

**PLANNING & ZONING MEETING
MINUTES
OCTOBER 7, 2008**

The meeting was called to order by Rogers Clements, Secretary of the Planning & Zoning Board. A moment of silence was requested in observance of the untimely passing of the Board President, Howard Hall. Additional Board members in attendance were Ursula Boudart, Christopher Capano and Steve Vandervort.

Pet Roosters at 608 Cecil Street - It was reported that the Town's attorney's opinion was these roosters had to be housed 200 feet back from the front boundary. It was admitted that the wording of the ordinance was ambiguous. The Zoning Administrator gave a synopsis of the events so far on this issue.

Ursula Boudart forwarded the motion that the pet roosters must be moved because of the required 200 foot setback required. Discussion ensued concerning this motion. Steve Vandervort mentioned that the Town Commissioners were considering a clarification of the applicable ordinance. Steve Vandervort made a counter-motion to table this issue pending movement by the Town Commissioners. Christopher Capano seconded this motion and it passed with 3 ayes and 1 nay.

Since this issue has been tabled for action by the Town Commissioners, the Zoning Administrator will not move against the pet roosters unless so directed by the Town Commissioners.

Steve Vandervort, Vice-Chairman of the P&Z Board, nominated Rogers Clements to be Chairman. He made the motion to appoint Rogers Clements to the Chairman's seat, this was seconded by Christopher Capano and unanimously approved 3-0.

Bruce Hechmer, Trinity Woods (2B) deck - Permitting the construction of this deck was questioned since the structure extended into the Forest Retention Area of his lot. The issue was forwarded to the County Department of Planning & Zoning for evaluation and they "determined that roughly 1.63 acres of forest credit exist on the overall site. As such, the Cecil County Office of Planning and Zoning has no objection to granting a waiver of the Cecil County Forest Conservation Regulations to allow the proposed deck for 205 Inspiration to extend into the forest retention area." The area covered by the deck would be subtracted from the 1.63 acres.

It was noted that in the Trinity Woods (2B) area, each request for a permit must be carefully examined and sent to the County Planning and Zoning to ensure compliance with the forest retention area rules.

Discussion revealed that forest retention was the only issue complicating permit 80-70 so Steve Vandervort motioned to approve this permit, with Christopher Capano making the second and all approving. 4-0

Terry & Stormee Hickling sprinkler issue regarding addition - Under the current ordinance, if a home addition exceeds 40% of the value of the current structure's fair market value, the whole structure must be sprinklered. Mr. Hickling stated his home's assessment to be \$167,400 as per the assessment office. He further stated his addition is valued at approximately 38% of this. The Fire Marshall inspector requires a letter from Charlestown excusing the sprinklering of the existing house in order to sign the occupancy permit for the addition. The homeowner is requesting that the Town supply the requested letter excusing his existing structure from sprinklers.

It was noted that the P&Z Board does not have the authority to waive this ordinance. Exceptions can only be granted by the Board of Appeals. The Town Zoning Administrator stated that Mr. Hickling would need to speak with him for more detailed instructions and pay the \$250 fee to begin the appeal process. Christopher Capano motioned to deny the request to excuse sprinklering of the existing structure with Steven Vandervort seconding and all were in favor.

Gary Tudor garage - It was noted that an "as-built" must be submitted to the Town when the footers/main poles are installed. With this notation Steve Vandervort motioned to approve permit number 08-76 pending Historic Commission approval. Ursula Boudart seconded and the permit was unanimously approved.

Curtis Elmer Addition - The Zoning Administrator had sent a letter to Mr. Elmer concerning his home addition constructed without a permit. Mr. Curtis stated this was not so, he needed no permit. Before and after photographs of the structure were supplied. Discussion ensued concerning the ability of the deck to safely hold the added weight of the structure. It was finally agreed, there was an addition built, it required a permit and since it was not acquired beforehand a \$250 fine would now be imposed. With the completion of a Major Building Permit and payment of the \$250 fee, the issue would be able to be presented at the next Planning & Zoning meeting.

Curtis Elmer Subdivision - Larson Engineering attended to explain the details of Mr. Elmer's proposed subdivision, which would be to split the existing parcel into two lots. As explained, the subdivision dimensions meet the frontage and minimum square foot requirements. Also, the coverage resulting from the splitting of the existing lot falls below the maximum coverage allowed in the zoning. The preliminary plot plan was presented by Larson Engineering. It was noted that the boundaries have been surveyed, the property is not in the 100-year flood plane and the stormwater management is a concern on the new parcel.

It is hoped that this plot plan may be brought to the County for sewer allocation approval. The Town Stormwater Manager recommended that the stormwater issue be resolved before preliminary plot approval be granted.

It was noted that any structure on the new parcel would require substantial re-grading in order to divert stormwater away from the structure and driveway areas. Discussion ensued concerning methods to alleviate the stormwater drainage across the parcel. It was noted that P&Z is not the board that approves modifications of this type. The Zoning Administrator explained the steps involved for completion of a minor subdivision which normally requires 60 to 90 days. Mr. Elmer requires a preliminary plat approval in order to complete closing on the house and parcel the house occupies.

Christopher Capano moved to approve the preliminary plat minor subdivision with Steve Vandervort forwarding the second. The motion passed unanimously. 4-0

Minutes from the September 2, 2008 meeting were reviewed. Christopher Capano motioned to approve these minutes, Steve Vandervort seconded and all approved. 4-0

It was unanimously voted to adjourn the meeting.