

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Wednesday, November 5, 2014
7:00 PM

Chairman Brian Morgan called the meeting to order at 7:00 P.M. Present were members Commissioner Eric Braley, Ran Melissa Cook-MacKenzie, Town Administrator; Betsy Vennell, Director of Planning and Zoning and Lisa Rhoades, Planning and Zoning Assistant. Melissa B. Cook-MacKenzie, Mark Dobbins and Mike Kline were absent from the meeting.

The meeting was called to order at 7:03am.

-MINUTES-

September 3, 2014:

Mr. Langille would like it noted that he was not in agreement with the AutoZone Final Site Plan approval. He would like the September 3, 2014 minutes to reflect a 4 to 1 vote in favor of approval of the AutoZone Final Site Plan approval. The minutes were approved as amended.

-COMMENTS FROM THE PUBLIC-

John Hamilton, North East Fire Company- Message Board Sign:

Mrs. Vennell reported that the North East Fire Company requested and received a special exception for the purpose of installing an electronic message board sign at the Fire Company in the summer 2014. The Opinion regarding the Case specified that there be open dialogue between the Fire Company and the Town with regard to how the sign regulations are working, as it was the first Institutional Message Board Sign which had been approved.

Mr. John Hamilton from the North East Fire Station, 210 Mauldin Avenue, North East, Maryland requested to discuss the Electronic Message Board Sign recently installed at the North East Fire Station. Mr. Hamilton stated that they abide by all of the sign regulations the Planning Commission has set, the sign's brightness is turned down at night, and the sign is turned off at 10 p.m. at night. Mr. Hamilton reported that they have had no complaints from the neighbors regarding the sign.

Mr. Hamilton reported he is representing the members of the North East Fire Station and reported that their concern is with the amount of time (60 minutes)

a message must stay on stationary on the sign before changing to the next message. Mr. Hamilton reported:

- Utilizing a 60 minutes per message requirement, they are permitted 16 hours or 16 different signs per day. Mr. Hamilton reported that they now running five signs, which run approximately three times within the 16 hour time span. The first message runs at 6:00 am and ending at 7:00 am, and changing hourly throughout the day with the last message at 7:00 pm-8:00 pm. Mr. Hamilton reported they currently have 17 messages which they would like to run, however, those who are advertising events on the sign want the message displayed at different times throughout the day, not just from 6:00 am to 7:00 am., for example.
- Mr. Hamilton reported the second issue occurs when there is a message that would light up the entire electronic message board. He explained that because all of the lights are lit and the message is holding steady for 60 minutes the electronic message board is heating up when it stays lit without changing for that long.
- Mr. Hamilton stated he has received complaints because the patrons paying for messages are not seeing the message posted frequently enough.
- Mr. Hamilton also reported that the fire house members would like to see the time and temperature displayed 24 hours a day. Commissioner Braley inquired if the time and temperature would fill the entire sign when displayed. Mr. Hamilton stated that the time and temperature do fill the entire sign. Mrs. Vennell suggested that if it was possible to lower the lumens from 10 p.m. to 6 a.m. that may not bother the adjoining residential homes. Mr. Hamilton said that he would like to try that.

Mr. Hamilton reported he has done some research and stated that at 30 miles per hour (mph) it takes 7 seconds to drive past the North East Fire Station. Mr. Hamilton reported that no matter what the timing of the message posted is, you will only be able to view one message as you pass the electronic sign. Mr. Hamilton called 7 different sign companies and the majority of them reported the normal message is 20 seconds. K.C. Sign Company who installed the North East Fire Company sign also is in agreement that 20 seconds is the most common message setting.

Mr. Hamilton stated that the State Highway message signs are also in accordance with the 20 second message time. Chairman Morgan inquired if the 20 second timing was the standard in Delaware. Mr. Hamilton added that he was told that Delaware does not specify any time limit (except for incorporated towns) but the most common time was 20 seconds.

Chairman Morgan inquired what would work best for the Fire Company. Mr. Hamilton reported that today, the date of the Planning Commission meeting, he changed the message board sign to 30 second time intervals to see what 30 seconds looked like. Mr. Hamilton stated his concern was that the sign would appear that it was flashing or jumping. Mr. Hamilton reported that he and several members of the Fire Company noted the sign was not flashing or jumping and the sign transitioned to the next message without any problems.

