

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Wednesday, June 4, 2014
7:00 PM

Chairman Brian Morgan called the meeting to order at 7:03 P.M. Present included, members Mark Dobbins, Eric Braley, Ranald Langille, and Melissa Cook-MacKenzie, Town Administrator. Also present were Betsy Vennell, Director of Planning and Zoning and Lisa Rhoades, Planning and Zoning Assistant. Commissioner Mike Kline was absent from the meeting due to prior engagement.

-MINUTES-

May 7, 2014:

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." Chairman Morgan stated the May 7, 2014 meeting minutes will be updated to include Mr. Langille's comments.

The May 7, 2014 Planning Commission Meeting Minutes were approved as presented with the addition of Mr. Langille's comments.

-COMMENTS FROM THE PUBLIC-

None.

-OLD BUSINESS-

None.

-NEW BUSINESS: PUBLIC HEARING-

1. **Case A-2014-01-SE:** Applicant, Kevin McDevitt, 8 Mauldin Avenue, North East, Maryland, is requesting a special exception for the purpose of opening a Pub/Restaurant at 26 South Main Street, North East, Maryland. Property
2. owner: Maynard Bare, 1171 North East Road, North East, Maryland. Also found on Tax Map 400, Parcel 0270 in the General Commercial Zoning District.

Mr. McDevitt reported he is requesting a special exception to move The Pickled Herring Pub from 32 South Main Street to a larger venue, at 26 South Main Street (the former laundromat). Chairman Morgan inquired whether there were any changes in the establishment which Mr. McDevitt would like to make when moving the business.

Mr. McDevitt reported his current business is well known for its late night atmosphere. Mr. McDevitt stated he wants to focus on the lunch/dinner menu's and food choices in the new proposed Pub. He would like to have less of a late night bar business and keep more of a restaurant atmosphere. Mr. McDevitt reported that he doesn't feel he can market his current business (Pickled Herring Pub) as well as he would like due to its location. Mr. McDevitt stated the Laundromat at 26 S. Main Street was previously the first North East Fire Station in the early 1900's and he would like bring back the nostalgia by designing the Pub around the former use. Mr. McDevitt reported he wants to take the ceiling back to its original height and appearance of the original Fire Station.

Chairman Morgan asked for comments from the public: Ann Jackson of Harlan Williams Realty, 20 S. Main Street, North East, Maryland, stated she is in favor of the proposed Pub/Restaurant. Shannon Edwards of 101 W Cecil Avenue, North East, Maryland, also believes the Pub/Restaurant is a good idea to bring people into the town for business. Chairman Morgan noted no comments in opposition.

3. **Case A-2014-02-SE:** Applicant, Kevin McDevitt, 8 Mauldin Avenue, North East, Maryland, is requesting a special exception for the purpose of obtaining an on premise alcohol beverage license for 26 South Main Street, North East, Maryland in conjunction with a Pub/Restaurant. Property owner: Maynard Bare, 1171 North East Road, North East, Maryland. Also found on Tax Map 400, Parcel 0270 in the General Commercial Zoning District.

Mr. McDevitt stated he currently holds an alcohol beverage license for the Pickled Herring Pub and he would like to serve alcoholic beverages at the new location as well (26 S. Main Street, North East Maryland).

Chairman Morgan asked for comments from the Public. There were no comments.

4. **Case A-2006-05-SE**: Applicant, Anthony Covatta, owner of the Black Pearl Restaurant, 2 South Main, North East, Maryland. Property Owner: 2 S. Main NE, LLC, PO Box 66, Havre De Grace, Maryland. Applicant requests a change of conditions for a previously approved Special Exception for the use of a restaurant. Applicant proposes to add an outdoor seating area with six tables (24 seats).

Mr. Covatta stated he is the owner of the Black Pearl Restaurant at 2 South Main Street, North East. Mr. Covatta stated he desired to provide outdoor seating for his customers in the front of the restaurant. The outdoor seating he proposes would include affixed chairs and tables which will not interfere with the water meter. Mr. Covatta stated he plans to install safety bollards in front of the seating area and place concrete flower/landscape pots along the front of the bollards for aesthetics. Patrons will use the existing parking lot entrance and exits. In addition, a hostess table will be placed near the outside gate (to greet people when they come in) and the gate will be locked at night.

Chairman Morgan asked for comments from the public. There were no comments. Chairman Morgan added an adjoining neighbor, Pat Doordan, called and stated that he was in favor of the proposed outdoor seating.

The public hearing closed at 7:17pm.

Case A-2014-01/02-SE -26 South Main Street, Proposed Restaurant/Pub

Commissioner Braley stated he was in favor of the proposed improvements and wanted to confirm that the entire building would be converted into the new restaurant/pub and confirm whether the existing structure would remain one story. Mr. McDevitt confirmed that the entire building would be converted including the area in the back and a deck with outdoor seating on top.

