

**NORTH EAST PLANNING COMMISSION**

North East Town Hall Meeting Room  
106 South Main Street, North East, Maryland 21901  
Wednesday, August 5, 2015  
7:00 PM

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

**-MINUTES-**

May 6, 2015 Meeting Minutes.

The Planning Commission accepted the minutes as presented.

**-COMMENTS FROM THE PUBLIC-**

None.

**-REPORTS-**

Mrs. Vennell reported Mr. Mike Kline resigned from the Planning Commission and accepted an appointment as a Commissioner on the North East Town Board.

**-NEW BUSINESS-**

Black Pearl/Outdoor Cooker

Kevin McDevitt, manager 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. Also known as Tax Map 0400 Parcel 155. Mr. McDevitt proposes to install an outdoor cooker with outdoor food sales. No additional seating is being requested for this use.

Kevin McDevitt, came to propose an outdoor cooker be installed in the handicapped space which is located at the corner of Cecil Avenue and Main Street. Mr. McDevitt displayed pictures of the two chamber smoker/outdoor cooker he would like to install. It is a two chamber smoker/cooker. Mr. McDevitt stated most of cooking will be done inside the kitchen of the Black Pearl and finished on the outside cooker. Mr. McDevitt stated he is trying to bring new customers to the Black Pearl Restaurant and the smell of food cooking outside is a great way of bring in customers. Chairman Morgan inquired if the outdoor cooker would just be for cooking. Mr. McDevitt stated he would also like the outdoor cooker to be a point of sale. The patrons for the outdoor sales would be able to utilize the outdoor tables to eat. Mr. McDevitt stated there will be no additional seating proposed.

Mr. McDevitt commented on the outdoor seating, previously installed, and thanked Planning Commission for their assistance with the previously heard amendment to the site plan. The Planning Commission commented that the outdoor seating looks nice and adds to the aesthetic appearance of the Black Pearl Restaurant. Mr. McDevitt stated he would like the Black Pearl Restaurant to be a family friendly establishment and the outdoor cooker is a way to market this image.

Mr. Dobbins inquired if the cooker would remain on a trailer. Mr. McDevitt stated that has not been determined as of yet and it would depend on the demand. Mr. McDevitt will be assigning an employee to work at the cooker. Mrs. Vennell inquired about the time frame for the outdoor cookers use. Mr. McDevitt stated he would like to have the outdoor cooker installed and open for sales by August 13<sup>th</sup>, 2015 for the scheduled Bassmaster's Tournament. However, the fall will most likely be the optimum time for sales.

Mr. McDevitt reported that the Cecil County Health Department stated that if he were to prepare sandwiches with lettuce, tomatoes, onions etc. at the outdoor cooker Mr. McDevitt would need to provide a prep station, sink, and canopy. However, if the barbequed meats were to be placed on a roll or to-go container, the prep station, sink and canopy would not be a requirement. McDevitt stated that he may install a canopy over the outdoor cooker for the comfort of his employees and customers. At this juncture, all of the preparation for sandwiches will be done inside and therefore a wash station will not be necessary. Mrs. Vennell stated Mr. McDevitt would be providing a service that no other establishment in the Town of North East offers.

Mrs. Vennell received a concern from a former Planning Commission member, Mike Kline, regarding concerns of excessive smoke emitting from the outdoor cooker. Mr. McDevitt stated that there will be some smoke emitted from the outdoor cooker when you open the lid but not enough to interfere with traffic, the public or other establishments as the smoke vacates quickly.

Chairman Morgan stated he appreciates the creative ideas that Mr. McDevitt has brought to the Town of North East and hopes to see more innovative ideas in the future.

There were no other comments.

With no further comments, Mr. Dobbins made a motion to approve the seasonal outdoor cooker with outdoor food sales. Chairman Morgan seconded the motion and the motion was approved by all.

**-OLD BUSINESS-**

None.

**-MISCELLANEOUS-**

Heron Cove

Mrs. Vennell sent information to the Planning Commission August 4, 2015 regarding Heron Cove which included a tentative schedule, PRD Regulations and information regarding the public information meeting scheduled for September 1<sup>st</sup> at the North East Town Hall. The public meeting is scheduled to hear any of the public's concerns in regards to the proposed Heron Cove project. There is an expectation of questions regarding the flood study and the pedestrian walkway along Route 7.

Mrs. Vennell inquired if the Planning Commission would like to schedule a workshop after the public hearing to discuss the Heron Cove development schedule.

Mrs. Vennell stated approval of the Planned Residential District (PRD) Development is vested with the Mayor and Commissioners. When the Mayor and Commissioners receive an application from a developer, the application will be reviewed by the Planning Commission and the Planning Commission will hold a public hearing in which a recommendation will then be made to the Mayor and Commissioners. The Mayor and Commissioners then have 30 days to form an opinion regarding the tentative plat. Mrs. Vennell stated that typically within the legal opinion there will be references to letters from the Critical Area, Maryland Department of the Environment (MDE), the Core of Engineers and other agencies.

Chairman Morgan stated this is a new submittal and it will need to be reviewed as such. There are new guidelines in place and the plans will be reviewed in relation to those guidelines. Mrs. Vennell stated the regulations regarding fill dirt have changed since Heron Cove submitted their last proposal. Previously, to install over 600 cubic yards of fill dirt a variance would have been required by the Board of Appeals but under the current Critical Area Regulations a variance would not be required as long as it can be proven on the Hydrology and Hydraulics study that flooding would not be increased. Chairman Morgan added that a permit would be required through the MDE.

Chairman Morgan inquired if the PRD has design guidelines that Heron Cove would need to commit to for the community and his concerns regarding insufficient parking and that there will be no rear yard access without entering an adjoining neighbor's property. The side yard access and rear yard access both need to be wide enough as to not enter a neighboring property to access their own rear yard.

Chairman Morgan stated that previously there was a problem with easements and connecting the walkway to the Route 7 bridge. Mrs. Vennell stated there was an unclaimed property issue but now there is a protocol for obtaining ownership to unclaimed properties. Mrs. Vennell stated there also was an easement issue with the access off North East Isles Drive that the developer will need to address. Mr. Dobbins inquired about traffic study. Mrs. Vennell stated she has the old State Highway Administration Traffic Impact Study, however the Planning Commission could request a new one.

**-NEXT MEETING-**

September 2, 2015

Mrs. Vennell reported Mr. Kevin McDevitt has submitted a Special Exception application for 26 South Main Street for a proposed Restaurant/Pub and an Alcoholic Beverage License. The two cases will be heard at the September North East Planning Commission Meeting to form a recommendation to the North East Board of Appeals who will also hear the cases in September.

**-ADJOURNMENT-**

With no further business, Commissioner Braley made a motion to adjourn at 8:02 p.m. Mr. Dobbins seconded the motion and the motion was approved by all.

Respectfully submitted:

Lisa Rhoades  
Planning and Zoning Assistant

Brian Morgan  
Chairman