

**NORTH EAST BOARD OF APPEALS-
North East Town Hall / 106 South Main Street
Thursday, September 24, 2015
7:00 P.M.**

Chairman Gabrielle Oldham called the meeting to order at 6:58 p.m. Present for the meeting included members Sue Fye, Peg Hardin and Marian Martino. Also in attendance was Melissa Cook-MacKenzie, Town Administrator, Betsy Vennell, Director of Planning and Lisa Rhoades, Planning and Zoning Assistant. Maurice Tenney was absent from the meeting.

-MINUTES-

May 28, 2015

Ms. Fye made a motion to approve the minutes as presented with a minor correction. Ms. Martino seconded the motion and the motion was approved by all, as amended.

-COMMENTS FROM THE PUBLIC-

None.

-OLD BUSINESS-

None.

-NEW BUSINESS-

Oaths of Office

Mayor Robert McKnight administered the Oath of Office for the following members:

Gabrielle Oldham, Board of Appeals Member-3 year term 10/8/2018
Sue Fye, Board of Appeals Member – 3 year term 10/8/2018
Peg Hardin, Board of Appeals Member – 1 year term 10/8/2016
Valerie Combs, Board of Appeals, Alternate Member – 1 year term 10/8/2016

Public Hearing

Chairman Oldham opened the public hearing at 7:03 p.m.

1. Case A-2015-05-SE: Applicant, Kevin McDevitt, 8 Mauldin Avenue, North East, Maryland, is requesting a special exception for the purpose of opening a Pub/Restaurant at 26 South Main Street, North East, Maryland. Property owner: Main Street Properties, LLC, 1304 Business Center Way, Edgewood, Maryland.

Also found on Tax Map 400, Parcel 0270 in the General Commercial Zoning District.

2. Case A-2015-06-SE: Applicant, Kevin McDevitt, 8 Mauldin Avenue, North East, Maryland, is requesting a special exception for the purpose of obtaining an on premise alcohol beverage license for 26 South Main Street, North East, Maryland in conjunction with a Pub/Restaurant. Property owner: Main Street Properties, LLC, 1304 Business Center Way, Edgewood, Maryland. Also found on Tax Map 400, Parcel 0270 in the General Commercial Zoning District.

Chairman Oldham stated that the two cases will be heard together, however, they will be voted on separately. In addition, Chairman Oldham inquired if anyone needed to recuse themselves from the proceedings and the answer was no.

Ms. Kimberly Dacey, Certified Court Reporter swore in Mr. Kevin McDevitt. Chairman Oldham inquired if Mr. McDevitt would like to have his application made part of the record and Mr. McDevitt stated yes.

Ms. Martino inquired if the submitted plans were identical to the plans submitted in relation to Mr. McDevitt's previously approved Special Exception cases in 2014 for the same location. Mr. McDevitt stated for the most part they are the same plans previously submitted. However, this project will be broken up into 2 phases.

Mr. Kevin McDevitt stated that he would like to convert the laundromat, located at 26 South Main Street, North East, Maryland, into a restaurant/pub, "Station 26". Mr. McDevitt would like to move his current business (the Pickled Herring Pub) to a larger facility with better visibility. Mr. McDevitt stated this would help build the new business and enhance the atmosphere on South Main Street. The Pickled Herring Pub is very well known on South Main Street and is a place where patrons can listen to live music while enjoying food and drink. Mr. McDevitt stated the new location would house a beer garden, roof top lounge and fire pit. The plan is to eventually become a brew pub and serve craft beer. Mr. McDevitt stated brew pubs tend to be tasting establishments, as craft beers are more expensive and heavier based due to their ingredients. Mr. McDevitt added he would like to take advantage of the historical value of the building by keeping its integrity as it was originally the first firehouse in the Town of North East (1922-1955). "Station 26" will be decorated with a 1922 décor, original memorabilia and the outward appearance will fit into architectural scheme of the town.

Mr. McDevitt referred to the architectural drawings submitted with his application, stating that Phase 1 of the project will consist of the first floor renovations including the front porch architectural changes, providing 12 seats in the porch area and 93 seats on the first floor. Phase 2 will solely be the construction of the 'Upper deck'. The Upper deck proposes 50 seats and will be completed as soon as financially feasible. The final seating count will depend on the Fire Marshalls review of the plans. "Station 26" will have good pub food, music for patrons inside and lite acoustic music planned for outside. The finished floor on the interior will

be raised approximately 4 inches, as the condition of the existing floor is not in good condition. Mr. McDevitt stated the finished elevation of floor is proposed at 12.4 inches. Chairman Oldham stated that additional elevation is definitely a positive considering the history of this area occasionally flooding. Mr. McDevitt stated that his engineer submitted a Letter of Map Amendment (LOMA) application to Maryland Department of the Environment and had subsequently received approval, therefore, the structure at 26 South Main Street is effectively removed from the floodplain requirements.

