

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Wednesday, May 7, 2014
7:00 PM

Chairman Brian Morgan called the meeting to order at 7:00 P. M. Present included, members Mark Dobbins, Michael Kline, and Ranald Langille. Also present were Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant. Commissioner Eric Braley and Melissa Cook MacKenzie, Town Administrator, were absent from the meeting due to prior engagements.

-MINUTES-

The March 5, 2014 minutes were approved as presented.

-COMMENTS FROM THE PUBLIC-

None.

-REPORTS-

Cecil County Public Works Watershed Implementation Plan:

Mrs. Vennell reported that she has been involved with the Cecil County Watershed Implementation Plan since the end of 2013. There were four groups which were formed to do a stream clean up in North East, at Saint Mary Anne's Church, at Turkey Point, at the Cecil College and North East Isles. Mark Dobbins has been coordinating the formulation of the group and a very productive meeting occurred this week. Mrs. Vennell requested that Mr. Dobbins give an updated report:

Mr. Dobbins reported that an organizing meeting was held May 6, 2014. The name of the Watershed Association is proposed to be named 'Elk and North East Watershed Association'. The main focus of this group will be the Elk and North East Rivers. An attorney has been hired to help with the non-profit corporation. Mr. Dobbins said the group is very excited about their future and is having a Website and Facebook page designed. Mr. Dobbins reported that, Project Stream Clean, the 1st clean-up in April yielded 13,000 lbs. of trash including refrigerators, water heaters and a dozen tires. The trash recovered from North East Isles totaled 1700 lbs. Mr. Kline inquired whether or not the trash needed to be separated. Mr. Dobbins stated that the landfill was prepared to help and had been contacted prior to the clean-up. The Watershed Association had a site supervisor at each of the four areas, which kept the clean-up event very well

organized and all needed supplies were provided. Mr. Dobbins stated that The Sassafras Watershed Association has been up and running for 10 years now and has been very successful. Mr. Dobbins also added that the group would be involved in the "Cecil County Wade-In", scheduled for June 21, 2014.

Flooding Event April 29, 30, 2014:

Mrs. Vennell reported that the Town experienced flooding in the areas of West Cecil Avenue, Washington Street and Russell Street during the April 2014 flood event. The Planning Office and Maintenance Department performed inspections of the area after the floodwaters receded, then scheduled a bulk trash pick-up for the residents who experienced flooding of their house contents. Flyers were distributed and the Maintenance Department picked up flood damaged furniture and debris for two full days. The Town wrote a letter to the Cecil County Landfill to request a waiver for the dump fees. (A response was received from the Cecil County Landfill offering a 50% reduction of the dump fees.) The Town of North East sent a letter to the Cecil County Landfill to request a waiver of the dump fees associated with the extra bulk trash pick-up due to the flood. (A response was received from the Cecil County Landfill offering a 50% reduction of the dump fees for this flood event.)

North East United Methodist Church:

Chairman Morgan reported that he recently spoke with Reverend Bert Jicha, who praised the Town for all of their assistance with the North East United Methodist Church Building Project.

North East Fire Company-Minor Amendment to the Site Plan:

Mrs. Vennell reported that the North East Fire Company sent an amendment to the approved site plan for the Fire Station. The amendment included a pitched roof over the vestibule entrance at the front of the building. As there were no changes to the footprint of the building, Melissa MacKenzie, Zoning Administrator, deemed this a minor amendment, which, in accordance with Article 10-7, permits an administrative approval process.

-OLD BUSINESS-

None.

-NEW BUSINESS-

1. **Pier One Parking Lot:** Preliminary/Final Site Plan and Preliminary/Final Landscape Plans include the review of a 6,844 square foot parking lot to serve the Pier One Restaurant at 1 North Main Street, North East, Maryland: Owners: Vincent and Pamela Cirino. Also found on Tax Map 400; Parcel 139 and 371. General Commercial Zoning District.

