

**Planning Commission  
Public Hearing & Meeting Minutes  
October 17, 2016**

**ATTENDANCE:** Pete Reich, George Jack, James McBreen, Brian Williams, Ray Ryan, Henry Barrett, Planning & Zoning Director Mary Ann Skilling and Planning & Zoning Coordinator Dianna Battaglia.

**Public Hearing called to Order at 6:30 p.m.**

**Ordinance #2016-21 Chapter 84 Zoning Ordinance – Amendments:**

Mr. Reich indicated this is our third review of these changes.

Ms. Battaglia indicated the package that was sent is color coded. We have talked about everything that is in red type over the past year doing all the various changes. I added some comments throughout as an explanation for why we did certain things to make it easier to remember. The type in blue are the only things that came up recently that we thought was important to add and that was alcoholic beverages; instead of using drinking places which could be up to interpretation by whomever you talked to so changes were made. In Section 161, Table of Permissible Uses, the type in blue are not changes, just added for information pertaining to the sections that list conditions related to that particular use. The other change is the floating zone that we had talked a little bit about last month during discussion and we can have a conversation tonight if anyone has any questions.

Mr. Reich commented we've had discussions about these but will ask the members for comment. I'm sure we've all read these at least a couple of time. Does anyone have any additions, changes?

Mr. Ryan stated I'm quite pleased with what the town did, what we and the board have taken and especially what staff has taken over this past year to try to make these changes and make it easier for us to get businesses and residents in this town. I think it's a positive step forward; I'm quite pleased with it and the work of staff as well as this board.

Mr. Williams agreed. I came in late after you had already done most of it but from what I've read it's good.

Mr. McBreen agreed. I don't see anything to clarify at all.

Mr. Barrett stated I found it very clear.

Mr. Reich indicated I found it very clear and comprehensive. And I like the idea of only having one public hearing instead of two. As we've discussed before that was a waste of time and money, it slows up the process. It's a great document, and Mr. Ryan will be able to have some nice words when it comes up with the Mayor and Commissioners when this is presented. It's been a lot of work and a long time getting to it.

There are no members of the public in attendance.

Without objection the public hearing was adjourned at 6:35 p.m.

**Meeting called to Order at 6:35 p.m.**

**Ordinance #2016-21 Amendments:**

**Motion** by Mr. Ryan and seconded by Mr. McBreen to recommend to the Mayor and Commissioners approval of Ordinance 2016-21 amendments to Chapter 84 Zoning Ordinance. **All in Favor. Motion Passed.**

**APPROVAL OF MINUTES:**

On September 19, 2016 a quorum was not in attendance and an informal discussion was held. Notes were written but do not need to be approved.

Without objection the minutes for the August 15, 2016 Planning Commission meeting were approved as written by quorum of attending members.

**Floating Zone – PIRD:**

Mr. Reich commented last month's informal discussion was about the floating zone, does anyone have any questions about that, any questions in general about floating zones?

Ms. Skilling stated we have 3 other floating zones in our Ordinance: PUD-Planned Unit Development, CEMUD-Commercial Entertainment Mixed Use Development, and MUD-Mixed Use Development, those are floating zones that already exist. Basically a general development plan is provided through the Planning Commission to look at and there are a lot of different criteria. There should be some design depending on where it is, in the downtown it would be different than out in the C-2 district. There are a lot of properties throughout downtown, not a great amount of properties but there may be 10 or 5 acres where you can still do some nice downtown redevelopment. Or the outlet center was another. It has not been sold yet but there is a contract and surely we don't want it to sit there not being used and there is potential for a floating zone could be used there because it's a C-2 district if for instance, say they want to do warehousing there you could not do it in the C-2 district. It gives you flexibility to do various types of zoning with looking at how it's laid out, how it's going to look. Some of the things still follow our present standards. In the downtown it's a little more crucial and some properties that are actually in 2 zoning districts. A lot of things wouldn't fit there because how do you fit something on a TC and R3 zoning district. With revitalization, redevelopment, in our downtown or all over town where we can rehab something, we can demo something and rebuild something when a developer comes in. I say we but we're not going to do it, but hopefully a developer will do it. It gives them more flexibility.

