stormwater management plan. Mr. Woodhull reported that the stormwater management/rain garden did not have to go in immediately. Mr. Reynolds indicated it may be easier to install at the time the parking lot is constructed, versus installing it a year later. Mr. Cirino was advised to include the installation of the stormwater management requirements in his timeline for the Planning Commission.

Parking Lot Construction

Mr. Cirino asked Mr. Reynolds to provide prices for the completion of construction of the parking lot. Mr. Cirino was advised to include the timeline for installation of the parking lot and specify whether he would first install stone and wait for a year, as previously discussed with the Planning Commission, or whether he would install the parking lot to completion at one time.

Mrs. Vennell reported that she spoke with Mr. Cirino just last week, and he had planned to attend the Planning Commission's meeting on April 1, 2015. Mr. Kline stated it was made perfectly clear the last time we met with Mr. Cirino that Mr. Cirino was not supposed allow anyone to parking in the lot. Chairman Morgan stated that it was commendable the way the Town has proceed with this situation and willingness to work with Mr. Cirino and he would like the Planning Commission to continue to do so as well. Chairman Morgan would like to see Mr. Cirino complete the project and doesn't want to require Mr. Cirino to tear out the work that has already been done (sidewalk and curb), if he intends to complete the parking lot at some point. However, if Mr.

Cirino plans to abandon the idea, than yes, he would need to restore the curb and sidewalk. Mrs. Cook-Mackenzie stated that if Mr. Cirino does not attend this meeting then the Town should reach out to him one more time in writing indicating that the Town and Planning Commission have been very patient with Mr. Cirino's parking lot project, however, we need a definitive decision on whether the parking lot will or will not be finished. In addition, we will need an outline of Mr. Cirino's plan of action, vehicles need to be kept out of the parking lot and the parking lot needs to be blocked by landscape.

Chairman Morgan stated he does not want Mr. Cirino to have to rework the curb cut and sidewalk if he plans to complete the project. Chairman Morgan would like Mr. Cirino to plant shrubs across the entrance of the unfinished parking lot until the parking lot is completed. Mrs. Cook-MacKenzie suggested we reach out to Mr. Cirino one more time. The Planning Commission was in agreement that the use of the parking lot needs to stop until the project is completed. Mrs. Cook-MacKenzie added that if Mr. Cirino abandons the project he needs to replace the sidewalk, curb and parking space.

Mr. Dobbins added that all parking needs to stop, this includes employees and customers. Chairman Morgan stated that the letter Mrs. Vennell is preparing should specify that the Planning Commission and Town have made concessions regarding this project. Mr. Kline inquired about code enforcement in relation to the ongoing violation with the Pier One parking lot. Mrs. Vennell stated that after the violation letters a citation would be issued. Commissioner Braley stated Mr. Cirino needs to make a decision. Mr. Kline added Mr. Cirino needs to follow the Ordinance and the Town needs to hold Mr. Cirino to same set of standards as everyone else. Mr. Dobbins would like a scheduled time line that Mr. Cirino must stick to in which everyone is in agreement. Mr. Dobbins suggested giving 48 hours to Mr. Cirino to come up with a plan of action. Commissioner Braley stated upon receipt of the letter, bushes need to be planted in the ground within 48 hours. Mrs. Vennell stated she will prepare a letter stating the use of the uncompleted parking lot must cease. The Planning Commission would also like Mr. Cirino to attend the May 6st, 2015 Planning Commission meeting.

-REPORTS-

State Highway Administration – Route 272 Bridge over Amtrak

Mrs. Cook-MacKenzie reported that there was a progress meeting this morning April 1, 2015 regarding the Route 272 State Highway Bridge Project over Amtrak train tracks. At that time, 90 % of the first section of the bridge had been removed and a portion of sidewalk was removed. Mrs. Cook-MacKenzie stated there is a concrete apron on either side of the deck, known as Area 1 (or apron) 1, Area (or apron) 3. Area 2 is the black top portion of the top of the bridge. The State Highway Administration (SHA) is working 24 hours a day on the bridge (7 to 8 people, 3 shifts a day). In addition, SHA is planning on working Easter Sunday. The State has approved an Amtrak car to come (this evening) to help install a debris shield under the 2nd and 3rd areas (or aprons), for the removal process. The contractor was originally told they could work without a shield but in fact a shield will be necessary. Mrs. Cook-MacKenzie reported that more core drilling in the

middle of the bridge are also necessary. SHA is anticipating that area 3 of the bridge to be in as bad of a condition as area 1. Mrs. Cook-MacKenzie stated that a temporary traffic light was going to be installed at Route 7, Mechanics Valley Road and Cemetery Road, however, the need for the light will be evaluated to determine if it will be necessary.

Planning Commission Member Resignation

Mrs. Cook-MacKenzie reported that Mr. Langille has tendered his resignation as a Planning Commission member. In addition if any of the existing Planning Commission members may know of anyone interested in becoming a member of the Planning Commission please forward that information to the Planning office.

