

# TOWN OF NORTH EAST

2013

## ANNUAL PLANNING REPORT



*May 2014*

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*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*

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Brian Morgan, Chairman

June 4, 2014

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Date



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### **MAYOR**

Robert F. McKnight

### **VICE-MAYOR**

Kena L. Koch

### **COMMISSIONERS**

Eric B. Braley

Hilary A. Crothers-Moore

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

Mark Dobbins, Vice-Chairman

Commissioner Eric B. Braley, Ex-Officio

Michael Kline

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 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**

Bill Weisel

#### **Secretary to the Planning Commission**

Bill Weisel

#### **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.

There were no amendments to the North East Comprehensive Plan in 2013.



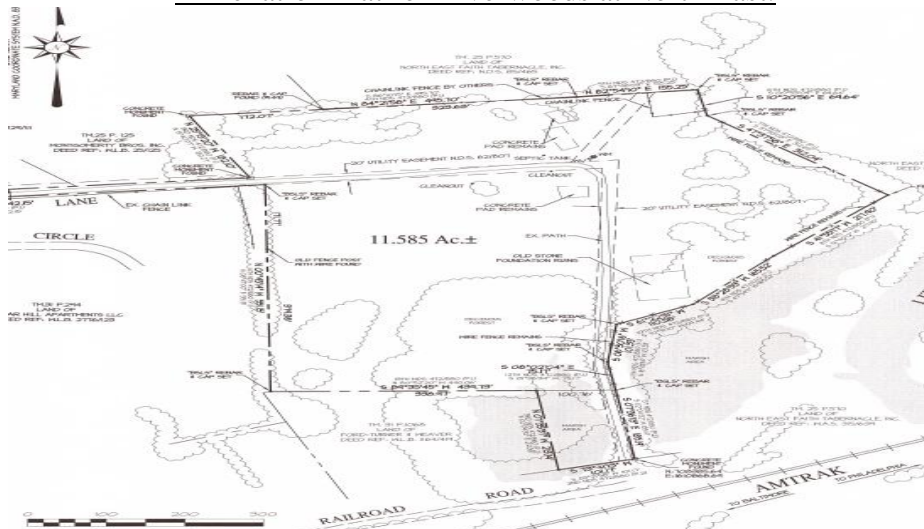


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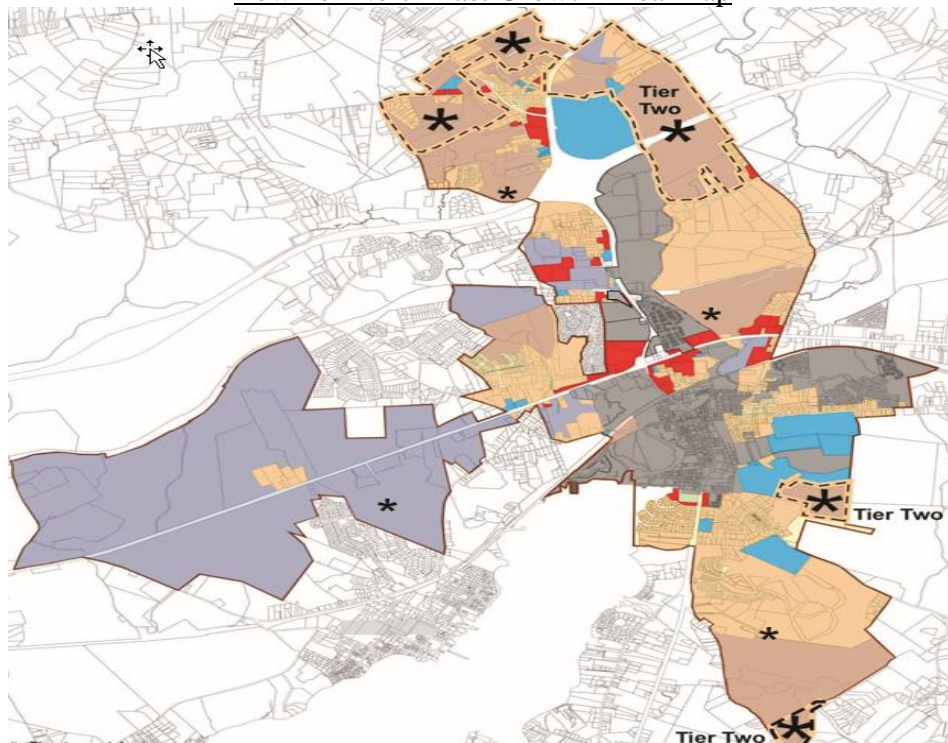
### Changes to Development Patterns in North East

