

**NORTH EAST PLANNING COMMISSION**  
North East Town Hall Meeting Room  
106 South Main Street, North East, Maryland 21901  
Monday, August 4, 2014  
7:00 PM

Chairman Brian Morgan called the meeting to order at 7:06 P. M. Present included Vice-Chairman Mark Dobbins and members; Commissioner Eric Braley and Ranald Langille. Also present were Betsy Vennell, Director of Planning and Zoning and Lisa Rhoades, Planning and Zoning Assistant. Mike Kline and Melissa Cook-MacKenzie were absent due to prior commitments.

**-MINUTES-**

June 4, 2014

Mr. Langille inquired if the handicap parking situation regarding the Black Pearl Restaurant had been resolved. Mrs. Vennell reported that American Disabilities Act only requires one van accessible handicap space per this size parking area.

The June 4, 2014 minutes were approved as presented.

**-COMMENTS FROM THE PUBLIC-**

None.

**-REPORTS-**

There were no reports.

**-OLD BUSINESS-**

None.

**-NEW BUSINESS-**

**1.) Case A-2014-06-SE:** Applicant, Greg Feld, K.C. Sign Company, 142 Conchester Highway, Aston, PA 19014 is requesting a special exception for the purpose of installing an electronic message sign/reader board sign at 210 South Mauldin Avenue, North East, Maryland, The North East Fire Company. Property owner: North East Fire Company Incorporated. Also found on Tax Map 401, Parcel 0017 in the Zoning District R-1. Single Family Residential.

Mr. Joe Clark of K.C. Sign Company, 142 Conchester Highway Aston, PA. referred the Planning Commission members to the previously submitted handout depicting the proposed electronic message/reader board sign. Mr. Clark explained that one side of the sign would only be illuminated and would not be electronic. The other side of the

sign facing South Mauldin Avenue would be an electronic message/reader board sign with LED lighting and programmable functions. Mr. Clark added that the sign is adjustable for brightness, size and type of font, time the message will be displayed and stated the sign can be put on a timer. Mrs. Vennell stated that the message must remain for 60 minutes before it may change to a new message, per the zoning regulations.

Chairman Morgan reported the North East Zoning Regulations restrict the time frame that you are able to run the electronic sign. Mr. Phil Hughes of Nowland Associates, Ogleton Road, Newark Delaware stated the back of sign, (the side facing North Mauldin Avenue) will read "North East Fire Company" at the top and below will read "Come visit us at Northeastfirecompany.com". Mr. Hughes said he is aware of restrictions and the portion of the sign that is programmable is approximately 29" by 92". Mr. Hughes also stated that the Fire Company is aware that the sign needs to be off at 10pm and the North East Fire Company will comply with this regulation.

Mr. Langille inquired about the coloring of the sign. Mr. Clark verified that the sign would be red and white as shown on the submitted diagram and the new sign is about half the size of the old sign. Mr. Langille stated this sign will be a great improvement but he was concerned that the other side of the sign would never be programmable in the event of an emergency. Mr. Hughes explained that the original design was for a two sided electronic sign however, the Fire Company decided against it due to the cost. Mr. Hamilton added that if Mauldin Avenue would ever change permanently to a two way street, the Fire Company would change the sign to be electronic on both sides.

Mr. Hamilton reported on the type of messages the Fire Company's electronic sign will display which include events being held in the hall, fundraising events, volunteers needed, upcoming events, information on how to rent the hall and other similar messages. Mr. Hamilton also added that the North East Fire Company will now be on the list of approved emergency shelters. Mr. Hughes stated that the Fire Station as well as the sign will now be powered by a generator in the event of an emergency.

Mr. Hamilton stated 60 minutes may be too long for one message to be displayed before scrolling to the next message. Mrs. Vennell clarified that in the event of an emergency the Town as well as EMS would certainly be willing to work with the Fire Company in regards to the 60 minute restriction on message scrolling. Chairman Morgan stated that this is a new ordinance and if the Planning Commission needs to make modifications, we can revisit the regulations. Mrs. Vennell also stated that due to the Fire Company and schools being located in residential districts, this was brought into consideration when the ordinance was created. Mr. Dobbins added that flashing and changing messages are distracting to drivers and this is why the ordinances are written accordingly.