On behalf of Pier One Restaurant, Allen Blomquist, P.E. of American Engineering and Stanley Granger, P.E. of American Engineering presented the site plan. The Town's Engineer, CNA submitted a comment letter dated April 15, 2014. The Town's Landscape Architect, Patricia Lemmerman submitted a comment letter dated April 17, 2014. Cecil County Public Works submitted a letter dated March 14, 2014. Cecil Soil Conservation submitted a letter dated March 6, 2014 and the Critical Area Commission submitted a letter dated February 18, 2014.

Mr. Blomquist is requesting Preliminary/Final Approval of Landscaping Plan and Preliminary/Final Site Plan Approval.

Preliminary/Final Landscaping Plan

Chairman Morgan requested clarification of the trees and/or shrubs to be planted. After much discussion, the Planning Commission was in agreement that the number of plantings which are required, per Article 12 of the North East Zoning Ordinance along with the Critical Area Commission's required 8 canopy trees would provide too much vegetation in the 10 foot buffer, as the trees would not thrive if overcrowded. The Planning Commission waived the buffer yard landscape requirements outlined in Article 12, because the Critical Area Commission's tree planting requirement of 8 canopy trees met the intent of this buffer yard. The planning Commission also concurred that a 9th understory tree should be planted to the left of the driveway entrance in the 'island area', preferably an eastern red bud tree. Mr. Blomquist was in agreement.

Mr. Langille referenced Ms. Lemmerman's letter (item 4) which states the existing tree at the North East corner of the lot is in very poor condition and its stability will be under minded during excavation for the parking area and she suggests the tree should be removed. The board concurred that the tree should be removed, and will require a replacement tree either in the same location or offsite within the Critical Area in the Town of North East.

Mr. Kline made a motion to approve Preliminary/Final Landscaping Plan with the following conditions;

1. Letter from Patricia Lemmerman, ASLA dated 04/17/2014.
2. There will be a total of (8) canopy trees planted on the property.
3. There will be one (1) understory (Red Bud) tree planted to the left of the driveway entrance in the "island area".
4. There will be one (1) tree removed per the recommendation from Patricia Lemmerman's letter-item (4). The one (1) tree will be replaced either in the same location or within the Critical Area in the Town of North East.

Mr. Langille seconded the motion and the motion was approved by all.

Preliminary/Final Site Plan

Mr. Granger reported:

1. This project received approval from the Critical Area Commission and the Cecil County Public Works.
2. The parking lot curb cut was put in and the Town's sidewalk was re-installed to match the sidewalk within that area of Town. Cecil County Department of Public Works permitted the contractor to install gravel 5-10 feet behind the sidewalk at this time; as the Stormwater Management Plans have been approved but have not been signed.

Chairman Morgan inquired about the width of the Pier One parking lot curb cut. Mr. Blomquist advised it was a 24 foot entrance which was consistent with the width of the driveway compliant with State Highway Administration's standard. Chairman Morgan stated the Town had agreed to a gravel parking lot for a period of 2 years to allow settling before paving, subject to compaction testing for the handicap spaces, which Mr. Blomquist indicated he could do.

Chairman Morgan inquired about the entrance and handicap spacing on the plan provided does not meet Federal ADA Guidelines and reported that the Town's Engineer, CNA also commented on this. Mr. Morgan stated that the handicap ramp and crosswalk area needs to be less than 2% in all directions, 8 feet wide for handicap parking area and 8 feet wide for the hatch area for loading and unloading. Chairman Morgan suggested shifting the public parking lot to the west 2-3 feet, which would increase the buffer between the road and the parking spaces. Mr. Blomquist

initially had a concern about the required rain garden but then agreed shifting everything back 2-3 feet would not infringe on the rain garden, therefore agreed to this change.

Mr. Kline made a motion to approve Preliminary/Final Site Plan with the following conditions;

1. Parking lot shall be shifted 2 to 3 feet to the west. (Which will not impact the rain garden)
2. Letter from C N A dated April 15, 2014.

Mr. Langille seconded the motion and the motion was approved by all.

Mrs. Vennell asked Mr. Blomquist how soon they were planning to proceed. Mr. Blomquist said they will make revisions and will resubmit them for review in 1-2 weeks.