In 2013, changes in development patterns included the annexation of “Riverwoods at North East”. Riverwoods was annexed into the Town on August 10, 2013. The property was zoned High-Density Residential in Cecil County, and upon annexation, the Zoning Classification became Residential Multi-Family “RM-C”, which is compatible to the Land Use in Cecil County, and is compatible with the Town of North East Growth Area.

Annexation Plat for Riverwoods at North East.



Town of North East Growth Area Map





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### PROCESS IMPROVEMENTS

#### North East Zoning Ordinance Amendments

There were 4 amendments to North East Zoning Ordinance in 2013.

Ordinance 2013-03-01: For the purpose of amending the Town of North East Zoning Ordinance. Article 7. Advertising and Signs. To add to: Definitions. Reader Board Signs; Electronic Message Signs; Flashing, Light Emitting Diode (L.E.D.) Scrolling Signs. Added Section 7-23. Electronic Message Signs And Reader Board Signs Paragraph 1.a.b.c.d.e.f.g. to provide for Electronic Message Signs and Reader Board Signs containing computer programmable or electronically changeable messages to advertise products or services available on the premises within the “HC” highway commercial district and the ‘HI’ heavy industrial district. Electronic message or reader board signs shall be contained within the confines of a permanently affixed ground sign and to be counted against the ground sign area, limited to 50% of the overall ground sign size; providing regulations to outline lighting limitations and prohibitions; Adding Paragraph 2. a.b.c.d to provide for Institutional Electronic Message Signs and Institutional Reader Board Signs in districts other than the ‘HC’ Highway Commercial District and the ‘HI’ Heavy Industrial District: Institutional signs identify a place of worship, library, civic, social or fraternal club, schools public or private, municipal, county, state and federal buildings, and emergency services; and shall be permitted by the Board of Appeals after an approved special exception; providing for ground signs, lighting limitations and prohibitions; Amended the Table of Contents, paragraph re-lettering and re-numbering, page numbers and Index Pages to reflect changes to the text. The Ordinance was signed on April 10, 2013 and became effective on April 20, 2013.

Ordinance 2013-05-01. ARTICLE 5. DISTRICT REGULATIONS PART II – SPECIAL DISTRICTS; SECTION 5-13. “FPM” FLOOD PLAIN MANAGEMENT REGULATIONS: deleting the current Floodplain Management Regulations in their entirety; repealing the October 15, 1981 FEMA Flood Insurance Rate Maps (FIRMS); and repealing the April 15, 1981 Flood Insurance Study. Adopting the Model Floodplain Management Ordinance (tidal) as prepared by the Maryland Department of the Environment in response to the requirement that local jurisdictions update their ordinances to fully comply with the requirements of the National Flood Insurance Program. The Ordinance establishes and delineates the floodplain within the Town of North East. Amending the title of Section 5-13 to ‘FPM’ Floodplain Management Ordinance. Providing general provisions, definitions, administration, requirements in all flood hazard areas and flood hazard areas; outlines requirements for a variance; for enforcement; provides for subsequent amendments and provides for the effective date of the ordinance. Adopting updated FEMA flood insurance rate maps (firms); and adopting an updated flood insurance study for Cecil County and incorporated areas. Amending the table of contents, index pages and page numbers to reflect the amendment to the text. The Ordinance was approved by the Mayor and Commissioners on May 22, 2013 and became effective on July 8, 2013.