Mr. Jack stated I just want to reiterate my comments last time, to Mr. Ryan to make sure he understands what's going on here. I didn't get feedback or comments back on what I had said from the last meeting but this approval still sounds like it's in contradiction of what this thing is being proposed. One place that I read, I'm trying to find clarification that you can meet all the requirements but then they still can reject you by the Mayor and Commissioners. I direct you to look at the notes from last month's discussion and the other thing was "it will promote the general welfare of the public", it's one of the things they use all the time and my problem with that is it has no context, it has no meaning, it should be better defined because what may promote welfare for one person may not be promoting it for another.

Ms. Skilling responded to answer your questions, every one of you are very different and that's why you have a board. All of you have an idea of what the context is. It's not to say it has to look totally like everything around it but you have to take it in context with what you do have around you. The Mayor and Commissioners and this group have actually made decisions on past floating zones based on that

premise. Most of our floating zones were not in the downtown necessarily but outside. The CEMUD is up at the casino and the mixed use where Woodlands was to be, on Coudon Blvd. So those are different because there's not a whole lot of context but you have to look at what do you want inside the whole development so context is important. The other one you talked about where you, yes you can do a development plan and send it to the Mayor and Commissioners but if you are following the guidelines and what that talks about, where it says the Comprehensive Plan, other documents, our TOD plan, if those parts of it are within that it should be looked at but it doesn't necessarily have to be that. The Comprehensive Plan says anything for revitalization in our downtown is very important to the Town of Perryville, there's a lot in our downtown that was included in there for redevelopment. No general design standards but I should say general renderings but it was never approved. So you are correct, if you approve something and it goes to Mayor and Commissioners they may turn it down but I think the way things have happened in the past and Commissioner Ryan can reiterate, I think a lot of the things that have gone to the Mayor and Commissioners, except for one thing that they turned down.

Mr. Reich stated we've already finished with Chapter 84 recommendations to the Mayor and Commissioners. The motion was done. I don't want to revisit that, I just want to make sure that everybody understood what that was.

Mr. Ryan commented I do understand your concerns because they are the same concerns I have. When it says good for the general welfare of the public, as a whole, that's what I look at and to me that means does it fit with the neighborhood, then does it fit with the town, to follow the plan for how we want to develop which includes the TOD, the Comprehensive Plan, and a number of other documents. And then I try to think what does it do to the infrastructure, what does it do to the schools, what does it do for the community as a whole. So I agree there is a lot of thought of what that could mean with different definitions. I feel pretty confident in saying that five out of five board members feel very strongly in this same manner that I do.

Mr. Jack continued please review that because while they're going to approve this anyway it doesn't matter, but it does matter to me that at least the Mayor and Commissioners understand it looks like it contradicts itself; (Section 116-26,3.b).....compliance with all standards and requirements of this Section permits, but does not require, the Mayor and Commissioners to establish a PIRD or approve a proposed General Development Plan. Well, how can I get to that point; that's what I'm struggling with.

Mr. Ryan indicated the whole idea we may not actually have to vote for each individual one but when we approve the concept plan of the property that's trying to fall under this we are essentially approving it as a whole or as its read. So I think the little bit of concern ultimately but I think we are looking, we take a lot of what you say in here. When we recommend approval for a plan and then it goes to the board for approval you've already looked at it once to make sure it meets all of the Planning Commission requirements, we look at it not just for the Planning Commission requirements but in general overall what is good for this town, is it meeting all these other documents that we have.

### **SUP2016-02 Preliminary Subdivision Plan-Magraw:**

Mr. John Gonzales from Landmark Science and Engineering representing the owners of the project, James and Deborah Magraw, and the proposed project involves a 12 lot subdivision. The total lot area is 4.14 acres and the property is to be divided into 12 lots. Currently on the property there are 2 existing houses and they will be incorporated with the 12 lots. The plans have been submitted through Cecil County, first it went to the Technical Advisory Committee (TAC) for the concept plan phase and the concept plans has been approved by the Cecil County Department of Stormwater Management and Sediment and Erosion Control and likewise with the preliminary plan, the approvals, soil conservation district approved the preliminary plans July 18<sup>th</sup> and the Department of Public Works approved them

on July 19<sup>th</sup> and the Town approved the preliminary plan which also included water and sewer on July 22<sup>nd</sup>. As part of the project and part of the process for final approvals I believe Greenway Avenue has to be dedicated to the Town and that part is in the process.