Commissioner Braley inquired how much time was left on Mr. Langille's Planning Commission membership term and would the person filling the position serve the balance of Mr. Langille's term. Mrs. Cook-MacKenzie stated because Mr. Langille had recently renewed his term and he had approximately 4 years left and the person filling the position would serve the balance of Mr. Langille's position.

Wilmapco

Mrs. Vennell reported Wilmapco held a "Route 40 corridor" open house at Cecil College. The event was poorly attended. Mrs. Vennell stated our transportation plan was displayed, and because of its timeliness, the transportation plan is being utilized by many organizations (Public Works, Wilmapco, consultants).

Sustainable Community Status

Mrs. Vennell reported she has been working with Mark Gradecek on the Sustainable Community status that the Town has been trying to obtain. The application is approximately 90% complete and it has been forwarded to the Department of Housing Community Services for review. The application is due June 2015. Mrs. Vennell reported that when you put potential projects into the request, they must be completed within 5 years. Mrs. Vennell and Mrs. Cook-MacKenzie met with the Department Heads to discuss projects ideas. Some of the projects include pedestrian lighting to match the downtown lighting for a sidewalk project from Church Street to Irishtown Road on Route 272 Northbound; a request to add children's handicap play-scape items at the Town Park, steps from North Main Street down to Herring Snatchers Park, and a project to include engineering and construction of a baseball diamond and bleachers at Turner Park.

Maryland Department of Planning

Mrs. Vennell reported that she, Mayor McKnight and Mrs. Cook-MacKenzie were scheduled to meet with Secretary David Craig on April 2, 2015. Chairman Morgan inquired what towns were expressing interest. Mrs. Vennell reported Elkton and Perryville will attend the meeting.

-MISCELLANEOUS-

Heron Cove

Mr. Dan Speakman, McCrone Inc., gave a report on the status of Heron Cove. Mr. Speakman stated that the flood study did not have the data input he was looking for and he would like to run the data his self as the information can fluctuate. Mr. Speakman also stated that he was waiting on comments from Maryland Department of the Environment (MDE). MDE is reviewing the Non-Tidal and Tidal area. Mr. Speakman stated that he will report back to the Planning Commission when all the data is received and confirmed. Mr. Speakman stated that he is interested in knowing what the flow, area, flow rate and velocity will be when he takes a closer look at the data. Mr. Speakman added there will be two variables; the velocity or the flow which will dictate the numbers on the data. Chairman Morgan inquired if Mr. Speakman was comfortable with the flow numbers being used. Mr. Speakman stated the study was performed using a web based model, and the most conservative information was entered which could possibly stream line the results. Mr. Speakman added FIS is a good tool to use as it uses better data. Mr. Speakman gave an example of Stoney Run Apartments and how the stream statistics were obtained by gathering data from certain streams in the area that have been studied. In addition as you increase the impervious area you increase the run off.

Chairman Morgan added that significant impervious area has been added since 2010. Mr. Speakman concurred and stated this could have an effect on the data which is one of the reason he would like to run his own data. Mr. Speakman was also concerned about 3 different cross sections of flow data which did not agree. Chairman Morgan inquired, if the fill dirt would not change more than a foot or is it a tenth of a foot. Mr. Speakman stated he would get clarification on the fill dirt numbers. He also stated that where there is fill dirt, which is a change in flow area, the data does not correspond with the increase in velocity. Mr. Speakman stated there is just not enough good data as of yet.

Mr. Speakman added this is just concept and when a Clomar is performed FEMA could decline the project at that point. Mr. Speakman will be receiving a letter from MDE and will contact the Planning Office prior to the community meeting that is being planned.

Mr. Speakman stated that his other concern is that this study is modeling during a high tide but not a flood event. Chairman Morgan stated during hurricane Isabel the tides were elevated 6 feet because of the flood gates, on the Susquehanna River, not being opened. Chairman Morgan suggested the the flood gauge information should be reviewed.

Mr. Dobbins stated traffic will have to be considered. Mrs. Vennell added that sidewalk will need to be considered as well. Mr. Speakman stated the State Highway Administration (SHA) will want a traffic study. Mr. Dobbins added that this project

would possibly add 200 vehicles on North East Isles Drive each day. Mrs. Vennell stated those kind of numbers would definitely effect the traffic on Route 272 and Route 7. Chairman Morgan stated that the SHA traffic study should be a condition of Heron Coves submittal for Concept/Preliminary.

Mr. Speakman suggests the Planning Commission and community ask tough questions at the community meeting. Mr. Speakman also added that Heron Cove does have conditional concept Stormwater approval.

Annual Report

Mrs. Vennell reported that the Annual report will be on the agenda for the May Planning Commission Meeting.

-ADJOURNMENT-

With no further business, Mr. Dobbins made a motion to adjourn at 8:06 p.m. Mr. Kline seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Brian Morgan
Chairman