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Ordinance 2013-06-01 For the purpose of adding to Article 3. Definitions. Local Vineyard, providing regulations which define a local vineyard in Cecil County; Adding Section 6-35. Wine Tasting Room to Article 6. Supplementary Uses. A Wine Tasting Room is a use which is associated with a Local Vineyard as defined in Article 3. Definitions; Adding paragraph 1.a. which provides for a wine tasting room to be permitted by right in the 'GC' General Commercial District and 'HC' Highway Commercial District and to permit a wine tasting room in the 'VC' Village Commercial District with an approved special exception; paragraph 1.b. which requires the wine tasting room shall be subject to all current regulations of the Maryland Annotated Code, Article 2B. Title 2. Subtitle 2. 2-205. Limited Winery License; paragraph 1.c and d. to provide for wholesale and retail sales of wine, pomace brandy, grapes and fruit product when produced by the licensee.; Paragraph 1.e. to provide for a retail gift shop in conjunction with a wine tasting room; paragraph 1.f. allowing the preparation, serving or selling of limited food items in accordance with the current Maryland Annotated Code; paragraph 1.g. providing for a restaurant in accordance with Section 6-13. Restaurants; paragraph 1.h. Parking in accordance with Section 6-8. Parking Regulations; and paragraph 1.i. requiring compliance with County, State and Federal Regulations; Amending the Table of Contents, paragraph re-lettering and re-numbering, page numbers and Index Pages to reflect changes to the text. The Ordinance was approved by the Mayor and Commissioners on June 26, 2013 and became effective on July 6, 2013.

Ordinance No. 2013-07-01. For the purpose of amending the Town of North East Zoning Ordinance: Article 5. District regulations. Part I – Zoning Districts; Section 5-3a "RM-C" Multifamily Residential District Regulations. Deleted paragraph 1. Purpose of the district. Revising paragraph 1 to provide for multifamily residential development plans, interspersed with commercial uses along the route 272 and route 40 corridor when the development tract is greater than five acres; providing maximum height regulations of 3 stories or 45 feet, with a minimum road frontage of 50 feet. Amending article 6. Supplementary regulations. Section 6-8 Parking Regulations. Table: adding apartments in the RM-C District, requiring 2.5 spaces per 3 bedroom unit, 2.0 spaces per 2 bedroom unit and 1.8 spaces per 1 bedroom unit; amending category: public library, museum, art gallery or community center in all districts, to delete prior parking space requirement and amend the regulations to provide for public space 1 space/400 square feet (not including meeting room or assembly room area; 1 space/3 employees, meeting/assembly room 1 space/5 people and providing for the number of parking spaces to be reduced by 10% of the otherwise required minimum number if public transit is provided at the site; providing for the number of parking spaces to be reduced by 10% if pedestrian access is provided to the site; providing for both reductions to be cumulative; amending the table of contents, paragraph re-lettering and re-numbering, page numbers and index pages to reflect changes to the text. The Ordinance was approved by the Mayor and Commissioners on July 24, 2013 and became effective on August 3, 2013.



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### **Public Roads Dedicated to the Town in 2013**

There were no public roads dedicated to the Town in 2013.

### **PROJECT STATISTICS**

Minor Subdivisions Reviewed – 3

Site Plans: 5

Modified Site Plans: 1

Special Exceptions: 1

### **SUBDIVISIONS, SITE PLANS AND MODIFIED SITE PLANS**

Heron Cove Subdivision: Developer requests to eliminate a condition of the previously approved Growth Allocation and a condition of the previously approved Preliminary Subdivision Plat for a Planned Residential Development, specifically, to remove the requirement to provide a pedestrian sidewalk link from the subdivision to the existing public sidewalk on Route 7. Property is found on tax map 31, parcels 1079, 1140 and 898. Property Owner: Manuel Lazerov, NE LLC. The Planning Commission and Mayor and Commissioners denied the request and further recommended that the Preliminary Plat and the Growth Allocation had expired due to the lack of due diligence on the part of the applicant.

Riverwoods at North East Minor Subdivision Plat – Courtesy Review: Property is located at 125 Railroad Lane, North East, Maryland, 21901. Also found on Tax Map 25, Parcel 95; 11.585 acres subdividing into Lot 1 (8.521 acres) and Lot 2 (3.064 acres). Owners: Alvin C. and Pamela A. Russell, 2665 Pulaski Highway, North East, Maryland 21901. Approvals were not granted, as the property was not officially within the Town of North East Corporate Limit.



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Riverwoods at North East Concept Site Plan – Courtesy Review: Proposing a 76 unit townhouse/apartment development. Property is located at 125 Railroad Lane, North East, Maryland 21901. Also found on Tax Map 25, Parcel 95. Owners: Alvin C. and Pamela A. Russell, 2665 Pulaski Highway, North East, Maryland 21901. Approvals were not granted, as the property was not officially within the Town of North East Corporate Limit.