Ms. Skilling stated to clarify in past documents it was indicated that at some point in time if there were other uses along Greenway the Town may consider taking over that road. It was designed to Town and county standards and right now the biggest issue is the lots that actually will front on Greenway will have to be, by Code, on a public road. So dedication of that road may have to be done prior to the subdivision plat approval, because our code requires lots to be on a dedicated road. I have a plat and a dedication agreement and will check with our attorney to make sure that is the process and to make sure we have to do that prior to subdivision which I believe is what the code is telling us. Officially those lots can't be developed at this point.

Mr. Reich questioned you are asking us to approve this preliminary subdivision.

Ms. Skilling replied it is the preliminary subdivision plan and it really contains most of the storm water management. The subdivision plat, you'll still get that and it will be approved, the headings will change, there will be a checklist that they have to go through to make sure that the final plans that come through us meets all criteria. What you see there is a lot of sediment and erosion control, all that has to be installed prior to the lots being developed, that's a requirement.

Mr. Gonzales responded on the plan for storm water management there are some facilities on there that cover the entire subdivision and some that are on individual lots. And generally the ones that are on the individual lots are installed when that individual lot gets constructed as part of that process.

Ms. Skilling stated if you read the sequence of events it explains what has to be done first before they can get to building on those lots. They're going to have to get final storm water plan approval before we can move forward. Basically what we're doing now is approving preliminary so they can actually finalize everything to come back to you again. But what you see before you is what's going to have to be done at preliminary and have to be done before we can do the final plan. So those storm water elements, they can't start anything until we approve the final plan. That's the sequence of events that's going to happen, that those storm water facilities for the whole subdivision will have to be done prior to selling any lots including the lots fronting Greenway, that road will have to be dedicated.

Mr. Barrett commented and the storm water management apparatus on individual lots, you won't be able to sell those until all those activities are in place?

Ms. Skilling replied it is my understanding the bio-retention, the little rain gardens, they can be done individually as the lots are developed.

Mr. Gonzales responded that is correct, there are a couple of water quality swales and bio-retention areas but those storm water facilities that are on separate lots will not be constructed at the same time. The developer phase will install the water and sewer and have those ready for when final lots go in to be egressed. The rain gardens that are part of the storm water management for each individual lot, they can be constructed at the time that lot is built because you have to have building plans, grading, infrastructure before you put the rain garden in there otherwise they could potentially be torn up during construction if we went ahead before the lots get constructed.

Mr. Reich stated so my understanding is you're going to do the storm water management for the whole subdivision at the beginning and then as you do the individual lots those individual lots need to plug

into the total subdivision storm water management. It's like I would have a sewer system for the town so I build a new house I have to plug into the sewer system.

Mr. Gonzales replied that is correct, that is all part of the current storm water management. Years ago it all went into a system but now you have to install environmental sensitive design which is basically what they call microscale practices as opposed to piping down to one pond. Basically the idea is that you capture storm water and treat it at the source rather than conveying it down and treating it somewhere down stream. So part of that collecting at the source when we're dealing with residential subdivisions means collecting on each individual lot and one of the practices that we use are these rain gardens. In order for them to be fully effective they should not be built out, and it states in the design manual, it can't be built until your upstream area is constructed and stabilized. Some of the practices we have on here are sort of water quality swales and I think there's one micro-bio retention and they will be constructed at the same time as the water, sewer and utilities are put in because those facilities, those practices are part of the overall, they treat several lots as opposed to just one individual lot. So those practices will be installed and protected during construction of the individual lots and the sequence of construction is broken down to phase out that way.

