

NORTH EAST PLANNING COMMISSION

North East Town Hall Meeting Room
106 South Main Street, North East, Maryland 21901
Wednesday, December 3, 2014
7:00 PM

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

-PUBLIC HEARING-

Ordinance 2014-12-01: Amendments to the North East Zoning Ordinance: Article 5. District Regulations. Section 5-4. 'RO' Residential -Office District Regulations. Amendments to Article 6, Supplementary Regulations. Section 6-26. Adult Oriented Commercial Enterprises.

Vice Chairman Dobbins opened the Public Hearing at 7:03 P.M. There was no one in attendance from the public who signed up to speak. Mrs. Vennell reported that there were no calls, letters or comments received by the Planning office, regarding Ordinance 2014-12-01. With no further comments the Public Hearing was closed at 7:06 P.M.

-MINUTES-

November 5, 2014 Meeting Minutes.

The Planning Commission accepted the minutes as presented.

-COMMENTS FROM THE PUBLIC-

None.

-NEW BUSINESS-

1. Recommendation of Ordinance 2014-12-01 to the Mayor and Commissioners.

Vice Chairman Dobbins read into the minutes the full Ordinance 2014-12-01, (see attached). Mrs. Vennell reported that Town's Attorney Dennis Clower sent a letter including some minor changes. Specifically, the changes will allow existing businesses that currently sell tobacco products to continue to sell those products. However, they will not be able to add new tobacco products or uses.

Mr. Langille made a motion to recommend to the Mayor and Commissions Ordinance 2014-12-01 including the changes in the letter dated November 25, 2014 from Attorney Dennis Clower (see attached). Commissioner Braley seconded the motion and the motion was approved by all.

Mrs. Vennell reported, the Ordinance will become effective December 20, 2014, provided it is adopted by the Mayor and Commissioner on December 10, 2014.

2. ARTICLE 7, Section 7-23 ELECTRONIC MESSAGE SIGNS AND READER BOARD SIGNS, Paragraph 2, Institutional Electronic Message Signs/Reader Board Signs.

30 Second Message Frequency

Mr. John Hamilton, of the North East Fire Company, came to the meeting on behalf of the North East Fire Company, 210 Mauldin Avenue, North East Maryland. Mr. Hamilton reported that the fire company completed their 30 day trial period programming their electronic reader board sign with a 30 second stationary message as the Planning Commission had requested at the November 5, 2014 Planning Commission meeting. Mr. Hamilton stated that he set the electronic sign to change messages every 30 seconds for the following two weeks. Mr. Hamilton reported he changed the setting to 20 seconds for two weeks. Mrs. Vennell inquired of Mr. Hamilton whether the 30 second message time was sufficient to meet the needs of the fire company. Mr. Hamilton reported there was little difference between the 30 second message and the 20 second message. Mr. Hamilton stated he had received some feedback regarding the white background, it is too bright and the green lettering, is difficult to read. Mr. Langille added that signs in the Highway Commercial and Limited Commercial districts would need to be brighter than those in the residential districts. Mr. Dobbins remarked that he found the North East Fire Company electronic reader board sign easy to read. Mrs. Vennell reported she has received no feedback from the community.

24 Hour Time and Temperature

Mr. Hamilton stated he had not added the time and temperature to the electronic sign for a 24 hour period, as previously discussed at the November 5, 2014 Planning Commission meeting. Mr. Hamilton stated the Fire Company would still like to add the time and temperature but he did not want to make too many changes at one time. Commissioner Braley stated it would be nice for the community to have the time and temperature running 24 hours a day. The Planning Commission determined the 24 hour time and temperature shall be permitted to be displayed with low lumens. Mr. Langille stated that when making changes/amendments to the ordinance for the North East Fire Company, for instance the message time and lumens, these changes will be for everyone in the R-1, Single Family Residential district. Mr. Langille also commented on an email Chairman Morgan sent December 2, 2014 to the Planning Commission stating that he had no objection to a 30 second stationary message time. Mr. Langille also discussed the differences between video and electronic message board signs. Vice Chairman Dobbins added video is prohibited (Article 7, section 7-23) in all of our zoning districts. Mr. Langille stated that he would like the amendments regarding the electronic reader board signs to be specific. Commissioner Braley added that he would still like to keep this discussion open and if needed, to discuss it again in the future.

Mr. Hamilton stated that if the Planning Commission has any comments in the future regarding the electronic sign the North East Fire Company would be very happy to hear them.