Riverwoods at North East Preliminary Minor Subdivision Plat – Property is located at 125 Railroad Lane, North East, Maryland, 21901. Also found on Tax Map 25, Parcel 95; 11.585 acres subdividing into Lot 1 (8.521 acres) and Lot 2 (3.064 acres). Owners: Alvin C. and Pamela A. Russell, 2665 Pulaski Highway, North East, Maryland 21901. The Planning Commission approved the Riverwoods Preliminary Minor Subdivision Plat.

Riverwoods at North East Concept Site Plan – Proposing a 76 unit townhouse/apartment development. Property is located at 125 Railroad Lane, North East, Maryland 21901. Also found on Tax Map 25, Parcel 95. Owners: Alvin C. and Pamela A. Russell, 2665 Pulaski Highway, North East, Maryland 21901. The North East Planning Commission approved the Riverwoods at North East concept site plan.

Riverwoods at North East Final Minor Subdivision Plat– Property is located at 125 Railroad Lane, North East, Maryland, 21901. Also found on Tax Map 25, Parcel 95; 11.585 acres subdividing into Lot 1 (8.521 acres) and Lot 2 (3.064 acres). Owners: Alvin C. and Pamela A. Russell, 2665 Pulaski Highway, North East, Maryland 21901. The North East Planning Commission approved the Riverwoods Final Minor Subdivision Plat.

Riverwoods at North East Preliminary Site Plan, Lighting Plan and Landscape Plan – Proposing a 76 unit townhouse/apartment development. Property is located at 125 Railroad Lane, North East, Maryland 21901. Also found on Tax Map 25, Parcel 95. Owners: Alvin C. and Pamela A. Russell, 2665 Pulaski Highway, North East, Maryland 21901. The North East Planning Commission approved the Riverwoods Preliminary Site Plan, and the landscape plan, and did not approve the lighting plan.

Riverwoods at North East Final Site Plan and Lighting Plan: Proposing a 76 unit townhouse- apartment development. Property is located at 125 Railroad Lane, North East, Maryland 21901. Also found on Tax Map 25, Parcel 95. Owners: Alvin C. and Pamela A. Russell, 2665 Pulaski Highway, North East, Maryland 21901. The Planning Commission approved the Final Site Plan and did not approve the lighting plan. The applicant would email the Planning Commission their requested information and the Commission would be polled to determine if the submittal was sufficient. (Final determination: the email submission was sufficient, per the Planning Commission)



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North East Fire Company Preliminary/Final Modified Site Plan: Proposed exterior additions to the existing North East Fire Station including two lobbies, vestibule and an addition to provide an interior platform. Also proposed: demolition of an existing shed, removal of two propane tanks to be replaced with a 2,500 gallon propane tank and installation of a generator. Property: located at 210 South Mauldin Avenue, North East, Maryland 21901. Also found on Tax Map 0401, Parcel 17. The Planning Commission granted approval of the site plan, subject to the Board of Appeals decision regarding their requested variances.

### **SPECIAL EXCEPTIONS**

Case A-2013-01-SE: Special Exception application from Janice Fairchild, P.O. Box 96 Charlestown, MD 21914 for a proposed professional medical office located at 500 South Main Street, North East, Maryland, 21901. Applicant proposed to provide counseling services. Property owner: Crouch Investments LLC. Tax Map 401, Parcel 422. The North East Planning Commission recommended to the Board of Appeals, approval of the use, with conditions.

### **MEETINGS AND WORKSHOPS**

The Planning Commission conducted 10 meetings in 2013.