Mrs. Vennell inquired if Mr. Clark would be setting the lumens/brightness of the sign and initially entering the information into the computer. Mr. Clark reported that LED's are measured in nits, a digital billboard has the capability of doing 10,000 NIT's, a digital billboard on a highway is usually at 7,500 NIT's during the day and at

night would vary between 3,500 to 5,000 NIT's. During the day more of a contrast is needed. This sign will also not be programmed with any action words such as "STOP" etc. which could cause dangerous traffic situations. Mr. Clark added that the sign can be remotely programmed. Mr. Hamilton added that only a select few will have the authorization to change the messages on the electronic sign.

Mr. Langille made a motion for recommendation of Case Number A-2014-06-SE with the following conditions:

1. Letter from Mrs. Vennell dated June 12, 2014 to the North East Planning Commission and the North East Board of Appeals.

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

**2.) CASE NUMBER: A-2014-07-SE:** A Special Exception application from owner, Hudson Benson, 88 Green Meadow Drive, Elkton, MD 21921 for the purpose of upgrading their current on premise Beer and Wine Alcohol Beverage License to an on premise Beer, Wine and Liquor Alcohol Beverage License at the Port House Grill Restaurant, 15 North Main Street, North East, MD. Also found on Tax Map 400, Parcel 140. Zoning District GC. General Commercial. The Planning Commission will form a recommendation to the North East Board of Appeals who will hear this Case on August 5, 2014.

Mr. Hudson Benson, owner of Port House Grill, 15 North Main Street, North East, Maryland, currently has a beer and wine alcohol beverage license. Mr. Benson is requesting to upgrade their current alcohol beverage license from beer and wine to a beer, wine and liquor license to be able to compete with other restaurants in the area. Mr. Benson stated they have been in business for approximately 2 ½ years now and have become known as one of the best restaurants in town. Mr. Benson stated they are losing customers due to their current limited alcohol license. Mr. Benson gave a recent occurrence as an example; potential customers inquired about the restaurants ability to serve mixed drinks with meals, they were informed Port House Grill only serves beer and wine. Benson reported that if potential customers can go to another local establishment and have mixed alcoholic beverages with their meal, he has then lost customers.

Mr. Langille inquired if any comments by any adjoining property owners. Mrs. Vennell reported that the Planning office has received no response from neighbors in regards to the proposed upgrade requested.

Mr. Braley made a motion for recommendation to the Board of Appeals with no conditions. Mr. Dobbins seconded the motion and was approved by all.

Chairman Morgan closed the public hearing at 7:26pm.

**3.) AUTOZONE Preliminary Site Plan:** Proposed AutoZone located on Lot 2, North East Station Shopping Center. Applicant: AutoZone Development Corporation, 123

Front Street, Memphis, Tennessee. Property Owner: North East Station LLC, KIMCO Realty Corporation, 3333 New Hyde Park Road, New Hyde Park, New York. Also found on Tax Map 31, Parcel 1314. Zoning District: HC-Highway Commercial.

Mr. Greg Ursprung of Bergmann Associates representing AutoZone Corporation stated that the proposed AutoZone to be erected on Lot 2 of North East Station Shopping Center will be a 1600 square foot building.

**Parking:**

Mr. Ursprung stated AutoZone will provide 39 required parking spaces, 20 onsite and 19 shared with the adjacent parking lot. Mr. Ursprung reported tenants of the North East Station Shopping Center have the right to use any of shared parking. Mr. Ursprung provided the Town of North East with a lease agreement which allows shared parking for this site. In addition the shared parking will conform to the North East Zoning Ordinance Article 6-8 paragraph 2 Joint Use and Off Site Facilities.

**Stormwater Management:**

Mr. Ursprung reported that the overall shopping plaza is designed to be 95% impervious. The obstruction of this property for the structure of the proposed AutoZone will not exceed that. Mr. Ursprung stated that any stormwater management facilities which are already in place will accommodate any increase in impervious surface run off. Mr. Ursprung reported that AutoZone will be providing water quality units called storm cepters which will provide treatments for phosphorus and they will be installing catch basins for the run off. Commissioner Braley inquired if there would be any catch basins near the back of the building's roof drains. Mr. Ursprung confirmed that there would be catch basins in the rear of the building. Mrs. Vennell inquired about AutoZone's Final Stormwater Management Plan to Cecil County Stormwater Management. Mr. Ursprung responded that they had made a submission but had not yet received any comments or approvals from Cecil County Stormwater Management. Chairman Morgan inquired on whether the Preliminary Site design approval was received for the 3 step Stormwater, Erosion and Sediment Control. Mrs. Vennell reported that the Preliminary site design had been previously approved with conditions and therefore, these conditions will need to be addressed. Prior to coming back to the Planning Commission AutoZone is required to have final Stormwater Management Plan approval.

