

TOWN OF NORTH EAST

2011

ANNUAL PLANNING REPORT



September 2012

*Prepared By:
Town of North East
Office of Planning and Zoning
for the North East Planning Commission*



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TOWN OF NORTH EAST PLANNING COMMISSION

CERTIFICATE OF ADOPTION

In accordance with the provisions of Section 3.09 of Article 66B of the Annotated Code of Maryland, the Town of North East Planning Commission hereby adopts the following Annual Report of the North East Planning Commission, filing same with the Mayor and Commissioners and the Secretary of the Maryland Department of Planning.

North East Planning Commission

Brian Morgan

Brian Morgan, Chairman

September 5, 2014

Date



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MAYOR

Robert F. McKnight

VICE-MAYOR

Hilary A. Crothers-Moore - January 2011 - February 2011

Kena L. Koch - February 2011 – December 2011

COMMISSIONERS

Hilary A. Crothers-Moore

Eric B. Braley

Kena L. Koch

Paul A. Stark

EX-OFFICIO TO THE PLANNING COMMISSION

Eric B. Braley

TOWN ADMINISTRATOR

Melissa B. Cook-MacKenzie

CLERK-TREASURER

Anne F. Fazio



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Planning Commission Members

Brian Morgan, Chairman

Valerie Combs, Vice-Chairman
(JANUARY – AUGUST 2011) – (RESIGNED AUGUST 2011)

Commissioner Eric B. Braley, Ex-Officio

Michael Kline, Vice-Chairman
(NOVEMBER – DECEMBER 2011)

Ranald Langille

NORTH EAST PLANNING COMMISSION

The North East Planning Commission, acting under authority granted by the State of Maryland, Article 66B, regulates the development of land in the Town of North East. The Planning Commission consists of five members appointed by the Mayor and Commissioners. The Planning Commission's duties are outlined in the North East North East Zoning Ordinance and the North East Subdivision Regulations.

When the Planning Commission has business to conduct, they meet on the first Wednesday of each month beginning at 7:00 p.m. in the North East Town Hall Meeting Room, 106 South Main Street. In addition, special meetings or workshops may be held throughout the year. The Planning Commission meetings are open to the public.



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PLANNING STAFF

Zoning Administrator

Melissa B. Cook-MacKenzie

Director of Planning

Betsy Vennell

Planning and Zoning Assistant

Bethany Hollars

Secretary to the Planning Commission

Bethany Hollars

Town Attorney

Dennis S. Clower, Esquire

Town Engineers

CNA, Inc.

Entech Engineering, Inc.

Contracted Services

Mark Gradecak, Gradecak and Associates

Patricia Lemmerman, ASLA Registered Landscape Architect

Severn Trent Environmental Services, Inc.

EastStar Environmental Group, Inc.



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POWERS AND DUTIES OF THE PLANNING COMMISSION

The powers and duties of the North East Planning Commission are found in the North East Zoning Ordinance, Section 9-5. Powers and Duties of the Planning Commission.

1. The Planning Commission may:
 - (a) Make studies and recommend to the Mayor and Commissioners plans, goals, and objectives relating to the growth, including annexations, development and redevelopment of the Town and develop a comprehensive plan in accordance with the provisions of Article 66B of the Annotated Code of Maryland.
 - (b) Develop and recommend to the Mayor and Commissioners policies, ordinances, administrative procedures and other means for carrying out plans in a coordinated and efficient manner.
 - (c) Make recommendations to the Mayor and Commissioners concerning proposed zoning classifications and reclassifications.
 - (d) Hear and decide applications for land development and approve subdivision plats and site development plans.
 - (e) Make recommendations to the Board of Appeals on special exceptions.
 - (f) Prepare and forward to the Mayor and Commissioners an annual report in accordance with Article 66B of the Annotated Code of Maryland.
 - (g) Exercise any other powers as set forth in Article 66B of the Annotated Code of Maryland.
2. The Planning Commission may adopt rules and regulations regarding its governing procedures and operations not inconsistent with the provisions of this Ordinance.
3. The Planning Commission may delegate authority for review and approval action to the Town Administrator as deemed appropriate.



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NORTH EAST COMPREHENSIVE PLAN

The Comprehensive Plan is the official statement of the Mayor and Commissioners of the Town of North East setting forth policies concerning desirable future growth, which serves as a general guide to public and private development decisions. Once adopted, it becomes the basis for the preparation of specific policies, programs and legislation, such as zoning and subdivision regulations, and other actions, which implement the growth policies set forth in the Plan.