Mr. Dobbins commented that the Pickled Herron Pub seems to be a later crowd, and inquired what the new hours will be and will there be outdoor music, as he is concerned the music will interfere with other businesses.

Mr. McDevitt stated he is still planning on staying open until 2:00 a.m. The late night entertainment is a challenge and he would like to build a better culinary part to the business. Currently he has a good crowd but the weekend is competitive. This is why he would like to have more food and good music and would like to keep similar hours to the current Pickled Herring

Pub. Mr. McDevitt also stated that he may bring the hours of operation back down once the restaurant business increases but for now he plans to close at 2:00 a.m. Mr. McDevitt is considering acoustic music in the afternoon and the early evening and would like to provide an outdoor area (of the upper deck) for smokers as well. The Pickled Herring Pub unfortunately does not have any outside seating. Mr. McDevitt feels that this is a current issue that his patrons have no place to go outside to smoke and maintain their beverages.

Mr. Dobbins inquired if having an outside seating area would alleviate some of the security issues, which the current Pub has. Mr. Dobbins also asked who currently handles these issues at the Pub. Mr. McDevitt responded he didn't feel they had an overwhelming amount of security issues. The issues he does experience are usually around closing and he handles these issues himself. Mr. McDevitt stated that he believes he is the best person to handle any security issues.

Mr. Langille asked for clarification of the staircase on the sketched plans which accompanied the application. Mr. McDevitt explained he intended the proposed restaurant/pub to add to the Town's character, hence the spiral staircase to the upstairs outdoor seating. Commissioner Braley inquired if the spiral staircase was the only entrance and exit to the proposed deck. Mr. McDevitt confirmed that it was the only entrance and exit planned at this time, as he would like to give an early 1900's feel to the front of the structure. However, if the Fire Marshall requires a general fire escape down the back of the structure he would install the necessary steps or he would install a platform and a set of steps as an exit. Mr. Langille suggested Mr. McDevitt get the necessary information from the fire company. Chairman Morgan inquired if the only stairs inside were leading to the attic and wanted clarification if the deck could somehow be accessed through the attic or existing stairs. Mr. McDevitt stated there may be a way to come in through the attic and downstairs, to the deck, and he would have to look into that further but did not feel it was the best idea to send patrons inside the building to exit the structure, if the event of a fire.

Mr. Langille inquired about the proposed firepit shown on the sketch plan. Mr. McDevitt clarified he was proposing a gas fire pit with rocks which is a fire and water feature and should not be any type of ignition source. Mr. McDevitt said he is open to all discussion, suggestions and recommendations.

Mr. Langille asked for clarification on the number of patrons that would potentially be upstairs- 50 patrons, 93 downstairs, and 12 outside. Mr. McDevitt confirmed those numbers were correct and that this would be an increase in allowable patrons from the Pickled Herring Pub. Mr. Langille also requested verification that the proper sewer and water allocations would be

acquired and Mr. McDevitt confirmed they would. Mr. Langille stated he likes the idea but does have some concern about the spiral staircase. Mr. McDevitt elaborated on the sketch stating that it does not clearly show that there is a shed dormer underneath the attic steps and that he could install a platform/catwalk and put a set of stairs down the back of the structure if necessary but would prefer to use the spiral stairs proposed. He would like to wait for the Fire Marshall to review the sketch first before making a final decision on the deck's entrance and exit. Mr. Langille concurred. Mrs. Vennell added Mr. McDevitt would like to wait for a decision from the Planning Commission and Board of Appeals before hiring engineers. Mrs. Vennell informed Mr. McDevitt that he needed to contact the proper agencies involved sewer, water, health and safety, Fire Marshall, and would be subject to these agencies. Also, the Board will be charged with clarifying the safe guards that are going to be put in place in regards to security and the alcoholic beverage license being extended to the outside seating areas. Mr. McDevitt replied the downstairs outdoor seating area planned will be roped and squared off.

Mrs. Vennell advised if the Board of Appeals grants approval, the applicant will be required to clearly show on the site plan, during the site plan approval process, how the outside areas will be secured with regard to the alcoholic beverage license.

Chairman Morgan asked for clarification on the 12 outdoor seats shown on the submitted sketch. Mr. McDevitt stated the tables will be at least 10 feet from the main sidewalk. Mrs. MacKenzie concurred, there is a considerable amount of room between the main sidewalk and the front of the structure as well as along the side of the structure.

Mr. McDevitt advised that the tables in the center of the main restaurant, as shown on the sketch submitted, will be able to be moved back and the area is approximately 20 foot by 30 foot. He also clarified that the ceiling height varies throughout the structure which will determine where the storage areas will be located.

Mrs. Vennell inquired if there are any staging processes with the proposed project. Mr. McDevitt said he will be doing most of the work all at once. Mrs. Vennell stated an extension has not been requested, would the applicant like to request one. Mr. McDevitt stated he does not want to request an extension. Chairman Morgan reported he does enjoy the current establishment and appreciates him incorporating the Town's history in the new restaurant/pub proposal.

