

**Planning Commission  
Meeting Minutes  
February 22, 2016**

**ATTENDANCE:** Pete Reich, Commissioner Ray Ryan, Robert Ashby, Brian Williams, Director of Planning & Zoning Mary Ann Skilling and Planning & Zoning Coordinator Dianna Battaglia.

**Meeting called to Order at 6:30 p.m.**

**APPROVAL OF MINUTES:**

Without objection the minutes for the September 21, 2015 Planning Commission meeting were approved as written by quorum of attending members.

**NEW BUSINESS:**

Mr. Reich explained the first order of business was to hold a vote for chairman and co-chairman during the first meeting of the year. Without objection, I'm going to postpone that until next month.

**SUP2016-01 Final Minor Subdivision Plat Addition of Land:**

Mr. William Whiteman, with Whiteman Land Survey, 128 East Main Street, Elkton Maryland, and my clients are Mrs. Susan Terborg and Mr. William Ard. Mr. Ard owns a property at 615 Aiken Avenue and Mrs. Terborg owns property at 626 Honicker Street. Her property backs to and adjoins Mr. Ard's. To the rear of Mr. Ard's property it backs up to Kimberly Woods open space. Mrs. Terborg has approached Mr. Ard and Mr. Ard has agreed that he would like to convey to her a small portion of his back property to her. It would adjoin her property and she can use that for her gardening and whatever other purposes she wants to use it for. The Town does not have a minor subdivision process nor an addition of land process. The acreage is shown on the plat. The other thing I draw your attention to is I took the addition of land statement from the county. The county's addition of land statement talks not only about the transfer of land but also that after if there was to be any future development or subdivision of that property it would have to go through the regular manner through whatever process you would have, whether it be a building permit process or subdivision process. Based on what I was told maybe we should drop that off as a statement and leave it as it is now, that the conveyance of land from Ard to Terborg without any guarantee or expectation of building or development in the future. There will be a change, I spoke to Mr. von Staden at Cecil County Health Department today and what the health department wants to see on the plat to be recorded. His opinion was that these statements could stand alone here without them being signed, in other words where it says "subdivision in conformance with the ten year water and sewer plan for Cecil County"; typically that's signed by the health department. But the health department will be signing the approval box but I will actually be putting a signature spot for them to sign that and also that public water and sewer is available to all lots offered for sale and/or lease. There will be signature blocks there for Mrs. Terborg and Mr. Ard so we can cover all the bases.

Ms. Skilling indicated that is an issue that we keep bringing up. I understand what the health department needs because actually we would write a letter indicating that water and sewer is available to this lot but in fact no other subdivision, this lot could ever be subdivided. So

therefore, you're saying water and sewer would be available, we know it would be available but I'll call him because it's just a statement that can be added under the approving authority with the health department that indicates water and sewer availability. If it's a subdivision there is a lot that would have water and sewer to it, that statement is definitely relevant.

Mr. Whiteman responded in the county they have specific wording as to definitions of what an addition of land is, what is a subdivision, all that, we are changing lot lines. So Mrs. Terborg's lot is now going to be different than what it was. Mr. Ard's property is going to be different than what it was and that statement is the same, to ensure anybody coming in buying Mr. Ard's lot or buying Mrs. Terborg's lot that water and sewer is available to those lots offered for sale. It's pertaining to this particular plat, that's how it was explained to me.

Mr. Ashby clarified that becomes one lot.

Mr. Whiteman continued I bring that up to you simply because my initial conversation with Mr. von Staden at the health department was that I need to see both of those statements on the plat before I'll sign it. My question to him today was I have the statements on the plat, I don't have them set up in such a fashion that they can be signed by either the health department or Mr. Ard or Mrs. Terborg but he was ambivalent, I'm not. I would much rather have them sign it, that way we're covered.

Mr. Ashby indicated so to clarify Mrs. Terborg is going to have one new deed that will take in that addition of land. So that's not going to be a subdivision. That's one lot and Mr. Ard's gets smaller.

Ms. Skilling stated I will clarify with the health department tomorrow as well to make sure we get the proper wording on there because we need to have it and I usually write a letter to him to that effect. With the Mayor and Commissioners, there was a request to waive the fee and a reduction was granted. We were concerned about making sure this is one lot and would not be necessarily subdivided because it would be very difficult to provide any kind of access. A lot has to be on road frontage and it would not. This would have been an administrative subdivision and in our new subdivision regulations, which I'm still working on it, there will be an administrative provision for this type and we'd be able to handle that administratively so we won't have to go through this long process.

**Motion** made by Mr. Williams and seconded by Mr. Ashby to approve SUP2016-01 Final Minor Subdivision Plat Addition of Land as submitted. **All in Favor. Motion Carried.**

### **Adjournment:**

Without objection the Planning Commission meeting was adjourned at 6:42 p.m.

Respectfully Submitted,

Dianna M. Battaglia  
Planning & Zoning Coordinator