Mr. Kline made a motion to recommend a zoning ordinance amendment, to the Mayor and Commissioners, ARTICLE 7, Section 7-23, Institutional Electronic Message Board Signs/Reader Board Signs to:

1. Amend the message frequency to permit Institutional Signs to change their messages every 30 seconds.
2. Allow time and temperature to display 24 hours a day with low lumens between 10 pm to 6 pm.

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

-OLD BUSINESS-

None.

-REPORTS-

FEMA Regulation Updates

Mrs. Vennell reported that the Planning Commission is required to adopt updates to the FEMA Maps and Floodplain Regulations in the zoning ordinance by May 4, 2015. Mrs. Vennell stated that in North East some of the floodplain areas have been removed on the new FEMA maps based on updated data.

Heron Cove

Mrs. Vennell reported that Heron Cove is a proposed subdivision of 100 homes in the 100 year floodplain. Mrs. Vennell stated that Heron Cove will be required to do a flood study and then a Clomar will be required. Once each home is built Heron Cove's engineer will need to provide an elevation certificate and the project will need a Lomar. The developer's engineer has indicated there will be several feet of fill dirt which is required to elevate the site in preparation for the road and homes to be constructed. Mrs. Vennell stated that the Lomar will take Heron Cove out of the 100 floodplain if the land is higher than what the FEMA maps show as floodplain. Vice Chairman Dobbins stated just the corner of North East Isles is in the 100 yr floodplain. Mrs. Vennell added if no Lomar is issued, occupancy will not be issued. Mr. Langille inquired where the fill dirt would go. Mrs. Vennell responded in the development envelope. Mr. Langille inquired if the homes would be level with the buffer and is there going to be a lot of fill dirt. Mrs. Vennell stated there will approximately 6 to 7 feet of fill dirt but does not know what the actual requirement at this time.

Mrs. Vennell stated this project is still at the very beginning stages and the engineer Morris and Ritchie Associates (MRA) is submitting a proposal to Mr. Lazerov with an estimated cost for the project. The Town has hired Dan Speakman of McCrone Engineering to the review plans for Heron Cove. Mrs. Vennell stated that Heron Cove must stay within the regulations. Mr. Langille inquired if fill dirt is put in will Heron Cove be installing retaining walls to prevent erosion into the North East River. Mrs. Vennell stated there is a process of engineering with this magnitude of fill to prevent erosion. In addition, Heron Cove will have to work with North East Isles Homeowners Association on the easement agreement for the entrance to Heron Cove. The developer's concept also proposes a kayak launch which the Critical Area Commission has denied previously. Mrs. Vennell proposed having a workshop in regards to the proposed

development of Heron Cove where the Planning Commission could review the purpose of a PRD (Planned Residential Development Community).

Pier One

Vice Chairman Dobbins inquired about the Pier One Restaurant. Mrs. Vennell reported that she and Mrs. Rhoades met with Mr. Vinnie Cirino December 3, 2014 to discuss Pier One's parking lot project. Mrs. Vennell stated the parking lot was to be graveled for 1 year and then paved. The Planning Commission had requested the parking spaces be moved two to three feet, however, during the construction of the parking lot. Mrs. Vennell reported there seems to be some confusion between Mr. Cirino, his engineer (American Engineering) and Cecil County Storm Water Management.

Mrs. Vennell informed Mr. Cirino that he was in violation of the North East Zoning Ordinance but she would be willing to call Storm Water Management and meet with them and Mr. Cirino to get any confusion cleared up. Mr. Cirino stated he could not put the parking spaces in or finish the parking lot and he would barricade the entrance to the parking lot if necessary. Mrs. Cook-Mackenzie stated that he cannot have a driveway without a structure on the lot. After some discussion the Planning Commission felt it would be a shame to lose additional parking and the handicap space and hope that the situation with be resolved.

-MISCELLANEOUS-

Commissioner Braley stated he will not be able to attend the January 7, 2015 meeting.

Mrs. Vennell stated the planning office received a re-zoning application for a residential property on Race Street. Mr. Peter Woods has requested it to be re-zoned to "VC" Village Commercial.

Mr. Kline inquired if a planning commission member could teleconference for a meeting. Mrs. Vennell stated that she would look into it.

-ADJOURNMENT-

With no further business, Mr. Langille made a motion to adjourn at 8:23 p.m. Mr. Kline seconded the motion and the motion was approved by all.

Respectfully submitted:

Attest:

Lisa Rhoades
Planning and Zoning Assistant

Brian Morgan
Chairman