Transit Oriented Development Plan Workshop – 1



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### CONSTRUCTION STATISTICS

| CONSTRUCTION                               | NUMBER OF<br>CONSTRUCTION<br>AUTHORIZATIONS,<br>PERMITS/LICENSES –<br>ISSUED/APPROVED |
|--|---|
| Single Family dwelling – new               | 3   |
| Townhouse dwelling – new                   | 0   |
| Commercial building – new                  | 1   |
| Demolition                                 | 1   |
| Addition/renovation to residential home    | 10  |
| Addition/renovation to commercial building | 3   |
| Utility Building                           | 4   |
| Accessory Building                         | 2   |
| Deck                                       | 5   |
| Fence                                      | 9   |
| Sign                                       | 17  |
| Change of Use Authorization                | 11  |
| Liquor License                             | 0   |
| Commercial Occupation License              | 13  |
| Home Occupancy Permit                      | 1   |
| Commercial Site Plans                      | 0   |
| Residential Site Plans                     | 0   |
| Pool                                       | 2   |
| Dumpster                                   | 0   |

### CODE ENFORCEMENT STATISTICS

|  |     |
|--|-----|
| Code Enforcement Letters Sent by Staff | 305 |
| Citations Issued                       | 5   |
| Court Appearances                      | 0   |



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### BUDGET

The Town operates on a fiscal year beginning July 1 2012 and ending June 30 2013. The operating budget for the Planning Office for the fiscal year 2013 was \$181,975.00

### GRANTS

|  |             |
|--|-------------|
| Chesapeake Bay Critical Area Grant   | \$ 5,000.00 |
| WILMAPCO Transit Oriented Development Plan<br>(Continuation of 2012 grant award) | \$35,000.00 |

**TOTAL NEW GRANTS: \$5,000.00**





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### ANNEXATION

In accordance North East Zoning Ordinance, Article 9. Section 9-5.1. (a) The North East Planning Commission may make studies and recommend to the Mayor and Commissioners, plans, goals and objectives relating to annexations. In 2013, the Town received 1 petitions for annexation for a project entitled Riverwoods at North East, a 76 unit townhome apartment complex.

Annexation Plan Resolution C-2013-05-01-A and Annexation Resolution C-2013-05-02-A: Recommendation to the Mayor and Commissioners – Annexation Plan Resolution and Annexation Resolution request filed by Alvin C. and Pamela A. Russell, property owners of 125 Railroad Lane, North East, Maryland 21901. The subject property includes approximately 11.585 acres and consists of Parcel 95, found on tax map 25; recorded among the Land Records of Cecil County, Maryland Liber 472, folio 880.

The Planning Commission recommended approval of Annexation Plan Resolution C-2013-05-01-A and Annexation Resolution C-2013-02-A to the Mayor and Commissioners. The Mayor and Commissioners subsequently approved and signed Annexation Plan Resolution C-2013-05-01-A and Annexation Resolution C-2013-05-02-A. The annexation became effective on August 10, 2013.

### 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.



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### **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 2013 the following donations were made to the North East Community Park:

1. Park Bench: Donation of an “In Memory” bench by Betsy Vennell

### **BOARD OF APPEALS MEMBERS**

Gabrielle Oldham, Chairman

Sue Fye, Vice-Chairman

Maurice Tenney

Peg Hardin

Marian Martino

Valerie Combs, 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.



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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.

### **North East Board of Appeals Cases Heard in 2013:**

6 Cases were heard by the North East Board of Appeals in 2013:

#### **Special Exceptions**

1. Case A-2013-01-SE: Special Exception application from Janice Fairchild, P.O. Box 96 Charlestown, MD 21914 for a proposed professional medical office located at 500 South Main Street, North East, Maryland, 21901. Applicant proposed to provide counseling services. Property owner: Crouch Investments LLC. Tax Map 401, Parcel 422. The North East Planning Commission heard this Case and recommended approval of the Special Exception, with conditions. The Board of Appeals approved the request, with conditions.

#### **Variances**

Case A-2013-02-V: 400 Rolling Mill Road, North East, Maryland: Tax Map 400, Parcel 68. A variance application filed by Jacky Ridenour and Verna Ridenour, Owners, requesting a variance of two (2) feet height for the front and side fence height to increase from four (4) to six (6) feet at a two foot front and side yard variance for the purpose of permitting a six foot height fence, already installed on their property. The North East Board of Appeals granted approval of the variance requested along the front of the property, approving the six foot fence along Rolling Mill Road only, with denial of the remaining variance requests, conditioned that the other portions of the fence to be brought into compliance with the North East Zoning Ordinance Regulations.