The Plan is comprised of several major elements that are prepared in such a manner that they form an integrated, unified document for guiding future growth and development. As a policy document it is general, comprehensive, and long range in nature. It is comprehensive in that it encompasses the entire geographic area of the Town and includes all functional elements that bear upon its physical development, such as transportation, land use, and community facilities. It is general in that it summarizes policies and proposals but does not establish detailed regulations. It is long range in that it looks beyond current issues to problems and opportunities related to future growth over the next twenty years.

Pursuant to Article 66B, Section 3.05. The Plan. Section (b) (2), The Planning Commission is required to review and if necessary, revise or amend the local Comprehensive Plan every six years. In 2011, a workshop was conducted with the North East Planning Commission and the Mayor and Commissioners to review potential amendments to the North East Comprehensive Plan.

The Planning Commission and the Mayor and Commissioners conducted a workshop to review the Elements of the Comprehensive Plan and concluded that the majority of the Elements were in satisfactory condition. It was agreed, however, that the Transportation Element was outdated and should be revised. The Planning Commission worked with their Planning Consultant to prepare a complete text revision as well as preparation of several detailed transportation planning maps. In addition, the Mayor and Commissioners and Planning Commission agreed on minor amendments of the Land Use Plan Map.



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PROCESS IMPROVEMENTS

Infill Regulations

The North East Planning Commission is committed to making the planning process as user friendly as possible. Their goal is to have the planning process not be so difficult that good development is discouraged without compromising Federal, State, County and Local laws. One example of this includes amendments to the Infill Development Regulations, providing more development as a matter of right.

Ordinance Amendments

There was one (1) amendment in 2011 to North East Zoning Ordinance.

ORDINANCE 2011-03-01: ARTICLE 5. DISTRICT REGULATIONS PART II. SPECIAL DISTRICTS; SECTION 5-16. "HCOD" HIGHWAY COMMERCIAL OVERLAY DISTRICT REGULATIONS, PARAGRAPH 7 ARCHITECTURAL REVIEW; AMENDING SUB-PARAGRAPHS (8) (a) and (b) TO MODIFY THE PROCESS FOR REVIEWING REPLACEMENT SIGNS; ARTICLE 6 SUPPLEMENTARY REGULATIONS; SECTION 6-14. UTILITY BUILDINGS, AMENDING PARAGRAPH 8. TO ALLOW ONE UTILITY BUILDING PER UNIT WHEN A LOT CONTAINS A DUPLEX HOME.

Public Roads Dedicated to the Town in 2011

The following deeds were accepted by the Mayor and Commissioners in 2011:

<u>Street Name</u>	<u>Subdivision</u>
Mallory Way	Courts of Mallory
Greenbrier Court	Courts of Mallory
Merion Circle	Courts of Mallory
Augusta Loop	Courts of Mallory



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PROJECT STATISTICS

Infill Projects	2 (see below)
Modified Site Plans	2 (see below)
Zoning Text Amendments	1 (see below)

MODIFIED SITE PLANS

1. Case A-2011-01-SE: Review of modified final site plan for proposed restaurant at 15 N. Main Street, North East. Approved.
2. North East Commerce Center, 4 Center Drive, North East, MD: Amendment to site plan to add Manufacturing and Dairy Food Processing. Approved.

INFILL PROJECTS

1. Woody's Crab House, 29 South Main Street, North East: Construction of a 1,920 square foot pavilion to replace a seasonal tent. Approved.
2. Port House Grill, 15 North Main Street, North East: Demolition of existing structure and re-construction of two-story structure to serve as a restaurant on the first floor and business offices on the second floor. Approved.



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SPECIAL EXCEPTIONS

1. Case A-2011-01-SE: Port House Grill, 15 N. Main St., North East. Establishment of a restaurant. The North East Planning Commission recommended approval with conditions to the North East Board of Appeals.
2. Case A-2011-02-SE: 13 North Court, North East: Home daycare center. The Planning Commission recommended approval with conditions to the North East Board of Appeals.

MEETINGS AND WORKSHOPS

The Planning Commission conducted nine (9) meetings and one (1) workshop in 2011.