Chairman Morgan suggested, since this is the first electronic sign in town and Mr. Hamilton did adequate research on the timing of electronic signs in similar towns, the Planning Commission should let the Fire Company run the electronic sign messages at 30 seconds a message for a trial period of one month.

Mr. Langille stated he would like to see the sign tested at 10, 20 and 30 second intervals.. Chairman Morgan and Commissioner Braley stated it would be better to test a 30 second message time for one month. If the Fire Station feels that 30 seconds still does not work, then they could try 20 seconds. Mr. Langille stated that he is in agreement with the trial period. Chairman Morgan asked Mr. Hamilton to come to the December 3, 2014 Planning Commission meeting and report how the sign is working at 30 seconds as well as the posting of the time and temperature from 10 p.m. to 6 a.m.

Commissioner Braley made a motion on the North East Fire Company's electronic message/reader board sign with the following conditions for a one month trial period:

1. 30 second electronic message time intervals.
2. The time and temperature message be permitted to run from 10:00 p.m. to 6:00 a.m., with reduction in lumens during that time period.

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

Mrs. Vennell stated after the trial period, and the Planning Commission is secure with the changes to the regulations, an amendment to the zoning regulations would occur. Mrs. Vennell reported she would write a memorandum from the Planning Commission to the Mayor and Commissioners and the Board of Appeals of the trial period of the 30 second electronic message time.

-REPORTS:

Maryland Department of Transportation - Annual Tour Meeting 2014:

Mrs. Vennell reported that she and Mayor McKnight met with Delegate David Rudolph and State Highway Administration in September 2014 to review the Town's annual requests, in preparation of the Annual Maryland Department of Transportation Meeting, conducted in October 2014. One of the requests discussed, was the request for a pedestrian walkway at the intersection of Route 272 and Route 40. Mrs. Vennell reported that they were pleased to learn that the State Highway Administration indicated that this project is at 15% design completion. In response to reviewing the limits of the project, the Town submitted a letter to State Highway which requested they include a sidewalk from the Timberbrook Development to the proposed 272/40 walkway. The request was pursuant to the 2012 Transportation Plan maps, located in the North East Comprehensive Plan. Since that letter of request was sent, the Town has received a response that the State Highway will investigate the feasibility of the proposed sidewalk, with the consideration to incorporate the additional sidewalk into their current design. The State Highway administration indicated they would invite the town to the Preliminary investigation meeting in January.

Cecil County US route 40 – Transportation Study:

Mrs. Vennell reported that the Town was invited to a meeting regarding a transportation study of the Route 40 corridor, being conducted by WILMAPCO. The consultant performing the study is Whitman, Requardt and Associates. WILMAPCO had provided the consultant with a copy of the Town's Transit Overlay District approval, Transportation Plan updates in the 2012 Comprehensive Plan, and the Town's "HCOD" Highway Commercial Overlay District in the Zoning Ordinance. Mrs. Vennell reported that the Towns of Perryville and Elkton were also present, along with Tony DiGiacomo, Principal Planner for Cecil County. The consultant will be reviewing transit stations, Cecil County and Town Bicycle Plans, Greenways, Pedestrian Access, etc. WILMAPCO proposes to conduct a two-day 'charrette' in February or March 2015, where they are requesting the Town's Planning Commissions, Mayor and Commissioners, County Council, residents and business owners to attend to review and comment on the proposal.

Irishtown Road to Church Street.

Mrs. Vennell reported that a few years back, the Town requested pedestrian sidewalks, lighting, and a bicycle path from Irishtown Road to Church Street, to connect with the existing sidewalk. Mrs. Vennell reported that during her meeting in September with Mayor Robert McKnight, Delegate David Rudolph and the State Highway Administration, the Town learned that the Irishtown Road to Church street project will be at 100% design completion in January 2015. The State Highway Administration indicated that if funding is available,

they can advertise for construction in March 2015, however, currently there is no funding available, although, the State reported that this project will be a candidate for the Fiscal Year 2016 construction program.