Case A-2013-03-V: 33 Augusta Loop, North East, Maryland. Tax Map 31; Parcel 1341; Lot 54. William Barrell, property owner, requested a variance of two (2) feet front and side yard fence height for the purpose of installing a six (6) foot high fence at 33 Augusta Loop, North East, Maryland 21901. The Board of Appeals granted the variance, as requested.



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Case No. A-2013-04-V: 121 Beech Street, North East Maryland. Applicant: Carpenter Engineering; Property owner: Robert Lee Carter, 6267 Ditman Street, Philadelphia, PA 19135-3228 Tax Map 401; Parcels 564 and 613. Request for a rear yard variance of twenty-seven (27) feet; rear yard variance of 3 Rear yard; east side yard variance of three (3) feet and a front yard variance of (15) feet; a 100 foot Floodplain variance; and a Critical Area Special Buffer variance of twenty-five (25) feet for the purpose of re-building a single family home at 121 Beech Street. The North East Board of Appeals granted the variances with conditions.

Case No. A-2013-05-V: 413 Merrey Street, North East, Maryland. A variance application filed by Mrs. Imogene Copenhaver, owner, requesting an 8 foot, side yard variance, for the purpose of installing a 572 square foot replacement accessory building to be placed 2 feet from the East side yard property line. Zoning District: R-1. Also found on Tax Map 400; parcel 430. The North East Board of Appeals approved the variance, as requested.

Case No. A-2013-06-V: The North East Fire Company, 210 South Mauldin Avenue, North East, Maryland. Also found on Tax Map 0401, Parcel 17 and 37. A variance application has been filed by for the purpose of exterior renovations to the North East Fire Company. Zoning District: R-1.

Stream Buffer Variances requested:

1. A variance of 73.36 feet to install three 1,000-gallon above-ground propane tanks on a new concrete pad.
2. A variance of 62.11 feet to construct a 313 square foot addition to the east side of the building as part of an interior stage/platform.
3. A variance of 36.56 feet to construct a 216 square foot access vestibule on the east side of the building.
4. A variance of 93.19 feet to install a generator in the area where there is currently an above ground propane tank.
5. A variance of 77.7 feet to construct a 113 square foot access vestibule on the west side of the building.

Critical Area Buffer Variances requested within the Intensely Developed Area (IDA):

1. A variance to construct 140 square feet of the generator
2. A variance to construct a 113 square foot access vestibule

The North East Board of Appeals approved the variance requests, with conditions.



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### **CECIL COUNTY GOVERNMENT – AGENCY SUPPORT**

#### **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**

The Cecil County Department of Public Works administers and enforces erosion and sediment control within the Town of North East in accordance with the State Stormwater Management Regulations. The Town assigned the authority to Cecil County Public Works pursuant to the Code of Ordinances of the Town of North East, Article 6. Erosion and Sedimentation Control Ordinance.

#### **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.

#### **Watershed Implementation Plan (WIP)**

Town staff attended numerous meetings conducted by the Cecil County Department of Public Works Watershed Implementation Advisory Committee in 2012. 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.

In 2013, to coordinate with the Cecil County Watershed Implementation Plan, the Planning Office and the Town's Maintenance Supervisor met with the Department of Public Works. The Town agreed to provide statistics of projects the Town was already participating in, which would assist with the implementation of the Watershed Implementation Plan. These statistics include the number of pounds of debris removed during street sweeping projects, the quantity of storm drain and catch basin clean-outs performed, and the pounds of debris removed; the quantity of Shore Clean Up at the Community Park and Critical Area Impervious Surface mitigations performed including any tree planting projects.



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The Town attended Watershed Interest Meetings coordinated by the Cecil County Department of Public Works, for the purpose of forming a Cecil County Watershed Committee, in an effort to implement project goals of the Watershed Implementation Plan.

### **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 contuse to 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.

### **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 both in the Corporate Limit and within the Town's Water Service Area. The Town also coordinates with the Cecil County Health Department regarding miscellaneous environmental matters.



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### **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. All Construction Authorizations received by Town Residents must be followed up with the receipt of a Cecil County Building Permit with 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.

### **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.



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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 North East with inspections, projects and permitting of applicable projects in the Town of North East.

#### **Floodplain Management**

The Maryland Department of the Environment and the Department of Homeland Security's Federal Emergency Management Agency (FEMA), assist the Town with the Floodplain Regulations. The purpose of the Floodplain Management 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.