Mrs. Vennell reported that during the Planning Commission Meetings on September 2, 2015, Mr. McDevitt requested an extension until September 30, 2018 for both special exception applications. The extensions were requested in case there were unexpected delays during construction, and for the opportunity to hold off construction of Phase 2 of the project until financially feasible. The entire project, Phase 1 and Phase 2, must be substantially completed by September 30, 2018. The North East Planning Commission recommended approval of the extension in their memorandum to the Board of Appeals. Phase 1 will obtain its own Town Construction Authorization and Cecil County Building Permit, as well as their own water and sewer allocation. Phase 2 will also have its own Town Construction Authorization, Cecil County Building Permit, and water and sewer allocation.

Chairman Oldham inquired if there were any additional comments from any other agencies. Mrs. Vennell stated that Critical Area Commission had no comment as there will be no increase in impervious surface. Mrs. Vennell also reported that the Planning Commission submitted a memorandum September 3, 2015 to the North East Board of Appeals recommending approval of the applications subject to the following conditions:

1. CNA letter dated August 28, 2015 and other agency letters and comments including Kevin Wagner's, Maryland Department of the Environment and Julie Roberts, Critical Area Commission.
2. Landscaping shall not be required as there is little remaining pervious area.
3. Dumpster shall be enclosed and may be located at the rear of 32 South Main Street (current location) if property owner agrees and Cecil County Health Department agrees.
4. Handicapped parking space shall not be required, due to the location of the rear parking lot in relation to the "Station 26" entrance.
5. An extension was requested by the applicant during the Public Hearing and accepted by the North East Planning Commission. The extension was granted with the condition that all phases shall be completed by September 30, 2018.

Mr. McDevitt stated that he has no objection to the requirements from CNA's letter dated August 28, 2015. Mrs. Vennell reported that the letter from CNA indicated that consideration should be given to landscaping. The Planning Commission did

not require landscaping however, Mr. McDevitt stated he will try to find some area to install some landscaping for aesthetics.

Mrs. Vennell read an email which was sent to her from Mr. Tenney as he was unable to attend the meeting. Mr. Tenney expressed concern about obtaining the alcoholic licensing prior to opening the proposed restaurant/pub. Mr. Tenney is in favor of the project with the conditions that are set forth by the Board of Appeals. Mrs. Vennell stated her concern is that if the applicant does not receive an on premise alcohol beverage license approval simultaneously with the application for the restaurant/pub, the applicant may not want to take the chance of this coming before the Boards at a later time, and having no guarantee of approval. The financial impact of not knowing this ahead could be too great.

Mr. McDevitt stated he would like to submit his construction authorization as soon as possible as he would like to set the Phase 1 opening December 1, 2015. Mrs. Vennell inquired if Mr. McDevitt has applied to the Cecil County Liquor Board yet. Mr. McDevitt replied that he had not because he was still working out the logistics on the closing of one establishment (the Pickled Herring Pub) and the opening of the new one (Station 26), and does not know if the Liquor Board will allow him to have both establishments operating at the same time for a short period of time during the transition.

Ms. Oldham inquired if anyone had any additional comments or inquiries they would like to address. Mr. McDevitt stated that his Engineer, American Engineering, will be working with the Town's Engineer regarding the water line and completion of all the CNA comment letter requirements prior to signing the final site plan.

Chairman Oldham inquired if anyone would like to speak in favor of or in opposition to the applications. There were no comments from the public, and Mr. McDevitt had no further comments.

Chairman Oldham closed the public hearing at 7:26 PM

Ms. Hardin stated that the recommendation from the Planning Commission and comment letter from Steve Nolan, CNA, Town's Engineer dated August 28, 2015, seem to cover all of her concerns.

Ms. Martino stated she would like the motion to include that Mr. McDevitt comply with all of the safety codes regarding the roof top deck including the fire pit, safety rails and fire escapes and the Board of Appeals members concurred.

Case A-2015-05-SE Restaurant/Pub

Ms. Martino motioned to approve the Special Exception Application Case A-2015-05-SE for the proposed restaurant/pub with the following conditions:

1. Applicant complies with the September 3, 2015 recommendation letter sent to the Board of Appeals from the North East Planning Commission.
2. Applicant must comply with all safety codes regarding fire pit, safety rails, fire escapes.
3. Water Allocation and Sewer Allocation shall be obtained prior to the Final Site Plan Approval.

Ms. Hardin seconded the motion and the motion was approved by all.

Case A-2015-06-SE Alcoholic Beverage License

Ms. Martino motioned to approve the Special Exception Application Case A-2015-06-SE for the proposed alcoholic beverage license associated with the restaurant, with the following conditions:

1. Applicant complies with the September 3, 2015 recommendation letter sent to the Board of Appeals from the North East Planning Commission.
2. Applicant must comply with all safety codes regarding fire pit, safety rails, fire escapes.
3. Water Allocation and Sewer Allocation shall be obtained prior to the Final Site Plan Approval.

-REPORTS-

None.

-MISCELLANEOUS-

None.

-NEXT MEETING-

Chairman Oldham has cancelled the October 22, 2015 meeting, as there are no agenda items.

-ADJOURNMENT-

Ms. Fye made a motion to adjourn at 7:32 p.m. Ms. Martino seconded the motion and the motion was approved by all.