**Landscaping:**

Mr. Ursprung stated that in regards to the landscaping, 12-10 D requires landscaping along perimeter of the parking and according to site plans there are 3 landscaped islands. However, due to parking restrictions Mr. Ursprung and Autozone propose only providing 2 landscaping islands. In lieu of the landscaped island they are proposing additional landscaping around the perimeter of the parking lot.

Mrs. Vennell reported that the Landscape Plan was submitted just last week to the Landscape Architect and the Planning office had not yet received her comments.

Mr. Ursprung stated AutoZone is providing a substantial amount of landscaping around the perimeter of the parking lot including 1800 square feet of additional landscaping which exceeds the interior parking lot landscaping requirement. AutoZone was granted a rear yard setback variance with the following condition:

- Applicant installs plantings per Bufferyard C, along the front side yard and east side yards. If the additional landscape cannot be accommodated within these locations due to unforeseen site constraints, a recommendation that the additional landscape be installed within the front yard line, of the adjoining lot to the west, thereby creating a visually and aesthetically appealing landscape fronting Route US Route 40.

Therefore, they are required to put additional landscaping along the front of the AutoZone. However, do to the State Highway right away they may not be able to install all of the plantings without infringing on the right away. Therefore, AutoZone spoke with Kimco, the owner of the Lot in North East Plaza and it was determined that Kimco will allow AutoZone to install the landscaping abutting the State Highway Administration (SHA) right away and will allow plantings further to the West to meet the variance conditions. Mr. Greg Reed confirmed that this would be acceptable provided they stay out of the SHA right away.

**Interior Landscape:**

The Planning Commission agreed that due to site constraints, the applicant could provide the required interior landscape around the perimeter, as they had requested. Per the Planning Commission the Landscape site plan sheets shall contain the planting detail requirements as stated in the North East Zoning Ordinance.

In addition, a letter sent to the Planning Commission dated June 30, 2014 requested waivers from the Planning Commission regarding the landscape and site constraints with regard to the interior landscaping requirements and the landscape island requirements. The Planning Commission approved your request to install the required landscape along the north and east side of the site. It was further determined that if those areas could not adequately contain all the landscape, the overflow could be planted to the west of the pad site.

For clarity, the Planning Commission has required a note and table be placed on the landscape plan which outlines the modifications to the landscape requirements, similar to the following example:

<b>Landscape Modifications</b>	<b>Landscape Provided</b>
Waiver of two landscape islands totaling 306 square feet	
Waiver of 10% interior parking area to be landscaped (1,050 square feet)	
Pursuant to Board of Appeals Rear Yard Variance granted on June 26, 2014, Bufferyard C standards are required on North and East Side yard	

**Forest Conservation Plan:**

Mr. Ursprung inquired what the board was looking for in regards to Forrest Conservation. Mrs. Vennell suggested that they follow up with Cecil County Planning and Zoning 410-996-5220, Amanda (she would indicate whether or not this is exempt from Forrest Conservation). In addition make sure that the North East Planning office receives a copy of the letter she sends to AutoZone.

**Water and Sewer:**

Water and Sewer allocation have not yet been requested. Both shall be required prior to returning to the Planning Commission for Final Site Plan review. Mrs. Vennell also reported that the water allocation request must be heard by the Mayor and Commissioners.

**Water Utility Easement:**

Mrs. Vennell stated there will be a utility easement agreement requirement for a meter and a crock. This is done between your firm and our engineering firm. Mr. Ursprung inquired who the easement is provided to. Mrs. Vennell replied the easement is provided to the property owner who then gives it to the Town. After installation of the meter the Town then owns the meter.