Ms. Skilling, following the staff report, stated to better understand this whole process now that it's getting much more complicated because Cecil County does review this, if you read the sequence of events in there it's pretty clear where it's going to start and what's going to happen at all phases, in the construction phase. If we go back to the original review at concept, Ms. Magraw provided pictures to give us an idea of what type of home is going to be built on these lots, 2 story homes similar to the ones on Aiken Avenue. I notice on this plan here they're talking about 1 story homes, so I'm asking for clarification from Ms. Magraw, what is she going to do there, and I believe what's going to happen these lots are going to be subject to a builder or anyone who want a home in there it could be a single family, 2 story but the idea if you remember correctly when all of you were at that meeting I think the discussion was what kind of homes are going to be built there. So I'd like to have some kind of clarification, if she's going to go with a builder or looking at 1 story because that's not exactly what was defined at our meeting. Ms. Magraw gave us a couple of pictures of what was going to go there so that building and that footprint is what we assume is going to happen and now it looks like it's one floor. It was on the other plan, maybe not this one, it said 1 story homes because I had mentioned it before. But if that's the case and it's not I would still like clarification. Again, the biggest thing in section 74-22, lot must abut a public road and that has to happen prior to the final subdivision. And number 3, screening, shading, and landscaping and environmental standards, there are a lot of trees being taken down on this piece of property that I would like to recommend a landscape plan and showing at some point in time when this property is built that at least one tree is placed on every lot and bedding plants are provided. Standards are provided in Section 299 of Article XVII. Appropriate signature blocks need to be on the final plat for recording including the health department and appropriate signature wording, that water and sewer will be available to all lots and it will be on town water and sewer. Any existing proposed easements, drainage, utility or right-of-ways must be listed on the final plat. That's in Appendix A. A final plat, if you're getting to the end of final submission of final plats we need to have that subdivision plat and hopefully we'll have that road issue so the applicant should submit a final plat to Planning Commission for their approval. The Planning Commission would approve the final plat for the subdivision. Prior to final plat approval the following must be provided:

- a. Copies of final storm water, sediment control plans, lot grading plan and Inspection & Maintenance Agreement for microscale practice declaration for private SWM facilities.
- b. A Public Works Agreement (PWA) executed with the Town that guarantees that any public improvements will be constructed in accordance with the approved plans as well as required as-built plans.
- c. A surety bond or letter of credit to secure the completion of all required work and improvements based upon an estimate of costs of the improvements as approved by the Town Engineer.

- d. A 4% review and inspection fee paid to the Town based on the approved cost estimate of improvements.

Ms. Skilling continued I'm really concerned about these bio-swales as well as the rain gardens. Who is going to be responsible for those rain gardens, the property owners? And is the county inspecting them?

Mr. Gonzales replied generally as I understand, it's the property owners who will be responsible.

Ms. Skilling asked will there be an easement on those properties. I know there will be for the bio-swales in the back of the property. It's carrying water to the existing drainage system. I need to know the responsibility there.

Mr. Barrett asked are you concerned that someone may level those swales or turn them into gardens?

Ms. Skilling replied we don't really have any rain gardens, we've recommended rain barrels to meet some criteria for critical areas in lieu of planting to collect the water instead of running across the property. It doesn't have anything to do with the county but the county are actually making all these lots have rain gardens and to be maintained. What I see happening is they're not going to be maintained.

Discussion continued regarding individual rain gardens and if the county will inspect to make sure they are going to be maintained. It may mean a homeowners association should be established to make sure they are maintained and if not they would be responsible to make sure they are. Most subdivisions have homeowner's associations. This is a little different but is something to discuss with the county for how this is going to be maintained over a period of time.

Ms. Skilling stated there was an agreement during development that when these lots were developed the road was designed to pick up water from the street and that whole storm water facility at Greenway was designed to ultimately try to pick up this. The county calculations required you to provide extra water quality, and we also asked you to do sidewalks on Honiker Street, so that was more impervious area, so you had to do the rain gardens additionally as well as those swales at the back of the property.

Mr. Gonzales replied they had to be designed to the current storm water management code for the state of Maryland. As I understand it the storm water facility at Greenway was to accommodate this subdivision, so I think the final result is you're going to have a little more storm water management.

Ms. Skilling indicated we have to look at the relationship of this subdivision and Greenway and their pond because they actually maintain that pond. I think they're under legal agreement with the county to maintain that.

Discussion continued regarding rain gardens, designed and graded for water infiltration and includes a specific type medium for infiltration, not just topsoil.