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CONSTRUCTION STATISTICS

CONSTRUCTION	NUMBER OF CONSTRUCTION AUTHORIZATIONS, PERMITS/LICENSES – ISSUED/APPROVED
Single Family dwelling – new	-
Townhouse dwelling – new	-
Commercial building – new	1
Demolition	1
Addition/renovation to residential home	13
Addition/renovation to commercial building	20
Utility Building	5
Accessory Building	2
Deck	15
Fence	13
Sign	30
Change of Use Authorization	7
Liquor License	1
Commercial Occupation License	14
Home Occupancy Permit	2
Commercial Site Plans	3
Residential Site Plans	-
Pool	1

CODE ENFORCEMENT STATISTICS

Code Enforcement Letters Sent by Staff	206
Citations Issued	16
Court Appearances	6



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BUDGET

The Town operates on a fiscal year beginning July 1 and ending June 30. The operating budget for the Planning Office for the fiscal year 2012 was \$ 202,775.00.

GRANTS

Chesapeake Bay Critical Area Grant	\$ 5,000.00
WILMAPCO Transportation Element Maps	\$ 7,000.00
WILMAPCO Subdivision Regulations	<u>\$ 4,400.00</u>
	\$ 16,400.00



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ANNEXATION

The North East Planning Commission may make studies and recommend to the Mayor and Commissioners, plans, goals and objectives relating to annexations. In 2011, the Town did not receive any petitions for annexation.

HAZARD MITIGATION PLAN

The Planning Office is a member of the Town of North East Hazard Mitigation Plan Committee, which was adopted November 7, 2005. The Plan identifies potential hazard, both natural and manmade, which could cause human, social or economic loss to the citizens and business of the Town of North East. The Plan identifies steps that could be taken to minimize the impact of these hazards to the community.

EMERGENCY RESPONSE PLAN

The Planning Office is a member of the North East Emergency Response Plan Committee, adopted November 7, 2005 and revised August 24, 2011. The Plan directs departments, agencies, offices and employees of the Town of North East, affected by the Plan, to review the document and identify their responsibilities during times of emergencies or disasters.

NORTH EAST COMMUNITY PARK PLAN

The Planning Office maintains a Master Park Plan for the North East Community Park. The Plan provides opportunities for potential donations from the public or from civic organizations to actively participate with landscape, trails, benches, and picnic tables. In 2011 the following donations were made to the North East Community Park:

1. Mitigation Project: 21 trees planted by the Cecil County School of Technology
2. Mitigation Project: Planting of 6 trees provided
3. Park Bench: Provided an 'in memory' bench by the North East Ladies Civic League
4. Sycamore Tree: Purchased by Gore

WATER UTILITY

Effective July 1, 2012, the Planning Office administers all inquiries for water allocation.



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BOARD OF APPEALS MEMBERS

Gabrielle Oldham, Chairman

Sue Fye, Vice-Chairman

Maurice Tenney

Peg Hardin

Marian Martino

Cheryl Hite, Alternate Member

BOARD OF APPEALS POWERS AND DUTIES

The Board of Appeals, acting under authority granted by the State of Maryland, Article 66B, consists of five members and one alternate member, appointed by the Mayor and Commissioners. The Board of Appeals duties are outlined in the North East Zoning Ordinance.

The powers and duties of the Board of Appeals are found in the North East Zoning Ordinance, Section 9-11. Duties of the Board of Appeals:

1. The Board of Appeals shall hear and decide:
 - a. Appeals from any order, decision, requirement or interpretation made by the Zoning Administrator, Planning Commission, or Town Administrator.
 - b. Applications for Special Exception Uses.
 - c. Applications for Variances.
 - d. Any other matter the Board is required to act upon by Town Ordinance.

When required, the Board of Appeals meets on the fourth Thursday of the month beginning at 7:00 p.m. in the North East Town Hall Meeting Room, 106 South Main Street. The Board of Appeals meetings are open to the public.



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North East Board of Appeals Cases Heard in 2011:

The following five (5) Cases were heard by the North East Board of Appeals in 2011:

Special Exceptions

1. Case A-2011-01-SE: Special Exception for a restaurant at 15 North Main Street. Granted.
2. Case A-2011-02-SE: Special Exception for a home daycare at 13 North Court. Granted.

Critical Area

1. Case A-2011-03-A: Hearing for exterior elevator at 203 W. Walnut Street. Granted.

Variances

1. Case A-2011-04-V: Variance of two (2) feet in height for fence forward of the rear building line at 106 High Street. Granted.
2. Case A-2011-05-V: Variance of twenty-seven (27) feet (rear yard) for an accessory building at 308 Carolyn Avenue. Granted.



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CECIL COUNTY GOVERNMENT – AGENCY SUPPORT

Cecil County Department of Public Works

Stormwater Management

The Cecil County Department of Public Works administers and enforces the Cecil County Stormwater Management Ordinance within the Town of North East. Authority is provided in the Code of Ordinances of the Town of North East. Article 7. Stormwater Management Ordinance.