**Sediment and Erosion:**

Mr. Ursprung stated the Sediment and Erosion plans have been completed. Mrs. Vennell inquired if AutoZone had received an approval letter from that department and Mr. Ursprung stated he did not believe an approval letter has been received. Mrs. Vennell inquired if AutoZone has obtained grading permits. Mr. Ursprung was unsure if they have been applied for at this time. Mrs. Vennell stated that if the Planning Commission approves the final site plan in September the grading permit can be done independent of receiving the final signature. Mrs. Vennell stated she has written a letter to Cecil County Permits that everything is going through the system getting the required approvals.

**Fire Suppression System:**

Mrs. Vennell inquired about the Fire Suppression system. Commissioner Morgan stated that it is not typically required if the building is under 10,000 square feet. Mr. Langille inquired if the Elkton AutoZone had a sprinkler system. Mr. Ursprung did not know if they had one or not.

**Signs:**

Mr. Langille inquired if all the signage meets our current sign regulations. Mrs. Vennell informed that if the signs are larger than allowed (64 square feet) by our ordinance, then each sign will need a variance. Mr. Ursprung did not believe they would be installing a ground sign because they planned to use the existing shopping center post.

**Bicycle Rack:**

Mr. Ursprung inquired about #22 lane striping. Mrs. Vennell stated this would be referring to directional lanes not bicycle racks. Mr. Ursprung will refer to AutoZone in regards to the bike racks. The Planning Commission concurred that the bicycle rack was not needed.

Mr. Ursprung inquired about how far in advance submittals should be sent for final approval. Mrs. Vennell stated submissions are normally to be submitted 6 weeks prior to the meeting. Understanding the urgency Bergmann Associates has to meet the AutoZone deadlines, Mrs. Vennell reported the Town of North East and the Towns engineers would work together to meet deadlines for the September submission.

Commissioner Braley motioned for approval based on:

1. CNA's Letter dated July 30, 2014
2. Bike Racks
  - a. Which were determined not needed by the Planning Commission.
3. Landscape changes (which have been accepted)
  - a. Removing an island in the parking area and landscaping will be installed around the perimeter of the parking lot.
  - b. Plantings (permitted by Kimco) will be installed in the area abutting the SHA right away and to the West to meet the variance conditions.
4. Flexibility with parking.
  - a. Lease agreement provided, which allows shared parking for this site.

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

**-MISCELLANEOUS:**

**Elk & North East Rivers Watershed Association:**

Mrs. Vennell reported that they would be holding their next meeting on August 12, 2014 at 7 pm and encourage all that would like to participate to attend.

The Black Pearl:

Mrs. Vennell reported that Mr. Covatta has decided not to install the outdoor seating. Mrs. Vennell stated that she spoke with Tony about the water allocation. Chairman Morgan inquired whether or not they are using their entire water allocation because if he is only using a fraction of what is provided may this could be looked at. Mrs. Vennell suggested maybe Mr. Covatta could take 4 or 5 indoor tables outside and then would not be adding seating and therefore there water allocation would not change.

26 S. Main Street:

Mrs. Vennell reported the Mr. McDevitt inquired about repairing and reinforcing the roof at 26 S. Main Street. Mrs. Vennell inquired about the load capacity in regards to the proposed roof top deck. Mr. McDevitt replied that it would be fine. Mrs. Vennell, Jeff Thorpe, Maynard Bare and Mr. McDevitt met to discuss the proposed restaurant/pub at 26 S. Main Street in regards renovations and permits. Mrs. Vennell reported that Mr. McDevitt had been to the Cecil County Permit office two times. At the meeting Mr. Thorpe stated that Mr. McDevitt shall not be permitted to proceed with any improvements or work at 26 S. Main until he has an approved site plan. Mrs. Vennell contacted American Engineering to inquire the status of the site plan and they stated they have not had any request for work from Mr. McDevitt. Chairman Morgan stated that Mr. McDevitt's his original drawing could have been submitted as a site plan since all the work would be interior renovations.

North East Library:

Mr. Langille inquired if there was any news regarding the new proposed library. Mrs. Vennell replied that there was no new information but the response from the public is positive about the new location.

10 North Main Street:

Commissioner Braley inquired about a dead tree on the property of 10 North Main Street. The Town Hall has received several complaints about the tree and that it is a danger to persons and property.

**-ADJOURNMENT-**

With no further business, Mr. Langille made a motion to adjourn at 8:00 p.m. Commissioner Braley seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

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Lisa Rhoades  
Planning and Zoning Assistant

\_\_\_\_\_  
Brian Morgan  
Chairman