Mr. Gonzales indicated in the State's storm water management manual they have in their design specifications for that medium is a special type of mix that when water flows into the facilities it will be treated, it's supposed to filter out impurities.

Mr. Gonzales responded to a question by Mr. Jack about lifespan, I don't know. A lot depends on maintenance of the facility.

Mr. Jack stated I think that's the concern and maybe define a lifespan and how it needs to be maintained by the homeowner.

Mr. Gonzales stated in the drawings there are some maintenance guidelines for those rain gardens and there are certain criteria that states for example, say for a rain garden, the water flows out of the pond for days and days and days, well then there's some maintenance that needs to be done with it, either the filtering medium needs to be replaced or the mulch, something has to happen, there is language in there for that as part of the maintenance agreement. Need to check for trash, weeds and replace the mulch as needed.

Mr. Ryan commented from the fire department side, from fire hydrant to fire hydrant here and rule of travel for the fire department coming Aiken Avenue, either coming in Honiker or Greenway, I have a concern about the distance of fire hydrants, especially the one that's coming from in front of Aiken Avenue about 2 houses to this side of Greenway on the right hand side and the distance down to a couple of the houses. It will probably meet the criteria if we came from Greenway back out to the houses without any problem but that's not our normal route of travel to travel past a fire to go to a hydrant and come back. So I just want to look at that and see if there can be another hydrant that can be put in somewhere, a good suggestion would be at the beginning of the houses on this street. I know it would be a little bit short between distances of fire hydrants but something to think about for safety and is there any kind of general access to the rear of these homes other than walking around to the back yard.

Ms. Skilling explained the lot in the middle is an existing house so the homes on Honiker and the homes on Greenway back up to that existing lot.

Mr. Ryan commented I see that and the driveway comes in from Honiker and goes right into the house, but that's the only place to the rear of the homes on each side from a fire protection point of view. I'm just asking if there's anything to be done while you're building that swale, it may not even be a fire, it may be someone injured in their back yard. I'm just trying to think of things outside the box. I'm not asking for anything extra outside of the requirements, just asking questions outside the box to help out. The biggest issue that concerns me is the fire hydrant issue off of Aiken Avenue coming from the Broad Street side. This one up here from Honiker is going to be close enough. Those are my concerns from a fire department point of view.

Mr. Reich asked how are you going to force the people who buy these properties to maintain these rain gardens?

Ms. Skilling responded this is what we have to work out, the county handles our storm water regulations and in most cases, that's why I said homeowner associations would be one way where you pay to maintain but this is the first time we've had rain gardens as part of a storm water element on an individual lot. So I think I'm going to have to find out a little more details and there might have to be some kind of agreement with all these properties to maintain that based on what the county is requiring.

Mr. Reich stated I could see the 12 houses having some kind of association to take care of a pond or something but I don't see how an association, how I would join an association that I would have to fix somebody else's rain garden. What I'm questioning is who is going to force these property owners

Mr. Ryan indicated the county has to right now by the State because they enforce our regulations.

Mr. Pyles commented I have an answer to that. On any individual lot of record there is what is called a micro-scale declaration that has to be recorded, signed, notarized, by the lot owner, recorded in land records of Cecil County. It basically states that I'm building on this lot, this lot was designed to have 2 rain gardens and one drywell to handle my rooftop runoff, I am hereby bound to maintain and not eliminate these structures and if I do these are the things that could happen to me and I must also allow Cecil County Department of Public Works on my property for a maintenance inspection and more. They have to sign that, it has to be notarized and that document is actually recorded in the land records. Now that's how they handle single family lots in Cecil County right now. Now I don't see this any different. This is an individual lot but what Mr. Gonzales is talking about that has a rain garden to handle rooftop gutter runoff, that is not a community-shared facility that is used by 4 lots or 2 lots backing up to it, that's different. That's how they regulate the individual practices. If it doesn't happen, I don't know. Does the county inspect these and with what frequency do they do that, I don't know.

Mr. Reich stated I could see somebody buying, say I bought one and 15 years from now I pass on and it goes to my daughter. My daughter hasn't signed anything, and then somebody says you have to sign this because it's now your property and she signs, and then 2 years later she sells to somebody else, a real estate agent buys it. And they didn't say anything about the new owners having to take care of this stuff. I understand what you're saying but there's a whole lot of ways this will go south.