2. **AutoZone Store #4697:** Concept Site Plan Review: Proposed on Lot 2, North East Station, .592 Acres. Owner: Kimeast Real Estate Investment Trust, 1954 Greenspring Drive, Timonium, Maryland. Tax Map 31, Parcel 157. Applicant: AutoZone, Inc.

On behalf of AutoZone, Inc., Erin McCloskey, P.E. Bergmann Associates Consulting Engineer presented their Concept Site Plan. C.N.A. submitted a letter dated April 22, 2014. Cecil Soil Conservation submitted a letter dated March 31, 2014. Cecil County Public Works submitted a letter dated April 3, 2014. Traffic Impact Study was submitted October 11, 2013.

Ms. McCloskey stated AutoZone is proposing a store for Lot 2 at North East Station, a 6,816 square foot auto parts store, landscaping, water and sewer allocation (AutoZone uses approximately 100 gallons daily based on their other stores per Ms. McCloskey). The proposed AutoZone will be accessed by the East Side parking lot and 21 parking spaces will be provided.

Ms. McCloskey inquired about the comment in CNA's letter which indicated a variance is required because the parking for Auto Zone extends into the required set-back. Mrs. Vennell provided Ms. McCloskey with a variance application and advised her to turn it in prior to May 28, 2014 which is the deadline for the June 26, 2014 Board of Appeals Meeting.

Mr. Kline inquired about the required connecting sidewalk pursuant to the current comprehensive Plan, 2012 Transportation Element Pedestrian Facility Improvements Map G/1 which outline that a sidewalk should be installed on two sides of this lot, when development occurs. The Planning Commission discussed at length the location of the sidewalk, the future connectivity of this sidewalk, especially in light of additional development within North East Station.

Mr. Langille reported he would like the May 7, 2014 meeting minutes to reflect his comments made regarding the Town of North East's Comprehensive Plan, stating "we need to reconsider the Town's Comprehensive Plan to meet the Town's objectives better." Specifically, "installing a sidewalk which may not be the best way to achieve the overall Town Plan." Mr. Langille also stated that "when we have the Comprehensive Plan, some people think that's the plan and that we can't go outside the plan, can't do that. It's a living plan, when something changes the way we want to do things we need to consider alternatives to the plan." Mr. Langille also stated "I don't think we should require people to make sidewalks but I do think that when something like that happens we ought to reconsider the plan and maybe just change it a little bit to meet our objectives."

Ms. McCloskey stated AutoZone would install the sidewalk, as shown on (Map G/1) as this is a typical requirement of their sites in other jurisdictions.

Mr. Kline made a motion to approve the AutoZone Concept Site Plan subject to the following conditions:

1. Connecting the concrete sidewalk as per the Town of North East Comprehensive Plan and the Transportation Element Pedestrian Facility Improvements Map G/1
2. State Highway Administration Traffic Impact Study to the satisfaction of the State Highway Administration and the Town of North East (Study not provided at the May 7, 2014 Planning Commission Meeting).
3. Comment letter from Steve Nolan, CNA dated April 22, 2014.
4. Stormwater Management approval is dependent upon other reviewing agencies approval.

Mr. Dobbins seconded the motion. Chairman Morgan voted in favor of the motion. Mr. Langille voted to deny the motion because he did not want the developer to be required to install the sidewalk. The motion passed.

MISCELLANEOUS:

Turkey Point Wine Tasting Room:

Mr. Kline inquired whether anyone attended the Turkey Point Wine Tasting Room wine tasting opening. Mrs. Vennell stated she and Melissa MacKenzie had attended. Mr. Langille reported that he and his wife also attended.

2012 & 2013 Annual Report:

Mrs. Vennell reported the Planning Office completed the 2012 & 2013 Annual Reports. Mrs. Vennell asked the Planning Commission to review the reports and call her with any questions. After reviewing the Annual reports, the Planning Commission was asked to bring them back to the June 4, 2014 meeting, with the goal for adoption that evening.

-ADJOURNMENT-

With no further business, Mr. Langille made a motion to adjourn at 8:37 p.m. Mr. Dobbins seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Brian Morgan
Chairman