Erosion and Sediment Control Ordinance

The Cecil County Department of Public Works administers and enforces erosion and sediment control regulations within the Town of North East. Authority is provided in the Code of Ordinances of the Town of North East. Article 6. Erosion and Sedimentation Control Ordinance.

Forest Conservation Act

In 1991, the State of Maryland required all municipalities with planning and zoning authority to establish their own local forest conservation program or to participate in such a program jointly with another entity with such jurisdiction.

Section 5-1063 (a) (4) of Title 5 of the Natural Resources Article of the Annotated Code of Maryland authorizes a municipality to assign to the County its forest conservation program obligations, provided the County concurs. The Town of North East exercised its rights pursuant to Title 5 and in January of 2000, the Board of Commissioners of Cecil County accepted its obligations. The Cecil County Office of Planning and Zoning shall have the right and authority to enforce fully the forest conservation program of the Town of North East within the corporate limits of the Town. All applications must be submitted to the Cecil County Office of Planning and Zoning and any and all applicable County fees must be paid by the applicant.

The Town of North East will coordinate its development approval activities for building permits, site plan approvals, subdivision plat approvals, and any grading and sediment control permits with the requirements of Cecil County's forest conservation program.

No building permit, final site plan, final subdivision plat, grading or sediment control permit shall be initiated or approved until the applicant has demonstrated compliance with the provisions of Cecil County's forest conservation program and received approval from the Cecil County Office of Planning and Zoning.



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Cecil County Health Department

The Cecil County Health Department coordinates with the Town of North East with permitting with regard to public water installations and/or well permits in addition to other miscellaneous environmental matters.

Department of Permits and Inspections

In 1986, the Town of North East signed an agreement which authorizes the Cecil County Department of Permits and Inspections to:

- review all construction plans
- condemnation of property
- posting of unsafe structures
- enforcement of the Cecil County Rental Housing/Livability Code
- enforcement of International Building Code
- inspection
- licensing
- issuance of Hawkers and Peddlers licenses
- enforcement of the codes related to plumbing, electrical and mechanical installations.

In addition, inspections for compliance with the International Building Codes are conducted by the Department of Permits and Inspections.

Technical Advisory Committee

The Cecil County Planning Office conducts Technical Advisory Committee meetings each month, bringing together County and State agencies to review new development projects. As a courtesy, the Committee reviews projects within the Town of North East Corporate limit as a courtesy to the Town of North East.

Watershed Implementation Plan (WIP)

Town staff attended numerous meetings conducted by Maryland Department of Planning and the Cecil County Department of Public Works Watershed Implementation Advisory Committee in 2011. The Advisory Committee was charged with implementing a plan to achieve sediment and nutrient reductions in Cecil County. The Committee submitted their Watershed Implementation Plan in November 2011 to Maryland Department of the Environment.



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STATE AND FEDERAL AGENCIES

Chesapeake Bay Critical Area Program

In 1984 the Maryland General Assembly passed the Chesapeake Bay Critical Area Protection Program. The Town of North East adopted its Critical Area Program June 26, 1988. The intent of the Critical Area Program is to provide special regulatory protection for the resources located within the Town of North East Critical Area and to foster more sensitive development activity for shoreline areas. The Town has adopted Critical Area Regulations and Critical Area maps.

Development activity, including but not limited to grading, clearing, sediment and erosion control shall not be permitted until the Town of North East makes specific findings that the proposed development or activity is consistent with the goals and objectives of the Critical Area Program.

The Town of North East submits quarterly reports to the Chesapeake Bay Critical Area regarding all development activities in the Critical Area.

Maryland Department of the Environment

The Maryland Department of the Environment assists the Town of with inspections, projects and permitting of applicable projects in the Town of North East.

Floodplain Management

In conjunction with the Maryland Department of the Environment, the Town of North East has adopted Floodplain Management Regulations, located in the Town of North East Zoning Ordinance. The purpose of the Ordinance is to protect human life and health, minimize property damage, encourage appropriate construction practices to minimize future damage, protect individuals from unwittingly buying land subject to flood hazards, and to protect water supply, sanitary sewage disposal, and natural drainage. The prevention of unwise development in areas subject to flooding will reduce financial burdens to the community and the State, and will prevent future displacement and suffering of its residents.

Floodplain protection is achieved through the review of all activities proposed within identified floodplains and by the issuance of permits for those activities that comply with the objectives of the Ordinance.