Mr. Pyles responded I can tell you what should happen: if you ever purchase that lot and go to settlement and there's a title report that's been prepared by an attorney or title company and that will show up in the title report, and if they're doing what they're supposed to do they will explain to the new buyer that this document is part of the record and it does follow the property in perpetuity which it does state, and now you are the one responsible for this. How can that fall through the cracks, if those professionals don't do what they're supposed to do. There are other recorded documents like that. That individual will know if done correctly by professional attorneys and title companies. In theory that's how it's supposed to operate.

**Motion** by Mr. Ryan and seconded by Mr. Williams to approve the Preliminary Subdivision Plan with comments and remarks by Staff Report and Planning Commission. **All in Favor. Motion Carried.**

### **ZC2016-080 – Zoning Certificate-Perryville Elementary School digital sign:**

Ms. Battaglia indicated what you have is the Zoning Certificate application and when the signage regulations were amended a few years ago a section was added for digital signs. At the time we were concerned with the potential number of digital signs requested and wouldn't have a good way to control them so requirements include review by the Planning Commission. Ms. Skilling, the Zoning Administrator can't sign it as approved unless you tell her it is ok to do that. The sign is in place already but is not operational as it does not have electric. The applicant is aware of the conditions for the digital use and the digital section does meet the requirement.

Mr. Jack stated I have a concern with the residential neighborhood, what's going to happen to that person across the street, not so much during the day but during the night how do we handle that.

Ms. Skilling responded if there is a concern they can reduce the intensity of the light so that's what we would request if we have a real concern.

Mr. Jack asked is that the recourse the person in the house would have.

Ms. Skilling replied if it really is too bright in that area and if we received a complaint we would have to look at it. This is the first digital sign to be done. I know the library is also looking to put a digital up and of course the town would like to have one too.

Mr. McBreen asked is there any stipulation for hours of operation. If it operates during the school hours and off in the evenings then it presents no problem with interfering with the surrounding properties.

Ms. Skilling stated we would look more at the intensity of the LED lights because you can lower the intensity of that light and if you choose you could make that recommendation.

Discussion continued regarding hours of operation and an elementary school doesn't have a whole lot of after dark events. It is situated in a residential neighborhood, tucked back in there but if I was living there, maybe hours of operation could be nothing after 5:00 at night and nothing before 6:00 a.m. It was suggested that with approval of the Zoning Certificate by the Zoning Administrator to add a condition to limit operation during night time hours because of its location in a residential district. That condition can be added to the Zoning Certificate attachment of all requirements. The sign should have the capability to program turning on and turning off at certain times.

Mr. Jack questioned are we within our boundaries to suggest such a thing or would they meet the requirements with the application the way it is? We may want to consider adding to Section 264.7 something along the lines of time constraints depending on the location and zoning district.

Ms. Skilling responded they meet the requirements now but because it has to come before you and you make this recommendation for me to sign off on it you can make that recommendation.

Mr. Jack continued because we would like to see it turn off at a certain time would that be a significant change in what we do as approval to the regular signage regulations.

Ms. Skilling replied the key to this is it's in a residential area and because of that it may be a concern so we may want to address it now because I can guarantee if it is a problem we're going to get a complaint. It would be more difficult later because it would be signed off as approved. So I'd rather do it now.

Mr. Reich stated the section in the ordinance is general for electronic signs. Now for the betterment of the community all we're trying to say to them is to be considerate of the Town of Perryville and turn this off at night so our neighbors can sleep. I don't necessarily want to dictate hours but I want something reasonable.

Ms. Battaglia stated we're taking your suggestions to add to the requirements because this sign location is in a residential district. You may not have the same concerns if the Perryville library wanted to have a digital sign on Coudon Blvd.

Approval of the Zoning Certificate will include suggestions by the Planning Commission to address use during night time hours.

### **SE2016-02 Special Exception-Chesapeake Feline:**

Ms. Dawn Cowley extended apologies for her late arrival and casual dress, we actually walked into a hoarding situation and it was really bad. We were just in a situation where there were 26 babies infested with fleas and one was actively dying and there are about 18 cats that need TNR. So as you can see it is one of the reasons we need this POD and I humbly ask you to approve this so we can get started.