Chairman Morgan asked for any additional comments and Mrs. Vennell recommendations which included:

1. Applicant shall submit a Modified Site Plan (modified, as the building is already constructed), and in accordance with the North East Zoning Ordinance. Article 10, and the receipt of site plan approvals from the North East Planning Commission.
2. Water Allocation and Sewer Allocation shall be obtained prior to Final Site Plan Approval.
3. Applicant outlines mechanisms which will be used to deter undesirable activity which may occur in conjunction with the proposed Blues and Jazz Restaurant.
4. Any other conditions that are applicable to the establishment or are necessary for the protection of the public interest and to secure compliance with Section 9-15.

Chairman Morgan inquired about any complaints in regards to Mr. McDevitt's current establishment the Pickled Herring Pub. Mrs. MacKenzie stated yes, but not an overwhelming amount.

Mr. Langille made a motion to recommend approval of Case A-2014-01-SE to the Board of Appeals for the proposed Restaurant/Pub with the following conditions:

1. Letter from Mrs. Vennell dated May 21, 2014 to the North East Planning Commission and the North East Board of Appeals
2. Layout of the establishment including but not limited to fire pit and fire escape for patrons on the second floor shall be subject to review and approval of applicable agencies at the time the site plan is submitted to the Planning Commission.

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

Mr. Dobbins made a motion to recommend approval of Case A-2014-02-SE to the Board of Appeals for the proposed Restaurant/Pub with the following conditions:

1. Letter from Mrs. Vennell dated May 21, 2014 to the North East Planning Commission and the North East Board of Appeals
2. Layout of the establishment including but not limited to fire pit and fire escape for patrons on the second floor shall be subject to review and approval of applicable agencies at the time the site plan is submitted to the Planning Commission.

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

Amendment to Case A-2006-05-SE: The Black Pearl, 2 South Main Street; Outdoor Seating

Commissioner Braley confirmed the barrier will consist of 8-10 bollards, 48 inches in height, set down into the ground 36 inches deep. Mr. Covatta confirmed, and added that the patrons will be able to see over the barrier. Mr. Covatta also added that there will be plantings in concrete pots placed adjacent to the bollards to provide safety and aesthetics. Chairman Morgan stated it would be nice see outdoor seating in that location.

Mr. Covatta reported that there were 2 handicap spaces along Cecil Avenue on the approved site plan. Mr. Covatta relocated one handicap space in the front corner (Main Street and Cecil Avenue) of the parking lot and one closer to the back door of the Black Pearl for safety reasons, as it is closer to the entrance. Mr. Langille stated that only one handicap space should be required, especially since parking in Town is so limited, and recommended changing the handicap parking space in the front corner of the parking lot into two regular parking spaces if the size regulations allow for two. Chairman Morgan concurred and suggested retaining the handicap space closest to building. Chairman Morgan stated Mr. Covatta would need to meet Federal Handicap Parking requirements before making any changes. Mr. Covatta also reported he closed off the Main Street entrance to his parking lot for safety reasons and added two parking spaces. Mr. Covatta concurred he will remove one handicap space and add regular space/spaces in accordance with the Federal requirements. Mrs. Vennell stated she would verify the ADA Parking space requirement for this size parking lot.

Mr. Langille made a motion to recommend approval of the request for outdoor seating to the North East Board of Appeals. Commissioner Braley seconded the motion and the motion was approved by all.

Annual Report 2012 & 2013

Chairman Morgan requested comments regarding the Annual Reports 2012 and 2013. Chairman Morgan requested:

- Page 16, clarification of the rear building line pertaining to a fence height.
- Page 17: Erosion and Sediment Control Ordinance: Remove “ordinance” from the title. Chairman Morgan wanted to clarify that the Cecil County Department of Public Works is the enforcement of the State’s Stormwater Regulations.

- o Page 19: Floodplain Management: Along with the Maryland Department of the Environment, include Federal Emergency Management Agency (FEMA) in the paragraph.

Mrs. Vennell confirmed both Annual Reports 2012 and 2013 would be updated with these changes.

Chairman Morgan made a motion to adopt the Annual Report 2012 and the Annual Report 2013 with the above changes. Mr. Dobbins seconded the motion and the motion was approved by all.

-REPORTS-

Mrs. Vennell reported the North East Fire Company submitted a special exception application for an electronic sign. The Case will be heard during the July 2, 2014 Planning Commission Meeting.

-MISCELLANEOUS-

A new resident, Richard Bartell of Stoney Creek Run Road, North East, reported that the State Highway Route 272 Bridge coming into the Town, is in very bad condition. Mrs. Cook-MacKenzie reported to the gentleman that the State Highway Administration is going to be commencing with a project to replace the bridge, with the notice to proceed June 23, 2014. Mrs. Cook-MacKenzie also reported the State Highway Administration has repaired the bridge several times this past month, however, due to the volume of traffic, none of the repairs are holding up.

-ADJOURNMENT-

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

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Brian Morgan
Chairman