Subdivision Regulations

Mrs. Vennell reported that she has been working with the Town's Engineer, CNA, to revise the subdivision regulations. The Planning Commission will receive the draft in January or February, 2015.

Mr. Langille stated that he this is a good way to insure that construction is done according to the presented site plans and this will help to protect the home buyer.

FEMA Maps

Mrs. Vennell reported that FEMA has completed the appeal process of their latest FEMA maps and a final letter of determination is expected within the week. The town is required to adopt the regulations within six months of the Letter of determination, which will be an adoption by May 4, 2015. The Town has offered FEMA the use of the North East Town Hall as a location to conduct their required Cecil County open house.

Heron Cove Development

Mrs. Vennell reported that the Heron Cove Project went to the Technical Advisory Committee at the County in September, as a new project. Since the project has lost their growth allocation, and all development will be required to comply with the Limited Density requirements of the Critical Area Regulations. In addition, because of the Town's floodplain regulations, the Developer is required to do a preliminary flood study which they are currently working on. After completion of the study, they will submit their findings to the Town's engineer for review and acceptance. They also are interested in receiving a CLOMAR, which will require them to do a more extensive flood study, later in the project. The Developer's engineer also reported that they are currently in the process of a wetland re-delineation of the development envelope.

A meeting was conducted with the Town, Dan Speakman, McCrone Engineering and the Developer's Engineer, Morris and Ritchie on Monday, November 3, 2014. Morris and Ritchie brought the existing floodplain maps, adopted in 2013 and the proposed floodplain maps, due for adoption in 2015, and because the proposed maps are more accurate than the current maps, they have requested that during the process of concept, and preliminary, they be permitted to design to the proposed maps, instead of the existing maps.

The Planning Commission indicated that this is acceptable only if the Town's FEMA representative concurs the Developer is permitted to do this.

-OLD BUSINESS-

None.

-NEW BUSINESS-

Section 5-4 "RO" Residential Office District Regulations:

Mrs. Vennell reported that the "R-O" need to be reviewed for consistency with our current permitted uses. There are uses which outlined which are more appropriate in other zoning districts, and some uses which conflict with the location in the "R-O" district. Mrs. Vennell displayed the North East Zoning Map indicating where the "RO" district was located.

Mrs. Vennell stated that the current "R-O" regulations allow a clinic, however, the Clinic Regulations in Section 6-34 prohibits clinics in the "R-O" district. Other permissible uses in the "R-O" district which either have conflicting regulations or are inappropriate uses within the residential district include "sanitoria, hospitals, nursing homes, private clubs and orphanages". Mrs. Vennell reported that the "RO" district contains primarily residential dwellings, along with one daycare, a medical office building, a boys and girls club, a title company a barber shop and the North East Elementary School. Mr. Langille inquired about the use "private clubs". Mrs. Vennell clarified that term "private clubs" could also include the use of a smoking clubs, vap-clubs or lounges. Mr. Langille stated that those uses would be better under the "Adult Uses" category and would therefore be more suited in the "HC" Highway Commercial District.

Chairman Morgan stated that he felt the "RO" district was the professional district, where there are some commercial business but of a professional nature, such as realtor, engineer, lawyer, etc. The Planning Commission discussed the possible uses with the close proximity to the North East Middle School. Mrs. Vennell reported that there is a medical office on the corner of Cecil Avenue and Mauldin Avenue and did not want to make this medical office a non-conforming use while amending the regulations. Chairman Morgan clarified that a physician's office would be permitted but not a clinic and the Clinic Regulations would outline the difference.

Chairman Morgan stated he would remove paragraph (d) and (e) from the "RO" Residential Office District Regulations. He added the wording "Semi-public and private institutions of an educational, charitable and philanthropic nature" can

remain so as not to make the current uses non-conforming. Mrs. Vennell stated she would make the amendments and schedule a public hearing.