I am the president of Chesapeake Feline Association and a resident of Charlestown. We were approached by Lulu Rescue about a year and a half ago when we met at a Best Friends Conference. If you have never heard of Best Friends, they are the national coalition for animal rescue. She was very excited about what our little organization was doing in Cecil County and I suppose I made a very good impression on her because before we left she asked for a meeting. She explained they have this concept, a spay and neuter surgical POD, to address the overpopulation in certain areas within the country. She said I eloquently told about the problem in Cecil County and she would like to offer the POD to our organization. That's when the concept got started. My other board member and I went around to the various towns within Cecil County trying to locate property that we could place this POD to begin and we finally came to the Town of Perryville and Ms. Hickman located a couple different properties for us and our discussions began with Ms. Jackson (property owner), who wholeheartedly supported this endeavor. She is leasing us the property for the next three years, potentially five years, but we'll reassess after the three years to see where we are at. In the calendar year 2016 we received a grant from the Department of Agriculture in Maryland for 400 spay and neuters. We are finishing that grant this week, we reached the goal ahead of time and they just awarded us another 500 spay and neuters for the POD and gave us \$21,000 towards medicine and some of the additional equipment that we need to purchase to do our surgeries. We have 5 vets that are very interested in helping us with this and we also have vet techs and volunteers that are going to help out for the surgery days. So what we'd like to do is to be a leader within the county and finally address this free-roaming overpopulation within Cecil County. It is out of control and I believe we can do this and I believe we will not only help the animals, save more lives so Cecil County animal services doesn't have to euthanize for space, but we will aesthetically improve the members within the county having to deal with all these feral cats. When we go into a colony when we get a phone call from someone if the mother has had babies we will access the babies and if we can pull them and get them adopted we will do that. We've adopted over 260 cats this year so far. We've also transported close to 185 cats to Vermont. We use Central Vermont Humane Society. The New England states have done a really great job of spaying and neutering, they focused on it a lot of years so they're to the point now where they need cats. They also do dogs but we just transport cats. As a matter of fact another board member and I will be doing a road trip to Vermont this weekend with 40 kittens and 5 adults. And they've done a great job helping us get them adopted. So as you can see we're trying to reach out far and make partnerships with people to help us deal with some of the situations that we are faced with. The spay/neuter POD will be open 3 days a week and once a month we'd like to offer to the citizens of Cecil County low cost vaccinations, distemper shots and microchipping. The POD will be brought in, it is exactly like the Police trailer and it's almost the same size. Recently the Town of Perryville just awarded us additional grant money to offset some of the expenses of hookup, the electrical, plumbing, so we're really grateful that there has been this momentum from everyone to get this started.

Ms. Skilling reviewed the Staff Report, and one of the things we have to do is respond by giving information that they meet the criteria. One of the things about the POD, it will be placed on the vacant piece of property and some of the structures will be demolished.

Ms. Cowley responded three of the structures will be removed. The furthest building is going to be removed, the middle building Ms. Jackson said we can use that for office space, there is a shelter/garage type structure right behind that to be removed, the one to the right is also being removed, the lattice on top of the fencing is going to be removed and the fencing will stay.

Ms. Skilling continued number 3 of the report, the exterior, the appeal of the building itself is very attractive, and all those other buildings will be gone. Site access to this piece of property will be off MD222 and they already have ingress and egress and we're still waiting for SHA's final approval but the property already has access and once its given access SHA could make you do something but right now they do have access and we would grant them access unless SHA indicates otherwise.

Ms. Cowley indicated we can be doing between 10 and 15 surgeries a day, maybe more. We will be doing a lot of the trapping so it will be volunteers bringing the cats in and then owned cats will be coming in. There's not going to be a lot of traffic. Maybe just fifteen cars dropping off and possibly fifteen cars picking up at the end of surgery day and then parking during the day for the vet and the vet tech and the volunteers who will be helping to man the POD. So there's not going to be a lot of traffic going in and out like Royal Farms, it's nowhere near that kind of traffic.