In conjunction with the Maryland Department of the Environment, and the Department of Homeland Security's Federal Emergency Management Agency (FEMA), the Town of North East adopted new Floodplain Maps and Floodplain Management Regulations, effective July 8, 2013. The Regulations are located in the Town of North East Zoning Ordinance. Throughout 2013, the Maryland Department of the Environment has also been coordinating with the Town Planning Office regarding Coastal Floodplain Maps and Regulations, which will replace the 2013 adopted Maps and Regulations. The Maryland Department of the Environment has provided the Planning Office with the updates in an effort to make the Public aware of the changes which are expected to be adopted in 2014.





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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.

#### **Sustainable Community Status**

In conjunction with PlanMaryland, the Town of North East hosted meetings Markus Gradecak, the Town's Planner, and with David Dahlstrom, the Upper Eastern Shore Regional Planner, with the Maryland Department of Planning. Mr. Dahlstrom outlined the criteria of the application for Sustainable Community Status, which is being prepared by Mr. Gradecak. The application has not yet been completed, however, submission of the application is expected to occur in 2014.

### **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 and WILMAPCO's Consultant and the Town continued to work toward the completion of the grant received in 2012 for the Transit Oriented Development Plan.

### **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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### 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.

##### Transportation Requests

In 2013,

Maryland Bikeways Program: In coordination with WILMAPCO, and the Cecil County Government, the Town of North East was included in a grant obtained from the Maryland Department of Transportation 2014 Maryland Bikeways Grant. The grant will be utilized for Bicycle Racks, Bicycle Signing and Marking Plans on State roads, and requires a match contribution to the project. Since the grant was approved, WILMAPCO has been coordinating with the State Highway Administration and the Maryland Department of Transportation to receive approval of the signing and marking plans on the State roads.

State Highway Administration – Irishtown Road to Church Street Pedestrian Access Project: A sidewalk Feasibility Study was prepared for this project in January 2013 for the Maryland State Highway Administration Office of Highway Development. The Town sent a letter to the State Highway Administration in support of the project in April 2013. The Town has requested Pedestrian Street lighting in the scope of work, however, the State Highway Administration could not determine whether funding would be available



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at the time the project is ready for Bid. The State Highway Administration agreed to install conduit within the scope of work, which would permit the Town to install pedestrian lighting at a later time, when funding becomes available. In the Fall, 2013, a kick-off meeting was conducted by the State Highway Administration regarding the design phase of this project, including sidewalks, a bicycle lane, and an ADA compliant Cecil Transit bus stop at the Walnut Street crossover between Northbound Route 272 and Southbound Route 272.

State Highway – Chesapeake Bay TMDL Tree Planting: The Town received notification in October 2013 that they will be installing trees for the purpose of TMDL Compliance, providing water quality improvements to the Chesapeake Bay. The trees which will be installed within the Town’s Corporate limit are proposed along Route 272, within the vicinity of Lums Road, with installation expected in the Fall 2014 to Spring 2015.

Maryland Department of Transportation Pre-Tour Meeting: The Planning Office attended the Cecil County Pre-Tour meeting in October 2013 where the DRAFT Consolidated Transportation Program and report on Transportation 2014-2017 was distributed. The Town had a brief opportunity to verbally request the Town’s top two priorities:

1. Pedestrian access at the intersection of Route 272 and Route 40.
2. Pedestrian and bicycle access improvements from Irishtown Road to Church St.

State Highway Administration Route 272 Bridge over Amtrak: This project continued to proceed in 2013. During 2013, meetings were conducted regarding the pedestrian lighting, and the Mayor and Commissioners required Pedestrian lighting be installed which will match the existing lighting within Downtown North East. The sidewalk will match the existing stamped, colored sidewalk in Town. The State Highway Administration continues to support the Town’s requirement that two lanes of traffic be maintained throughout the duration of the project. There may be spot closures where there is only one lane of traffic open but those will be few and far between.

CSSC Regional Rail: The Town became a participant in the “Chesapeake Connector: Freight and Passenger Rail Benefits Study” in 2012. The Study continued during 2013, however, has not been completed.

Cecil Transit: The Town continues to coordinate with Cecil Transit regarding the bus stops and signs in North East.