Section 6-26 Adult Oriented Commercial Enterprises and Services:

Mrs. Vennell reported that due to recent inquiries regarding the "Smoking Shop" definition found in Section 6-26, she would like to include additional definitions and terminology into Section 6-26. "Smoking Shop", to provide clarification to the public. Mrs. Vennell stated that the new terms were non-existent when then the current regulations were written. Some of the new terms will include vaporizer shops, vap-pens, e-cigarette vaporizers, electronic cigarettes and smoking clubs and/or lounges.

In addition, Mrs. Vennell reported that there had been a recently inquiry about someone who wanted to open a "Bail Bond Office" in the "R-O" zoning district. Mrs. Vennell reported that after her review of the intent of the district, the request was denied, however, reported that this use is not addressed in the Ordinance, and it would best to be called out, and to be located in the Adult Uses section of the regulations, as it is not type of office which was intended for downtown North East or interspersed with the residential homes. The Planning Commission concurred.

Mr. Langille clarified that the Planning Commission wanted to add terms such as vaporizer shops, vap-pens, e-cigarette vaporizers, electronic cigarettes, smoking clubs and Bail Bond Offices to Section 6-26 "Adult Oriented Commercial Enterprises and Services". Chairman Morgan stated that was correct. Mr. Langille stated that the "H-C" district would be the proper location for these businesses.

-MISCELLANEOUS:

Marquee signs:

Mr. Langille stated that he had been reviewing Section 7-9 of the North East Zoning Ordinance since the Auto Zone Final Site Plan meeting in September and wanted to clarify whether a business in a shopping center can put a sign on the shopping centers marquee and could also have another ground sign. Mrs. Vennell reported that each independent store on a separate lot within the North East Station, is permitted to put a ground sign on their own lot for their business. For instance, Wendy's, West Marine, Lowe's and the Waffle House are each located on an independent lot, and each of those businesses has been permitted to install their own ground sign. With regard to the "marquee" sign entering the shopping center from Route 272 and Route 40, the "strip-mall" shopping center is located on an independent lot, and each of the businesses

within the ‘strip mall’ are permitted to advertise their business on the ‘marquee sign’ on the sign, if it is located on that lot. For example, the “marquee” sign contains signs for Food Lion, Walgreens, Nino’s Pizza, etc. which are stores in the “strip-mall”.

Appearance Standards and “HCOD” Highway Corridor Overlay District

The Planning Commission commented that they were unhappy with the appearance of the proposed “Auto Zone” going into the North East Station. They were concerned that this is not the appearance they wanted to front Route 40. Mrs. Vennell stated that Town’s Zoning Ordinance has Appearance Standards as well as “HCOD” Highway Corridor District Overlay Regulations which allow for the Planning Commission to make decisions based on the desired appearance and theme of the Town. Chairman Morgan reported that other towns like Easton and Chestertown, Maryland have certain characteristics or themes that are carried throughout the town. Chairman Morgan stated this would have helped in making their decision about the AutoZone signs, and added that the proposed AutoZone signs will be a distraction from the nice appearance of the shopping center. Chairman Morgan stated it is unfortunate, but going forward we will refer to these articles in our ordinance. Mr. Langille was in agreement and did not approve of the AutoZone signs or appearance of AutoZone as it had been presented.

Chairman Morgan stated that because the Highway Commercial and Overlay District is basically the entrance to our Town we should make sure that it is not overlooked when we are considering new construction in regards to the esthetic appearance of our town. The board discussed at length, other towns and even fast food businesses and retail chain appearances into their towns.

Mrs. Vennell inquired if the Planning Commission would like to review the current ordinances and regulations. Chairman Morgan said that the ordinances and regulations need to be reviewed and this needs to be made a goal of the Planning Commission. Chairman Morgan also stated that it is not his intension to take the architectural design away from the contractor but also does not want designs that take away from the Town’s overall appearance. Commissioner Braley added that if retail chains or fast food companies were interested in coming into our Town they most likely would be willing comply with the design aspects of the Town.

Mr. Langille mentioned the new wine tasting room’s sign, it adds to the appearance of the town instead of being a distraction and it would be nice if other shops along Main Street followed suit.

-ADJOURNMENT-

With no further business, Commissioner Braley made a motion to adjourn at 8:47p.m. Mr. Langille seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Brian Morgan
Chairman