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Maryland Department of Planning

The Maryland Department of Planning provides land use planning and implementation guidance to support and assist local governments, communities, businesses, and organizations.

PlanMaryland

PlanMaryland is an executive policy plan which strives to better coordinate the smart growth efforts and programs of state government. In December 2011, the Governor filed PlanMaryland with the Secretary of State. During the coming year, state agencies will work to identify changes in strategy to achieve the goals of the plan and will work with local governments on delineating areas for future state investment, growth and preservation. Town Planning Staff attended workshops and meetings throughout 2011 conducted by the Maryland Department of Planning when PlanMaryland was in draft form.

Transportation

State Highway Administration **Maryland Transportation Authority**

Purpose

The Town of North East has major routes serving the Town: US Route 40, MD 272 and MD 7, with Interstate 95 located adjacent to the Town's northern boundary.

The State Highway Administration coordinates with the Town regarding proposed projects in the Town's Corporate Limit and proposed projects outside of the Corporate Limit which will have an impact to transportation system. In addition, the Town is provided the opportunity to outline to the Maryland Transportation Authority and the State Highway Administration, a "capital projects" list, both short term and long term, to identify improvements within North East and the North East growth area.



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Transportation Requests

In 2011, the Planning Commission worked extensively to identify locations to expand the Town's sidewalk system and pedestrian paths and create linkages with regional pedestrian ways into the General Commercial District and Village Commercial District (MD 272 and MD 7) and to the Highway Commercial District (MD 272 and US Route 40).

State Highway Administration – Fund 78 Project: A pedestrian facility request under Fund 78 project was sent to the District Engineer in January 2011. Location: North Bound Maryland Route 272 from Irishtown Road to Church Street.

State Highway Administration – Highway Needs Inventory: A request was sent to the State Highway Administration in March 2011 which outlined a repaving project on East Cecil Avenue.

Maryland Department of Transportation - Annual Tour Meeting: A transportation priority request letter, containing five priority requests, was sent to the Secretary for the Maryland Department of Transportation in October 2011.

- Pedestrian crossing from the North Side of Route 40 to the South side of Route 40. Consideration of the following three locations: (please see attached concept plans)
 - At the intersection of Route 40 and Route 272
 - North East Station across Route 40 to location of State Police Barracks
 - North Main Street Extended across Route 40 to Rogers Road
- Sidewalk installation along the east side of Mauldin Avenue from Irishtown Road to the existing sidewalk at Church Street.
- Rail Service: Identify the transportation impacts to the town in relationship to the State Highway systems.
- East Cecil Avenue: Due to the condition of the road, we request that the road be reconstructed. (See attached letter dated March 24, 2011 to Mr. David Rogers, State Highway Administration, requesting same).
- MD Route 272 State Highway Administration/Bridge over Amtrak Rail: Request for lighting to be installed for the safety of pedestrians.



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Cecil County Board of Commissioners – Cecil County FY 2012 Transportation Priorities:
In response to a request from Cecil County, a letter from the Town was sent to the President of the County Commissioners, outlining two additional requests to be included in their Annual request to the Maryland Department of Transportation priority listing for Cecil County. The first was to add North East as one of the stops for the extension of the existing MARC Penn Line commuter rail service and the second was to request that pedestrian passage be provided across US Route 40 at or within the vicinity of the intersection of Route 272.

WILMAPCO

The Town of North East has been partnering with the Wilmington Area Planning Council, also known as WILMAPCO, with several transportation planning projects through the years. WILMAPCO provides the Town with technical assistance with the Comprehensive Plan, Zoning Regulations, Subdivision Regulations and the Road Code including monetary assistance for consultants, mapping, and transportation planning opportunities.

WILMAPCO provided two grants to the Town in 2011. One grant enabled the Town to hire a consultant to create several Transportation graphic maps which will be included in the North East Comprehensive Plan amendments, proposed for adoption in 2012. The second grant was provided to assist the Town with amendments to the North East Subdivision Regulations.

U.S. Army Corp of Engineers

The U.S. Army Corp of Engineers assists the Town with inspections, projects and permitting of applicable projects within the Town of North East. The Town coordinates all Corp of Engineer projects with the Chesapeake Bay Critical Area and Maryland Department of the Environment.



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CECIL SOIL CONSERVATION DISTRICT

The mission of the Cecil Soil Conservation District is to provide information, technical assistance, and education in conserving the County's natural resources. The District is responsible for all of Cecil County and coordinates with the Cecil County Department of Public Works and with the Maryland Department of the Environment in conjunction with erosion and sediment control and grading plans.