Mr. Reich commented I live within a block of that site and I know Ms. Jackson said she was going to tear down most of those buildings and she said she'll leave the one building and the fence. One of the things I've noticed is there are actually semi-trucks that use that and park there and stay there so they can go in Royal Farms and get something to eat or whatever. That's something you may have to worry about because there is more than enough parking over there.

Ms. Cowley replied I believe the semis go there now because they can, there's nothing there and I would think that once the POD gets up and running that they're going to see that somethings there and they're not going to encroach and park across the street.

Mr. Barrett asked is there State licensing required.

Ms. Cowley responded yes there are. The veterinary board will come in and do all the inspections and Dr. Bradley Price is our vet on record and is actually overseeing all the formal licensing and insurance and everything like that.

Mr. McBreen stated if semis now come down there, if this POD is set up and everything do you actually plan on striping the parking spaces so they are visible?

Mr. Reich indicated it is crushed stone.

Mr. Ryan commented during the Town meeting we can work with them and the State to get signs that basically say there is no parking to make sure if there is an issue the police will be aware. We've had that issue already and when they're ready we'll address it and if there becomes a need the police will step up and give some assistance with that.

Ms. Skilling continued I just wanted to say that water and sewer is available at the site and the following conditions are recommended by staff:

- a. No surgical procedures that require overnight stays,
- b. No overnight boarding of animals,
- c. Operations limited to day time hours between 7:00 a.m. and 7:30 p.m.,
- d. Landscaping of bedding plants to conform to the submitted site plan,
- e. Use shall be for a period of 3 years, subject to renewal.

Mr. Reich indicated those are the conditions that Staff is recommending but we could recommend to the Board of Appeals other conditions.

Mr. Ryan commented under the grants that are given out by the Town every year they did receive a grant to help with the hook up costs for water, sewer, electric and whatever else they need to get hooked up. They have been more than excellent working with us with the pet population at the Perryville Park, the feral cats. They have helped us get that well under control and they have been a great organization to work with this town, not in this town but with this town and I hope we've been good partners with them and I just want to continue this relationship in this fashion. I think the idea, I know it's in our

town and I know the idea that we take some of the casino money is used for this grant but now they need even more to assist the county as a whole I think is a great idea that we can help them continue this in any way we can.

Mr. McBreen stated I'm just glad to say that we can be a participant in this situation.

Mr. Barrett questioned so why do the people in Vermont need a lot of cats?

Ms. Cowley responded all of New England actually, believe it or not. We've transported cats to them because they've done such a great job. So we are going to be a leader in Perryville to show other towns and other states what can be done with spaying and neutering. They have done concentrated spay and neutering for felines and dogs in their states for years now and they're not breeding up there. So they have a need for animals because people still want felines. We've transported cats to Massachusetts, Rhode Island, Vermont, and New Hampshire. Central Vermont Humane Society has really become our partner. They've become our best partner. For example, I called Jennifer a couple of weeks ago, who is their director up there, and we said Cecil County Animals Services is overloaded, every foster care we have is packed, I said are you ready for more kittens and she said how many can you bring me. I asked is 40 too much and she said no. So we're taking 35 from our group of kittens that are ready to go and we're pulling 5 from Cecil County. We've committed to the new Cecil County Animal Services that every time we do a transport they will be included because we want to help them out as well. We have gotten to an excellent start with them and it's really important because the Department of Agriculture just gave us the grant and our numbers are spot on matching and that's really important as we go forward with other grants.

Mr. Reich stated I have 2 rescue cats from you four years ago and my family has donated and I think it's great. I wish I had more room for cats and I don't because I also rescued one myself about eight years ago so I've got 3 now.

**Motion** by Mr. Jack and seconded by Mr. McBreen to recommend to the Board of Appeals approval of SE2016-02 for veterinary services as requested and with all conditions stated in the Staff Report, items 8.a. through 8.f. **All in Favor. Motion Passed.**

Mr. Michael Ahl commented just to give you a statistic: a male and female cat over the course of 7 years will produce 420,000 cats. They can have 1 to 8 kittens, three times a year and without this help just imagine how many cats would be out there.

Ms. Cowley thanked each board member; you will all be invited to the grand opening.

### **Adjournment:**

The Planning Commission informal meeting ended at 8:05 p.m.

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator