

PLANNING COMMISSION MINUTES 2002

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May 20, 2002, 1:00 p.m.

**PLANNING COMMISSION MINUTES
(Subdivisions)**

PRESENT: Walbeck, Rossetti, Coudon, Smith, Kilby, Sennstrom, Di Giacomo, Carter, Woodhull, Von Staden, Campbell and Graham.

ABSENT: Hair and Brown.

Minutes: Motion made by Coudon, seconded by Rossetti, and unanimously carried to approve the April 15, 2002 minutes, as mailed.

1. Stan Granger and Jeff Tyrie presented Forest Knoll, Section 2, Lots 23-53, Old Elk Neck Road, Preliminary Plat, Fifth District.

The applicants were duly sworn according to law and testimony followed. Mr. Granger stated this is the final plat for Section 2, which is the build-out on this side of the property. There are 31 lots proposed.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac.

The Concept Plat was approved on 9/21/98 at a density of 1/2.65 (77 lots on 204.32 acres with 44.02 acres of common open space). Section 1, Lots 8-22, and 9.089 acres of common open space, received Final Plat approval on 1/18/00, and signed on 5/4/00.

A Section Two Preliminary Plat proposal was tabled on 6/18/01, until the forest retention areas and steep slopes were depicted on the Plat.

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The Section Two Preliminary Plat was resubmitted and approved on 10/15/01, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space and landscape island with \$50 per recorded lot placed in escrow prior to recordation;
- 4) The Final Plat meeting all requirements with regard to an acreage data table, a site data table, general notes, location map, and the legend;
- 5) The FRAs on the FCP and the Final Plat matching up;
- 6) The FCP and the Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 7) A landscape agreement being executed prior to recordation;
- 8) The balance of the required common open space being provided in future sections; and
- 9) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat; and the metes and bounds description of the FRA being shown on the record plat.

This Final Plat is generally consistent with the approved Concept and Preliminary Plats. The approved Concept Plat proposed 77 total lots; this Final Plat proposes 31 lots -- in addition to the 15 Section 1 lots already recorded. If Section 2 receives Final Plat approval, then that would leave a balance of 31 lots ($77 - 46 = 31$) for any subsequent sections of Forest Knoll. Since this plat proposes 7.415 acres of common open space, if approved, then a deficit balance of 27.516 acres of common open space would remain.

§4.2.13 (i) of the Cecil County Subdivision Regulations requires that the areas of proposed Lots 29-33, 35-38, 41, 43-45, and 49-52 be expressed in square feet because they are less than one acre in size.

§4.2.13 (i) of the Cecil County Subdivision Regulations stipulates that Final Plats shall have a 3½ left-hand border.

Open space access between lots must be marked with concrete monuments.

The wetlands that were depicted on proposed lot 53 must be shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

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A minimum 20% landscaping of the development envelope is required in the SR zone.

Rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Sidewalks are recommended on at least one side of the Forest Knoll Drive cul-de-sac.

Swales do not need buffers, so those 25' buffers can be taken out. The perennial stream buffer is noted on proposed Lot 53 and to the south, but it is not shown.

The Forest Stand Delineation (FSD) and preliminary Forest Conservation Plan (PFCP) were approved on 6/15/01. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. The FRAs on the FCP and the Final Plat must match up. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these lots must become members of the Homeowners' Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Granger advised that the 3.5" border was originally required for binding in record books. The Clerk of the Court's Office no longer binds plats in record books, therefore what size border is needed? Mr. Di Giacomo stated it needs to be larger than 1/2" because OPZ still hangs them in a hanging file.

Mr. Woodhull stated that a stormwater management (SWM) submittal is currently under review and must be approved by the DPW prior to DPW signing the Final Plat. A Mass and Final Grading Plan will be required in accordance with the Residential Lot Grading Policy (normally submitted in connection with SWM submittal). This has not been submitted. The Final Plat must include a note referring to the Lot Grading Plans. See DPW for language. The street and storm drain submittal is currently under review and must be approved by the DPW prior to DPW signing the Final Plat. The first submittal on this was May 9, 2002.

A Road Code Waiver for the extended cul-de-sac was issued by DPW on June 18, conditioned upon a demonstration by the consultant that a P-loop street was not feasible and that the street layout is in general conformance with the Concept Plat. The consultant has done neither.

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If sidewalks are required by the Planning Commission, the Final Plats should include a note indicating that sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A Public Works Agreement (PWA) will be required for internal streets and storm drains. An Inspection and Maintenance Agreement will be required for the SWM facilities.

Denied access must be shown in accordance with the mid-block turnaround detail for Lots 26, 27, & 53.

Both the Road Code and the Sewer & Water Standards were adopted on April 25, 2002 and become effective July 24, 2002. Any administratively complete submittal received prior to July 24, 2002 can be designed under the former codes and standards provided that such plans are approved by Jan. 3, 2003. Designers may use the new codes and standards prior to the effective date.

Ms. Rossetti stated that it appears that Lot 53 septic area is well within the 160-foot perennial stream buffer. Mr. Granger stated that perennial stream will be removed. The existing SWM pond blocked the stream so there is little to no flow there now. DPW and OPZ advised that the perennial stream buffer was not needed. That stream buffer notation will be removed.

2. Racine Property, Washington Schoolhouse Road, Concept Plat, Wilson Deegan & Associates, Inc., Fifth District.

WITHDRAWN.

3. Barry Montgomery and Mike Burcham presented Bedrock, Lots 1-106, Bethel Church Road, Concept Plat, Fifth District.

The applicants were duly sworn according to law and testimony followed. Mr. Montgomery stated this plat was before the Planning Commission last month, and was disapproved. Little has changed since then. It is in

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the SR zone on Bethel Church Road. 40 lots are proposed in the first phase.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 102 lots on 73.9 acres, for a proposed density of 1/.725, or 1.38/acre.

Mr. Di Giacomo asked where this subdivision will tie into the sewer line? Mr. Burcham stated it will tie in at the easternmost entrance of Billy Goss Loop, off Bethel Church Road. The existing sanitary sewer line is shown on the north side of Bethel Church Road, and the plan is to extend the service down the south side of Bethel Church Road. A preliminary design has been done.

Mr. Di Giacomo continued: After the minor subdivision application is submitted, once approved, the minor subdivision number must appear on all subsequent plats submitted in the major subdivision process. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. This development is being proposed in 2 phases: 36 lots for Phase 1 and 66 lots for Phase 2. This location is outside the water service area agreement between the County and the Town of North East.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25%, which are shown as hatched areas on the Concept Plat, must again be shown on the Preliminary Plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. The intermittent stream buffer has been shown. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to Preliminary Plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

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The minimum area of each lot must be included, and the acreages of Phases I & II must be shown to verify density. The minimum lot sizes for Phases I & II must be shown to verify compliance with Article VI.

This proposal satisfies the common open space provisions of the SR zone for subdivisions of 10 or more lots. 15% common open space is required, 41.7 % is proposed most of it included in the proposed Phase I. Fee simple access from the north to the active common open space south of proposed Lot 55 is recommended. Mr. Di Giacomo asked what improvements are planned for the common open space? Mr. Montgomery stated it is level and would be a good location for a ball field. Mr. Walbeck asked how big it is? Mr. Montgomery stated it is more than an acre. Mr. Walbeck stated it would have to be more than an acre for a ball field. Mr. Montgomery stated that they would put whatever would be appropriate there, something athletic. Mr. Walbeck advised that OPZ may be looking for something active, such as swings, etc.

Mr. Di Giacomo further stated that at a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands. The calculations for those thresholds must be included on the Preliminary Plat.

Mr. Di Giacomo asked if any thought has been given to the installation of protective fencing around the proposed stormwater management ponds in the areas of common open space? Mr. Montgomery stated that they haven't gotten that far. If it becomes a dangerous situation, then something would be done.

Mr. Di Giacomo continued: A minimum of 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads in the SR zone. Neither of the proposed cul-de-sacs exceeds the 800' limit of the Subdivision Regulations or the 600' limit of the current Road Code. Proposed lots 103 & 104 exceed the 3:1 length to width ratio. There are no panhandle lots. There should be no direct access from any of the proposed lots onto Bethel Church Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Bethel Church Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) was approved 5/17/02. The site contains FIDS habitat, and Natural Heritage's database indicates that 5 endangered or threatened species (Swamp Pink, Darlington's Spurge, Canada Burnet, Rough-leaved Aster, and Climbing Fern) are known to occur within the vicinity. A survey for these species will need to be conducted prior to Preliminary Plat review by the Planning Commission. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest

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Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The road names have been approved by the County Emergency Management Agency. A Traffic Impact Study must be submitted prior to TAC review of the preliminary plat.

Access to common open space between lots must be marked with concrete monuments.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Montgomery questioned the need for a Traffic Impact Study? Mr. Di Giacomo stated this is a concept plat with 102 lots. Mr. Montgomery asked which roads and intersections would have to be studied, and why wasn't it mentioned at TAC? Mr. Di Giacomo advised that it was mentioned at the first TAC meeting. The roads and intersections to be studied would be determined at a scoping meeting. Mr. Montgomery asked if the level of service of Bethel Church Road at the present, and the impact of this development on that road, would be studied? Mr. Di Giacomo stated that it would have to be determined whether this development would take the level of service above the acceptable thresholds or not. Mr. Montgomery stated the County has a counter on that road now. Mr. Carter concurred, but advised that those counters aren't necessarily official.

Mr. Woodhull stated a stormwater management submittal must be approved by the DPW prior to submittal for Final Plat Approval. A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

Sight distance measurements have been provided to the DPW to establish compliance with the Cecil County Road Code. Vegetative clearing may be necessary at the two entrances. These sight distance easements are in conflict with the Buffer Yard Code. We would request that they be extended back to clear the sight triangle. The sight distances provided for the joint access to Lots 1-4 are marginally acceptable. The Department uses AASHTO guidelines in reviewing allowable sight distances and these guidelines are based on a straight road section. The location of the driveways on a curved section of Bethel Church Road accounts for these being marginal. The success of these depends on the design of the shared driveways. The design used at Racine Estates is recommended. A PWA will be required in conjunction with the Minor Subdivision.

An oververtical or knoll exists in Bethel Church Road near proposed Lot 102 and may need to be addressed as an off site improvement.

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Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

The centerline of Flintstone Drive must align with the centerlines of Billy Goss Loop & the proposed entrance to Bethel Springs 2.

A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval.

Because of the questionable build-out potential of this project DPW recommends that the design of Flintstone Drive be completed through to Bethel Church Road and bonded in Phase 1. If this is not done, then a cul-de-sac with midpoint turnaround must be designed and bonded and rights-of-way must be shown for the construction should Phase 2 not be constructed within a specific time period.

If sidewalks are required by the Planning Commission, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Outlet culverts must be extended to the SWM facility. SWM outfalls must be extended to the toes of slopes.

The ROW dedication must be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements. The applicant must confirm or dedicate a Utility Easement for the existing 18" sanitary sewer line.

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Ms. Rossetti asked if the Forest Stand Delineation has been approved? Mr. Di Giacomo answered in the affirmative.

Ms. Rossetti questioned MDE comments made at TAC concerning one lot per acre being necessary for recharge. Mr. Montgomery stated you can't be permitted more than one unit per acre if private wells are proposed. He would prefer to run public water, but it is not in the Town or County agreements to provide water to this property. However, Harbison Walker has a water tower, which is the adjoining property. He feels it is possible that in the next five years or so, if there is water available, the agreements could be modified and the property would have public water. Under the existing regulations, 75 lots can be developed with 75 wells, and have the remainder left for public water, if it ever becomes available. Ms. Rossetti stated that it appears that the density that MDE permits is being exceeded (two units per acre). Mr. Montgomery advised that when he gets done the 40 lots in Phase 1, then 35 more could be done in Phase 2, but no more because the groundwater appropriations permit would have to be updated and MDE wouldn't approve it for more than 75 lots total if private wells are being used.

Ms. Rossetti asked at what point an aquifer test is required? Mr. Di Giacomo stated that is required at the preliminary plat stage.

Norman Bruner, 260 Bethel Church Road, appeared in opposition. He was duly sworn according to law and testimony followed. Mr. Bruner stated that he has three concerns. One is water. 75 wells adjoining his property is a concern. The de-forestation that will occur is another concern. There will be less water going into the ground with the driveways, buildings, and de-forestation. He asked if any hydrological studies will be done? Mr. Walbeck stated that the Planning Commission asked for an aquifer test in the vicinity (across the road).

Mr. Bruner stated that he is concerned about sewage. He asked if this development would prevent the current residents from tying into the sewer? Mr. Carter stated the internal system would be tied into the existing stub at the eastern entrance to Billy Goss Loop. That would not preclude others in the area from also coming down Bethel Church Road to tie into the Stoney Run Interceptor. In the very near future, Stoney Run will have adequate capacity for many, many years. This subdivision would not seemingly have any effect either way. The subdivision would run sewer up Bethel Church Road and actually benefit the existing residents.

Mr. Bruner stated that he is also concerned with the environmental impact. This property drains into the North East River and subsequently into the Chesapeake Bay. He asked if anything is being done to keep chemicals from running into the Bay? Is this in violation of the law? Mr. Carter stated that DPW will review the stormwater management submittal. DPW places a lot of emphasis on water quality control. How effective the new stormwater management regulations will be is not known. It will do as well or better than the Ordinances of the past. The design has to be in compliance with the Stormwater Management Ordinance.

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Mr. Bruner asked if DPW feels the quality of the Chesapeake Bay will be diminished by the run off created by this development? Mr. Carter stated that stormwater management will largely mitigate that. All developments have some impact on the Bay.

4. Mike Pugh and Mike Burcham presented **The Chesapeake Club, Area H, Lots 110-216, Bay Club Parkway, Preliminary Plat, Fifth District.**

Mr. Pugh was duly sworn according to law, Mr. Burcham was previously sworn, and testimony followed. Mr. Pugh stated that over the past six to eight months, he has been working with DPW in an effort to try to change the nature of the Chesapeake Club project from a private operation of maintenance to one of public ownership and maintenance, and to convert all of the standards and specs to County standards, as well as converting the ownership of the lots to fee simple and to have management of open space areas through an association in the standard manner. They have begun to identify the work necessary to make the upgrades to the roads and sewer lines with the County, and the water lines with the Town. He requested this be reviewed as a fee simple subdivision as opposed to private lotominium. 107 single family lots are proposed. The majority of the lots are situated along the fairways of #14 and #5 golf holes. A pump station will be constructed for the sewage, which will be lifted to the gravity lines that will go to the de la Plaine pump station. The water lines will be carried from Chesapeake Club Drive to the balance of the property. Bay Club Parkway will loop around and connect to Irishtown Road. Islands will be created in the middle to maintain a parkway sense. The intent is to retain the wooded and natural character of the property as much as possible. The homes will be \$250,000 and up. It will be similar in character to what has been constructed on Yarmouth Lane, or higher.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the property is zoned RM. The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A revised Concept Plat was approved 12/20/93, and a subsequent revised Concept Plat was approved 6/20/94 (with no conditions). At that time, this section, corresponding to Sections J, K, and an area for Future Development, included 45 single-family dwelling units in Sections J & K, an undetermined number in the Future Development area, and open space. Section H was then designated as an area located to the north of the currently-designated Section H.

This Section H Preliminary Plat proposes 107 lots, roadway, and 11.82 acres of common open space (down from 12.14 at the TAC) on 53.18 acres (down from 54.19 at the TAC) for a proposed density of 2.01/1 within the maximum allowable density, as well as that of the approved Concept Plat. It is generally consistent with the approved Concept Plat.

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A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Mr. Di Giacomo asked the date that the Jurisdictional Determination had been done on the entire property, since they are only good for 5 years. Mr. Pugh stated it was done in November 2001.

Mr. Di Giacomo asked if there are any plans to move the water areas or sand traps on portions of proposed Lots 184, 195 & 196? What will be the disposition of the cart paths? Mr. Pugh stated that is being reviewed in consultation with the golf course owners. The probability is that they will continue to be easements on the record plat. If something needs to be changed, then that will occur prior to record plat. Mr. Di Giacomo stated that the County would prefer that they be relocated. Mr. Pugh stated that may be difficult to do. They would prefer to work with the golf club to maintain the golf course because moving them may not be in the best interest of the overall project. He would prefer to have more opportunity for analysis on that.

Mr. Di Giacomo continued: The required 25' intermittent stream buffers have been included.

This proposal satisfies the general open space provisions of the RM zone. 15% common open space is required for this section, 22.2% is proposed. Open space access between lots must be marked with concrete monuments. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. The habitats of rare, threatened, and endangered species must be avoided. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

Sidewalks are recommended along the proposed roadways, consistent with previous sections. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The road names Bay Club Parkway, Chip Shot Court, Five Iron Drive, and Tournament Circle have been approved by the County's Emergency Management Agency. The proposed Five Iron Drive cul-de-sac exceeds the 600' limit of the current Road Code. Therefore, a Road Code Waiver from the Department of Public Works is required.

25% landscaping of the development envelope is required in the RM zone. A minimum 25' Bufferyard C must be provided around the perimeter of the development tract (§29.5.a.(2)). No parking areas, roadways, or accessory structures are permitted in the 25' planted buffer. The natural vegetative equivalent may be used to satisfy this requirement.

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A few lot dimensions are missing. (Lots 114, 213-216)

The Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (PFCP) have been approved, but the metes and bounds of proposed Lots 135, 136, 147, 148, and 185 do not match those of the PFCP. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to the Planning Commission's review of the Final Plat. The Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

If a change from lotominium/condominium to fee simple is effectuated, then a Homeowners Association must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. If that change is not effectuated, then the owners of these lots must become members of the Section H Chesapeake Club Maintenance Association for maintenance of the common open space, any cul-de-sac islands, and other common elements. In addition, the owners of these lots must become members of the Chesapeake Club Road Association for maintenance of the roads.

The Chesapeake Club Drive must be accepted by the County prior to Final Plat approval of this section.

Mr. Di Giacomo asked if any consideration has been given to providing a stub road to the lands of Mason Dixon Sand and Gravel? Mr. Pugh stated that at this point, the road terminates prior to that. There is a big wetland area in the front of it. He would like to defer that until they get to subsequent sections.

Mr. Di Giacomo continued: The record plat shall contain a statement signed by the Health Department approving authority, to the effect that use of such community water supply or community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plat shall also contain a statement, signed by the owner, that such facilities will be available to all lotominiums offered for sale.

The Town of North East must verify water allocation for these lots prior to the Planning Commission's review of the Final Plat. The Cecil County DPW must verify sewer allocation for these lots prior to the Planning Commission's review of the Final Plat.

Mr. Pugh questioned the road dedication to the County occurring prior to final plat approval. He would like to create the construction documents necessary to make the dedication of Chesapeake Club Drive and guarantee those documents in the Public Works Agreement. He is not sure that Chesapeake Club Drive would

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occur prior to final plat approval. A letter of credit to guarantee the construction of Chesapeake Club Drive to County standards could be done. Mr. Carter stated it would be helpful if the Planning Commission could see some kind of positive indication that the County Commissioners would be willing to accept the roads.

Mr. Woodhull stated a stormwater management submittal must be approved by the DPW prior to submittal for Final Plat Approval. A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval. A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval. Currently sewer capacity has not been provided to cover all of these units. DPW has issued an additional 66 ELU providing a total of 75 ELU available. The Main Street upgrade would provide for a total of 185 lots. The proposed sewer line location is preferable to that shown on the TAC submittal. The pump location is tentatively approved. Care must be taken in the layout and design of the pump station due to the tight spacing available between Lots 154 & 155. This space will also contain SWM routing and serve as access to Open Space. It is recommended that an example layout, available from DPW, be used.

If sidewalks are required by the Planning Commission, the Final Plats should include notes indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. All driveways must be paved at least to the right of way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

Outlet culverts must be extended to the SWM facility. SWM outfalls must be extended to the toes of slopes.

A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements. An Inspection and Maintenance Agreement will be required for the SWM facilities. Utility easements may need to be wider depending on the conveyance system proposed for both sanitary sewer and SWM.

Ms. Rossetti questioned looping to Irishtown Road. Mr. Pugh indicated on the plat where it would come out on Irishtown Road. The Town's water line would also be looped via that route.

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5. Donnie Sutton presented Susquehanna River View, Lots 1-22 and 24-39, McCormick Drive and Woodrow Lane, Preliminary Plat, Seventh District.

The applicant was duly sworn according to law and testimony followed. Mr. Sutton stated this is a preliminary plat based on the concept approved in December 2001 (Lands of Clyde Belle). It shows Lots 1-22 and 24-39. Lot 23 is a reserved area because of seasonal testing that must take place. Lots 28 and 29 need to have the building restriction lines revised and the dimensions shown. Since the plat was submitted for Planning Commission review, additional perc testing has been completed and a revised plat has been sent to the Health Department.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, RCA (Critical Area portion). The NAR zone permits a maximum base density of 1 du/ 5 ac., or bonus density of 1/3. This Preliminary Plat, which is consistent with the Concept Plat approved on 12/17/01, proposes 38 lots, an area reserved for future development, roadways, 2 small add-ons, and 24.3 acres of common open space on 118.471 acres, for a density of 1/3.038.

The Concept Plat was approved, conditioned on:

- 1) The sensitive species survey being completed prior to Planning Commission review of the Preliminary Plat, -- DONE none found and
- 2) The relocation of Lot #32 occurring and being placed next to the then-current Lot #30. -- DONE

Mr. Di Giacomo asked if a boundary line survey has been completed? Mr. Sutton answered in the affirmative.

Mr. Di Giacomo continued: A mini road subdivision has been designed within this proposal. The owners of proposed lots 6-11 must become members of the Zachary Joseph Court Mini-road Maintenance Association -- in addition to the Susquehanna River View Homeowners Association.

On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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The forested areas, part of which are in the Critical Area, contain FIDS habitat. The 2.5 acres in the RCA district of the Critical Area are still proposed for common open space. This proposal satisfies the common open space provisions of the NAR zone. 15% is required; approximately 20.5 % is proposed. Proposed lot 29 would function as the large lot, and would consist of approximately 42.5 % of the site. The new layout's open space total acreage is 74.7 acres, or almost 63.1% of the total. Access to common open space between lots must be marked with concrete monuments.

Mr. Di Giacomo asked why is it that what would be lot 23 is now proposed as an area reserved for future development? Mr. Sutton stated that is for seasonal testing purposes.

Mr. Di Giacomo continued: No landscaping of the development envelope is required in the NAR zone.

The proposed Zachary Joseph Court mini road is only about 415' in length. The extended McCormick Drive cul-de-sac exceeds the 600' limit of the current road code. Therefore, a Road Code Waiver from the Department of Public Works may be required.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) and PFCP have been approved. The tree line on the FSD does not match the tree line on the plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

All road names have been approved.

There can be no further subdivision of the proposed large lot (29). Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners' Association for maintenance of common open space and turn-around and cul-de-sac islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Because this proposed subdivision will be accessed through Susquehanna, the Susquehanna Section II record plat must be signed prior to this subdivision's Final Plat approval.

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Mr. Woodhull stated a stormwater management (SWM) submittal must be approved by the DPW prior to submittal for Final Plat Approval. If SWM facilities are proposed (versus a waiver or exemption), the consultant is requested to send a second copy of the plan view only, which DPW will convey to the Health Department to keep them informed.

A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

Any applicable Road Code Waivers must be requested prior to submittal for Final Plat approval.

As it stands at this time, the proposed lots and the internal roads have no access to a public road; Susquehanna Section 2 has not received Final Plat Approval. Until such time as it does, these proposed lots would in effect be landlocked. Further, even after Susquehanna receives Final Plat Approval, there is no guarantee that the Susquehanna improvements will be realized within the time that lots in this proposed subdivision are sold. The applicant must alleviate this concern prior to submittal for Final Plat approval.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for internal streets and storm drains.

Mr. Sutton stated that in regards to DPW's concern about accessing through Susquehanna, that will be taken care as part of the Public Works Agreement for Section 2 of Susquehanna.

6. Donnie Sutton presented Cameron Woods, Lots 1-27, Shady Beach Road, Concept Plat, Fifth District.

The applicant was previously sworn. He stated that this is a concept for Lots 1-27 off Shady Beach Road. It was in for review last month and denied based on the Natural Heritage letter not being received. They did comment on one endangered species, but that was for a species that exists in an open meadow and this is totally wooded. The FSD has been approved. Andrea Lane is a new road name because of 911 issues with Cameron Lane. That has been adjusted to show a 90 degrees access off Shady Beach Road. Access has also been provided for Lands of Henson for future development. The previously discussed greenway access would probably be up Andrew Lane into the Henson property. 27 lots are proposed on 39.188 acres, in the SR zone.

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Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 27 lots, common open space, roadway areas, and a 50' -wide access area on 39.18 acres, for a proposed density of 1/1.451. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. There are 4 panhandle lots proposed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must again be shown on the Preliminary Plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160', as shown. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the general open space provisions of the SR zone for subdivisions of 10 or more lots. 15% common open space is required; 25% is proposed. Access to common open space between lots must be marked with concrete monuments. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands. The calculations for those thresholds must be included on the Preliminary Plat.

A minimum 20% landscaping of the development envelope is required in the SR zone. Sidewalks are recommended on at least one side of all internal roads in the SR zone.

None of the 3 proposed cul-de-sacs exceeds either the 800' limit of the Subdivision Regulations or the 600' limit of the current Road Code.

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Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Shady Beach Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved. The Natural Heritage Letter states that DNR's database shows that the Swamp Lousewart is known to occur in the vicinity. However, since its habitat is sunny meadows, and this property is woodlands, no sensitive species survey will be required. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and landscape plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat. The names Andrew Lane and Samuel Lane have been approved. The name Cameron Lane was not approved. There can be no direct access onto Shady Beach Road from any of the proposed lots. Stub road access to the lands of Cameron (also located in the SR zone), to the west has been shown.

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The abandoned buildings will need to be removed prior to the signing of the Record Plat.

Consideration should be given to relocating proposed Lot 8 to the vicinity of 10 & 11. The current location for 8 appears unbuildable.

Mr. Woodhull stated a stormwater management (SWM) submittal must be approved by the DPW prior to submittal for Final Plat Approval. A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Sight distances are a particular concern on Shady Beach Road because of the vertical and horizontal grade changes and the vegetative encroachment on the roadway. A sight distance easement on Lots 7 and 8 may be required for perpetual vegetative clearing.

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Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A Public Works Agreement will be required for internal streets and stormdrains.

Make Andrew Lane and the access stub to the Lands of Henson a Minor Collector (60' ROW) to accommodate future development on the Lands of Henson. Mr. Sutton stated that the area that the stub connects to is bordered by a stream buffer. Further, the Henson property is two parcels that are not interconnected. One parcel fronts on MD Rte. 272 and the other fronts on the Old Slave Road that runs between the two parcels but doesn't allow them to interconnect without going across one or two other people's properties. Accessing Rte. 272 would require crossing a stream buffer and crossing another property owner's property. The property below the stream buffer would only permit 22 additional lots. Mr. Woodhull stated that the tax map shows physical connection between the two parcels, and would not have to cross anyone else's property to get out to Rte. 272. Mr. Sutton stated that to be able to get there, a stream crossing would be required, as well as a SHA access permit. He indicated on a copy of the tax map the proposed access on the southern portion. Mr. Carter asked if the engineer's research shows no connection between the two Henson parcels? Mr. Sutton stated if it is, it is very narrow. He believes it is less than 15 feet, but a full survey hasn't been done of that property. It appears to be a four-corner intersection, where all four properties come to one point. Mr. Carter stated he would like to see a demonstration that connectivity would not allow a connector road. DPW is concerned about a connector road from Shady Beach Road to MD Rte. 272. If it would be used for that purpose, it would be a major collector road. DPW needs to make sure it is of adequate size to handle a large number of increased traffic. Mr. Sutton stated that with the angle proposed to access the Henson property, he is not sure that would be a short cut from Shady Beach Road to MD Rte. 272, since the SHA cut-over is within a fairly short distance.

Mr. Walbeck asked if DPW's recommendation still stands? Mr. Carter stated DPW recommendation stands unless or until there is more substantial evidence to show that it is not a likely outcome. Mr. Walbeck stated that Parcel 129 is almost landlocked, but it is large enough that if it develops, then an access is going to be needed. Mr. Sutton stated that he believes that parcel is NAR and would only have a 17-22 lot buildout. The cut-off for a collector road is 50 lots. He requested DPW's recommendation be delayed until he can show that there is not connectivity of 50 feet.

7. Donnie Sutton presented **Butlers Crossing, Section 3, Lots 11-18, Joe Meltz Road, Revised Concept Plat, First District.**

Mr. Sutton was previously sworn and testimony followed. He stated this is a revised concept on a development that was proposed last year. It has been revised to show 26.1 acres of open space. The open space is along the stream buffer, but there is an area of uplands, which was formerly a lot on the previous

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plat. Joe Meltz Road will be extended and a cul-de-sac added. A mini road is proposed off the end of that cul-de-sac. The new County Road Code was used for this subdivision. There is a pull off shown on the mini road. The mini road is shown with five lots accessing it. The remaining lands in Delaware would also access the mini road, and be limited to two lots, bringing it to a total of seven lots, which is the maximum permitted on a mini road.

Mr. Walbeck asked if Lot 16 will access MacKenzie Lane? Mr. Sutton stated no, it will access Joe Meltz Road.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SAR, which permits a maximum base density of 1 du/ 8 ac. The original Concept Plat was approved on 11/16/98 at a density of 1/21.2. This Section 3 Concept Plat proposes 8 lots plus remaining lands on 75.80 acres, for a proposed density of 1/8.42 for this section. These 8 proposed lots, together with the 7 lots from Sections 1 & 2, would bring the total to 15 lots plus remaining lands, on 169 acres, for a proposed density of 1/10.56.

A minimum of 25.4 acres of common open space is required, which is based upon the total original acreage, consistent with previous conditions of approval. 26.1 acres (15.48%) is proposed. A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot in all sections placed in escrow for improvements prior to recordation. All lot owners in all sections must become members. Access to common open space between lots must be marked with concrete monuments.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

Any slopes greater than 25% must be shown on the preliminary plat. A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160' as depicted on the plat. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts and stream crossings prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the

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Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

No landscaping of the development envelope is required in the SAR zone.

The proposed mini-road cul-de-sac exceeds the 800' limit of the Subdivision Regulations and the 600' limit of the current Road Code. Therefore, Planning Commission approval and a Road Code Waiver from the Department of Public Works will be required.

A mini-road maintenance association must be established with the owners of all lots accessing the mini-road becoming members.

There are no Bufferyard Standard C requirements, as Joe Meltz Road is functionally classified as a local road. Bufferyard Standard A is required along the side/rear lot lines of lots 11-14 to buffer adjacent agricultural uses. Where applicable, the natural vegetative equivalent may be used to satisfy the bufferyard requirements, or the dwellings on those lots may be located 300' or more away from the property lines. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road and minor road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved. The forested area contains FIDS habitat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

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The proposed mini-road name will need to be approved by the County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat.

Mr. Di Giacomo asked if this proposal has been submitted to the New Castle County Department of Land Use? Mr. Sutton stated no. Mr. Di Giacomo advised that the proposed mini-road presents limitations on the development of the remaining lands in New Castle County. Cecil County obviously has no authority to regulate or restrict development in New Castle County; however, it does have the authority to set the limit on the number of lots accessing a mini-road, which is 7. The remaining lands, mostly in Delaware, could be subdivided beyond the 7 lot limit. Therefore, should that road remain a mini-road, then a note should be placed on the plat indicating that limitation. On the other hand, the mini-road could be brought up to County road standards.

Mr. Di Giacomo asked what roads proposed Lots 11, 12 & 16 would access? Mr. Sutton stated that Lots 11 and 16 would access Joe Meltz Road and Lot 12 would access MacKenzie Lane.

Mr. Di Giacomo stated the 911 emergency service centers of Cecil and New Castle Counties will need to coordinate coverage, as will the Cecilton and Middletown Fire Companies.

Mr. Sutton stated that a boundary survey has been completed, and a JD was done with the previous concept. It was done approximately three years ago for the entire 169 acres.

Mr. Woodhull stated a stormwater management (SWM) submittal must be approved by the DPW prior to submittal for Final Plat Approval. If SWM facilities are proposed (versus a waiver or exemption), the consultant is requested to send a second copy of the plan view only, which DPW will convey to the Health Department to keep them informed.

The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. [A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.]

A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval. The existing 45' wide ROW must be confirmed by the applicant through thorough deed research. It is of

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inadequate width and location to permit the extension of Joe Meltz Road; applicant must resolve. Applicant may widen on the Lot 10 side of the road and realign Joe Meltz Road into the center of the 50 ROW for the new section using a transition. The cul-de-sac must meet the new Road Code standard. The Private Mini Road will allow for only two additional lots on the remaining lands located in Delaware. Mr. Woodhull asked if Lot 16 will show ownership to the mini road? Mr. Sutton stated Lot 16 will access Joe Meltz Road.

Mr. Woodhull continued: All driveways must be paved at least to the right of way.

A Public Works Agreement (PWA) will be required for internal streets and storm drains.

The 30 Road Widening & Utility Easement shown for the abandoned road is not required or desired by DPW.

Mr. Walbeck asked why DPW does not require the additional width to Joe Meltz Road because there is potential for development? Mr. Carter stated it depends on whether the Planning Commission wishes to encourage further development. Joe Meltz is effectively a three-mile cul-de-sac. DPW has concerns about emergency response to the development. It is not a County maintained road at this time, therefore DPW does not seek it.

Mr. Walbeck stated that it would appear that if the Christenson property were to develop, then they would request that the roadway be activated. If that is the case, then what position would that leave the County? Mr. Carter stated the County would not be burdened with having to obtain that right-of-way. The owner would have to obtain the right-of-way or the development would be prohibited.

Discussion followed concerning the ownership of the abandoned roadbed of Joe Meltz Road.

Mr. Walbeck asked who owns the property where the cul-de-sac is being extended? Mr. Sutton advised that when U.S. 301 was put through, there was an existing County right-of-way that crossed over U.S. 301 to go to Warwick. The State purchased the 80-foot wide right-of-way up to the Lands of Rizzo. They then conveyed that to the County, and then proceeded to sell the property to Mr. Christenson or his predecessors. Mr. Walbeck asked if vehicles use it? Mr. Sutton answered in the affirmative. Also, it is the only County road access Christenson has to his property.

Mr. Carter asked if there is a 30-foot fee simple right-of-way? Mr. Sutton answered in the affirmative. Mr. Carter asked who owns that? Mr. Sutton stated it is a gray area. The State Highway plat shows it as a County

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right-of-way. He advised that he couldn't find anything in the deeds showing an out conveyance to the County.

More discussion followed concerning County roads and ownership of the existing roadbed.

Mr. Sennstrom asked where the .20-acre remaining lands in Maryland is? Mr. Sutton stated that is the 50-foot strip that accesses the remaining lands in Delaware.

8. Mike McAllister, Robert Murray, Emilie Waddington, and Betty Murray presented Winfield, Section 1, Lots 5-11, Calvert Road, Final Plat, Ninth District.

The applicants were duly sworn according to law and testimony followed.

Mr. McAllister stated this plat is consistent with the original approved preliminary plat. There were some drainage issues at the preliminary stage at the intersection of Wray's Way and Calvert Road, and those have been ironed out with design elements. There were two construction easements previously shown at the intersection and those easements have been made larger. The Bufferyards C have been revised to allow for a containment area for water on Lot 11. The paving along Calvert Road has been built up to help with containment. Note 14 denies direct access to Calvert Road for Lots 5, 6, 7, 8 and 11. The panhandle of Lot 8 has frontage on Calvert Road, but is denied access. It will access the cul-de-sac as shown by the panhandle. Wray's Way is a 600-foot mini road. The existing large hedgerow on Lot 8 will be utilized as the Bufferyard A. Note 11 applies to Lot 8, as required by the Planning Commission and the Health Department.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density is not being sought. This Final Plat proposes 7 lots on 22.3595 acres, lots plus remaining lands on 72.2766 acres, consistent with the Preliminary Plat's approved density of 1/10.80.

The Preliminary Plat, for proposed Lots 4-11, was approved, in accordance with §4.0.1 of the Cecil County Subdivision Regulations on 7/16/01, conditioned on:

- 1) Health Department requirements being met;

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- 2) DPW requirements being met;
- 3) The Final Forest Conservation and Landscape Plans being approved prior to Planning Commission review of the Final Plat;
- 4) A Landscape Agreement, including bufferyards and street trees, being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat; and
- 6) A mini-road maintenance association being established and these lot owners become members of it; and
- 7) A note being placed on the plat denying access to Calvert Road for all lots except Lot 4.

A Final Plat was approved for Lot 4 on 9/17/01, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat; and
- 5) A note being added to the plat to indicate that the owner(s) of this lot shall be required to become members of a Homeowners Association should additional subdivision of the original parcel trigger the common open space and Homeowners Association requirement.

Lot 4 has not yet been recorded.

Minor Subdivision numbers 3303 and 3320 have been shown on this plat. If their combined acreage of 4.3123 is subtracted from the 97.2096 total acreage cited on the Preliminary Plat, then we are left with 92.8973 acres. However Note # 6 indicates that the total acreage, including lot 4 is 94.6361. That discrepancy needs to be accounted for.

Mr. Di Giacomo asked what function proposed Lot 8's narrow corridor of land will serve? Mr. Murray stated that 18-foot strip (all the way to back of the Ore's lot) will be sold to the Ore's, for \$1 once final approval is obtained.

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Mr. Di Giacomo stated that Note # 19 indicates that proposed lot 8 is exempt under provisions of Section 3.2N of the Cecil County Forest Conservation Regulations. The Forest Stand Delineation (FSD), PFCP, and FCP have been approved. No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Calvert Roads. Rows of street trees are required along both sides of all internal roads. They have been shown on the Landscape Plan, which was approved on 9/14/01 and included the Bufferyard C. The Bufferyard C layout has been modified to improve sight distance. The details of the Landscape Plan do not match those on the Final Plat. The Landscape Plan must be revised. The existing vegetation can be used to satisfy the Bufferyard A requirement for proposed Lot 8.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. This is contained in Note # 15.

A Landscape Agreement must be executed prior to recordation.

The name Wray s Way has been approved by the County 911 Emergency Center.

No common open space is required for subdivisions with fewer than 10 proposed lots in the NAR zone. However, if subsequent development of the remaining lands increases the total number of lots to 10 or more, then 15% common open space must be provided based upon the total acreage of the parcel of record, minus of acreage of the minor subdivision, if approved. At that point, a Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow prior to recordation, for improvements with all lot owners, including lots 1-8, becoming members. In addition, any additional subdivision activity will require a Concept Plat for the balance of the property, and the density calculation shall include these 8 lots.

The proposed future 20 pedestrian access strip to possible future open space is shown in fee simple form as part of the remaining lands.

Several misspellings need to be corrected.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

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The standard planted buffer/street tree note must be added to the Record Plat. There shall be no disturbance to the planted buffer(s) or street trees, except for normal maintenance.

A maintenance association for the mini-road must be established prior to recordation with the owners of all lots accessing the mini-road becoming members. In Addition, if there is subsequent development requiring common open space, then these lot owners must become members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated a stormwater management (SWM) Exemption was approved for the project. The street and storm drain submittal is currently under review and must be approved by the DPW prior to DPW signing the Final Plat.

The Department of Public Works safety concerns regarding the proposed access to Calvert Road have been addressed in this submittal. Technical approval of the construction drawings is anticipated pending resolution of minor issues. We encourage the modifications to Buffer Yard C indicated in this submittal.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

A Public Works Agreement will be required for internal streets and storm drains.

At the concept plat review, Lots 6 & 7 were requested not to access the driveway for Lot 8. The grading plan currently under review shows a shared use of the Lot 8 driveway. DPW is currently evaluating whether this can be approved.

Mr. Rossetti asked if there is any way that assurance can be documented that the Ore's will purchase this piece of gravel drive? Mr. Murray stated there was conversation and a contract offered for them to purchase a one acre lot with stipulations that the owners could not do at that time. The Ore's wanted to go to settlement in 30 days. The Ore's attorney and the Murray's attorney discussed the situation last week and the exchange was that the sale would take place after final approval is made.

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Ms. Rossetti stated if she owned Lot 8, she would use the strip to access the road. Ms. Campbell stated the restriction placed on the plat denying access to the road is the best the Planning Commission can do.

Mr. Sennstrom advised that the front building restriction line was left off of Lot 7. Mr. McAllister stated the long drainage easement is the building restriction line.

Mr. McAllister stated that the grading plan shows an access for Lots 6 and 7 to Lot 8's panhandle. He stated that he checked with OPZ concerning whether the driveway had to be placed on the frontage and OPZ advised that it is a private issue. If Lot 8 wanted to allow Lots 6 and 7 to use its driveway, it would be a private issue between those lot owners. Ms. Sennstrom concurred.

All persons wishing to testify were duly sworn according to law at this time.

Clay McDowell appeared in opposition. He advised that he is speaking for both he and his ill brother, David. They are property owners on the west side of Calvert Road and own the land from Berkley Road to Smith Road. They are concerned with several issues, which have been presented at a previous Planning Commission meeting and at the Technical Advisory Committee meeting. The first concern is stormwater management. There has been a long-standing problem with stormwater along Calvert Road. The water from the Greenhurst end of Calvert Road travels along the shoulder of the road in front of the Mahoney property and collects in front of the proposed development in the area where the mini road is shown entering Calvert Road (across from Berkley Road), often covering one lane of Calvert Road on this curve. Some of the water then travels on toward Calvert continuing along the front of the development, passing in front of the Ore and DeAngelis properties where it has been eroding the banks, and then along Calvert Road to a creek on the adjacent Orr Farm. The water also crosses under Calvert Road, at the intersection with Berkley Road, passing through a culvert and then floods down a ditch along Berkley Road. It then crosses Berkley Road onto the property of David McDowell and Dolores Woerner and flows beyond to the fields of the Orr farm. Currently, most of this water is not from the area planned for development since there is a wide grassy berm along the edge of the field, which keeps water from the field from entering the ditch along Calvert Road. However, there are four impacts that will occur with this development, the planned next phase of this development, and the concurrent minor subdivision, all of which will exacerbate the stormwater problem:

Ø The mini road, Wray's Way, will cut through the grassy berm and bank and slope down to the level of Calvert Road, feeding water from the new lots and the mini road onto Calvert Road. Wray's Way enters Calvert Road at a point where it is complicated by the banked curve in Calvert Road, the intersection with Berkley Road, and the culvert near Wray's Way, which goes under Calvert Road. This culvert feeds water from the east side of Calvert Road to the shoulder ditch of Berkley Road.

Ø Cutting back the banks to give the necessary sight distance for Wray's Way will remove the berm in this area, which presently stops the flow of water from the field and, thus will allow water from the lots to feed into Calvert Road.

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Ø There will be four additional new driveways feeding into Calvert Road with a downward slope, from the four lots of the minor subdivision being done concurrently.

Ø There will also be additional water feeding into Calvert Road from the next phase of the development when that entrance road is constructed.

All of this additional water will feed onto Calvert Road and across the lands of adjacent neighbors. He stated that he also has a stream on his property that currently has a problem with stormwater erosion. If new water feeds into this stream, it will increase this problem.

Mr. McDowell stated that his second concern is access and driveway plans. The three planned developments on this farm will add at least six new entrances onto Calvert Road in the length of one field. There will be four entrances for the minor subdivision lots and two planned major subdivisions. Access to any remaining land would add further entrances. Also, Wray's Way mini road enters on a curve, sloping into the low side of the banked roadway surface on the curve, and at an awkward location with respect to Berkley Road, which enters Calvert Road at a sharp angle from the west side. The development of this farm could and should have all been planned at one time with only one or two entrances, far from Berkley Road and the curve in Calvert Road. Mr. McDowell feels the development of the Mahoney Farm is being done in a piecemeal fashion. So far, there is a minor subdivision of four lots, the major subdivision with seven lots currently under review, and a second phase with additional lots. The stormwater, the driveways accessing Calvert Road, and the other impacts on the neighborhood should all be considered at one time as a total package. Reviewing each development segment separately prevents the full impact from being apparent. The development of this farm should be presented and reviewed as a single project.

Mr. McDowell requests that a stormwater management plan be developed that considers all the planned development of the Mahoney Farm. This plan should not allow water to discharge onto the adjacent properties. He requested that the plan be submitted and this problem be resolved before approval of this development. He also requested that the adjacent land owners be consulted and kept informed of the planned resolution to this issue.

Mr. McAllister advised that each minor subdivision has either had stormwater management exemptions or waivers. The drainage issue at the intersection has been dealt with. All of the regulations have been complied with.

David Ore, 294 Calvert Road, appeared in opposition. He stated that he is concerned with the extension on Lot 8, with no add-on note on the plat. He advised that he was told that the add-on couldn't be done until the plan is approved. He is also concerned with Lots 6 and 7 using the curved part of Wray's Way. If the final plat doesn't clearly annotate that that section of road is not to be used, then they are right back where they began with the safety issue of the road.

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Elaine Ore, 294 Calvert Road, appeared in opposition. She stated that the safety issue of the lane is her main concern. Previously, an add-on was done to another property and that was noted on the plat. She doesn't understand why the transfer of that portion of the lane could not have been done on this plat so the purchaser of Lots 6, 7, and 8 would know that that piece was going to be conveyed. Mr. Walbeck advised that the conveyance of that strip is not a concern of the Planning Commission.

Sarah DeAngelis, 314 Calvert Road, appeared in opposition. She submitted three letters signed by adjacent property owners (marked Exhibit 1 and in the file for reference). She stated that her main concern is stormwater. That is the main concern of the adjoining property owners also, as attested to in their letters. They feel that the runoff will have an impact on their properties.

Mr. Walbeck asked if the storm drainage problems for this project have been resolved? Mr. Carter answered in the affirmative. Mr. Walbeck advised Mrs. DeAngelis that DPW has assured the Planning Commission that the water will stay on the east side of Calvert Road.

Ms. DeAngelis asked if any stormwater will drain onto her property? Mr. Carter advised that the solution that has been designed by the consultant will provide an area on Lot 11 for stormwater to do what it is currently doing, but doing it on Lot 11 and not in the roadway or shoulder area. The calculations demonstrate that no new flows will go down Berkley Road nor on Calvert Road over the hill. The storage opportunity created there will be 3.5 to 4 times the storage opportunity that is there now. The change in hydrologic conditions and the change in grading on Lots 5 and 11 would have the theoretical impact of reducing runoff to a small extent, coupled with additional attenuation capability with the area being created on Lot 11, that at a minimum, runoff to Berkley Road and down to the north will not be exacerbated, and may be reduced.

Ms. DeAngelis asked if the grading that is proposed will take care of the stormwater? Mr. Carter stated that using the standards of practice in the engineering field, yes.

Louis DeAngelis, 314 Calvert Road, appeared in opposition. He asked if an infiltration system will be put in on Lot 11, a holding pond, or just grading? Mr. Carter stated the design doesn't call for an infiltration system. Mr. DeAngelis stated that he has a problem with granting a stormwater management waiver. A waiver must show that there won't be any adverse affects downstream. There have been adverse affects for the last five to seven years, and it's not been addressed. He is concerned that DPW claims that the stormwater will be addressed with a little bit of grading. He doesn't feel that it is legal to grant a stormwater management waiver for new development if there is currently water coming onto his property. He requested the Planning Commission to disapprove this plat until the applicants can reasonably show that all criteria under the law have been met.

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GENERAL DISCUSSION:

1. Mr. Walbeck advised that there is an upcoming workshop on wetlands, given by EPA, at Washington College. He and Ms. Rossetti will be attending.

2. Mr. Walbeck advised that Jay Emrey has filed a Request for Hearing on the preliminary plat for Lands of Edna Pearl Mahoney. Judge Rollins ruled in the Planning Commission's favor on the appeal. Ms. Campbell advised that Mr. Emrey is requesting that the Court reconsider its decision, which is standard practice.

3. Mr. Walbeck advised that he received a letter from Nelson Bolender concerning the Comprehensive Plan review. Mr. Bolender advised that the Planning Commission could meet in sub-groups as long as there was not a quorum, thereby it would not be a public meeting. He advised that he notified department heads to look at the plan and make recommendations to OPZ Director by mid-October. OPZ will coordinate that review and make recommendations to the Planning Commission by early November. The current plan has to be assessed and a recommendation made to Commissioners to revise or not. Counsel for the Planning Commission read the State law and agrees with Mr. Bolender. Mr. Walbeck stated that he would like the sub-groups to look at sections of the Comprehensive Plan before the middle of October or early November. In addition, he would like the Secretary of the Department of State Planning to speak to the Planning Commission about revising the Comprehensive Plan.

4. Ms. Rossetti advised that on June 5th, Dale Hershel, Environmental Outreach Coordinator for the Susquehanna River Basin Commission, will give a presentation on drought management and water conservation in the Susquehanna River Basin. It will be held at the Elkton public library at 7:00 p.m. They have a website: www.srbc.net.

5. Mr. Sennstrom advised that the first meeting of the TDR Committee was held on April 11th with two consultants, Chris Rogers of URS and John Gott of Gott Associates, and the oversight committee who are involved in the project. Five of the six members of the oversight committee were present - Tim Smith, Rex Sizemore, Chick Hamm, Gene Herman, and Dan Derr. The only one not present was Ron Guns. An overview of what a TDR Program is and overview of the Comprehensive Plan was given at that meeting. Mr. Gott and Mr. Rogers explained what has occurred in other jurisdictions throughout the state and throughout the country, as far as TDR Programs. The oversight committee gave the consultants some directions as to what they would like to see occur as far as a TDR Program in Cecil County. The oversight committee advised that they would like to see an incentive based program, which would give higher densities in a receiving area. They would like to see a receiving area in the Route 40 designated growth area. The consultants will put together a draft plan and schedule another meeting with the oversight committee in July. Mr. Smith advised that he would like to see tiers or levels in both the giving and receiving. In other words, higher value of agricultural land might get more points and commercial/industrial development in areas contiguous to towns might get more points.

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There were no further comments.

Meeting adjourned at 4:10 p.m.

NEXT MEETING: June 17, 2002

Deborah J. Graham

Administrative Assistant

PLANNING COMMISSION MINUTES 2002

Item B. Decisions.

1. Forest Knoll, Section 2, Lots 23-53, Old Elk Neck Road, Preliminary Plat, American Engineering & Surveying, Inc., Fifth District.

Motion made by Smith, seconded by Coudon, and unanimously carried to disapprove, with the recommendation that the plat, labeled as a Final Plat, be resubmitted with appropriate lot areas expressed as square feet and an appropriate border, after such time as the Forest Conservation Plan is approved.

2. Racine Property, Washington Schoolhouse Road, Concept Plat, Wilson Deegan & Associates, Inc., Fifth District.

WITHDRAWN.

3. Bedrock, Lots 1-106, Bethel Church Road, Concept Plat, McCrone, Inc., Fifth District.

Motion made by Coudon, seconded by Smith, and unanimously carried to approve, conditioned on: (1) a jurisdictional determination being completed prior to Planning Commission review of the preliminary plat, (2) a boundary line survey being done for the preparation of the preliminary plat for density calculation purposes, (3) a sensitive species survey being conducted prior to preliminary plat review by the Planning Commission, (4) all conditions of approval by MDE being fulfilled, and (5) a Traffic Impact Study being completed prior to preliminary plat review by the Technical Advisory Committee.

4. The Chesapeake Club, Area H, Lots 110-216, Bay Club Parkway, Preliminary Plat, McCrone, Inc., Fifth District.

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Motion made by Rossetti, seconded by Smith, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) a Homeowners Association being established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation, and/or the owners of these lots becoming members of the Chesapeake Club Road Maintenance Association and the appropriate section's Chesapeake Club Maintenance Association, (4) Chesapeake Club Drive being accepted by the County and included in the Public Works Agreement, or in a form acceptable to the County, prior to Planning Commission having to take action on the final plat, (5) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat, (6) the Forest Conservation Plan being approved prior to final plat review, (7) the Landscape Plan being approved prior to final plat review, (8) a Landscape Agreement being executed prior to recordation, (9) written verification of water allocation being obtained from the Town of North East prior to final plat review, (10) written verification of sewer allocation being obtained from the Department of Public Works prior to final plat review, (11) all lot dimensions being included on the final plat, (12) the record plat containing a statement signed by the owner to the effect that plans for such facilities, including any necessary point of discharge having been approved by the appropriate Federal, State, or County authority, and (13) the metes and bounds description for all proposed lots on the final plat and the Preliminary and Final Forest Conservation Plans matching.

5. Susquehanna River View, Lots 1-22 and 24-39, McCormick Drive and Woodrow Lane, Preliminary Plat, McCrone, Inc., Seventh District.

Motion made by Coudon, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) a Homeowners Association being established for maintenance of common open space and turn-around and cul-de-sac islands with \$50 per recorded lot placed in escrow for improvements prior to recordation, (4) a Maintenance Association for the lots accessing the mini road being established and those lots becoming members of that association, (5) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat, (6) the Forest Conservation Plan being approved prior to final plat review, (7) the Landscape Plan being approved prior to final plat review, (8) a Landscape Agreement being executed prior to recordation, (9) covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation, (10) all tree lines on the Forest Stand Delineation, the Final Forest Conservation Plan, and the final plat matching, and (11) Susquehanna 2 record plat being signed prior to final plat approval of Susquehanna Riverview.

6. Cameron Woods, Lots 1-27, Shady Beach Road, Concept Plat, McCrone, Inc., Fifth District.

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Motion made by Smith, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) the remaining internal road name being approved prior to Planning Commission review of the preliminary plat, and (2) a boundary line survey being done for the preparation of the preliminary plat for density calculation purposes.

7. Butlers Crossing, Section 3, Lots 11-18, Joe Meltz Road, Revised Concept Plat, McCrone, Inc., First District.

Motion made by Rossetti, seconded by Coudon, and unanimously carried to approve, conditioned on: the proposed mini-road's name being approved by the County's Emergency Management Agency prior to Planning Commission review of the preliminary plat.

8. Winfield, Section 1, Lots 5-11, Calvert Road, Final Plat, michael s. mcallister, Ninth District.

Motion made by Smith, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the details of the Landscape Plan matching those of the record plat, (4) a Landscape Agreement, including bufferyards and street trees, being executed prior to recordation, (5) the standard planted buffer/street tree note being added to the record plat, (6) it being noted on the plat that in the event of further subdivision, the owners of these lots being included in the Homeowners' Association that will be established for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation, (7) in the event of further subdivision activity, a concept plat being required for the balance of the property, and the density calculation including the original eight lots, (8) misspellings being corrected on the record plat, (9) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat, and (10) a Mini-road Maintenance Association being established prior to recordation and these lots owners becoming members of it.

9. Oldfield at Ravens Glen, Lots 1-19, Old Elk Neck Road and Oldfield Acres Drive, Preliminary Plat, Larson Engineering, Inc., Fifth District.

WITHDRAWN.

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PLANNING COMMISSION MINUTES

May 20, 2002, 7:00 p.m.

PRESENT: Walbeck, Rossetti, Coudon, Smith, Sennstrom, Houston, and Graham.

ABSENT: Hair and Brown.

Chairman Walbeck called the meeting to order at 7:00 p.m. and explained the meeting procedures to the audience.

MINUTES - Motion made by Coudon, seconded by Rossetti, and unanimously carried to approve the April 15, 2002, 7:00 p.m., minutes, as mailed.

AGRICULTURAL PRESERVATION DISTRICT

APPLICANT: Joseph and Andrea Mahoney

FOR: Establishing an Agricultural Preservation District.

LOCATION: 250 and 252 Wilson Road, Rising Sun, MD

Election District: 6, Tax Map: 11, Parcels: 54 & 318

PROPERTY OWNER: Joseph and Andrea Mahoney

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Sandra Edwards, Ag Program Administrator presented the application. She advised that the property meets the minimum eligibility criteria of the program. Specifically, it consists of approximately 136 acres. 87% of the soils fall into soil capability classes 1, 2, and 3. It is not located within a Ten-Year Water and Sewer

PLANNING COMMISSION MINUTES 2002

Service Area. It is currently in a mixed ag use with corn, hay, equine, and cattle. The property is zoned NAR and is consistent with the Comprehensive Plan. The local Ag Advisory Board has recommended approval.

No one spoke either in favor or in opposition to the application.

REZONING:

FILE: 2002-04 - **APPLICANT:** William Renzulli

PROPERTY LOCATION: 901 Warburton Road, Elkton, MD, 21921, Election District 9, Tax Map 19, Parcel 419.

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

REQUEST: Rezone 17.647 acres from Northern Agricultural Residential (NAR) to Business Local (BL), for the proposed use of Residential/Medical Office.

PROPERTY OWNER: William and Patience Renzulli.

Mr. and Mrs. Renzulli presented the application. Mr. Renzulli introduced the potential owners of the property, Mr. and Mrs. Dominguez, and the potential tenant, Dr. Thomas Duggan. Mr. Renzulli advised that the medical practice has been at this location since February 1, 1993, and he wishes it to be allowed to remain. The presence of a medical office on this property has no adverse impact to the agricultural area. He serves approximately 3,000 patients. This is the only medical office in the area. Parking is not a problem. Mr. Renzulli displayed photographs of the property and its buildings.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Ms. Rossetti asked if there is a reason why Dr. Renzulli is not requesting a rezoning of a portion of the entire parcel? Dr. Renzulli did not realize that could be done. He is only interested in keeping the practice there. Mr. Walbeck advised that unlike a Special Exception, which was granted to Dr. Renzulli, a rezoning permits any activity that is permitted in that zone. Mr. Sennstrom advised that this use is no longer allowed under the new Zoning Ordinance. Dr. Renzulli's Special Exception was granted for as long as he owns the property. A new doctor could not have a practice there because it would be a home occupation and this is not a home.

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Mr. Coudon asked how much area is needed for parking? Dr. Renzulli stated there is a small apron of blacktop in the front of the building, approximately 40 x 60 .

Mr. Walbeck stated that the Planning Commission is probably uncomfortable with rezoning 17 acres to BL. It would be much better to have a definitive sketch showing how much acreage is needed to carry on the medical practice. Mr. Smith asked if a portion of the property could be rezoned and it still be kept as one parcel? Mr. Sennstrom answered in the affirmative. Dr. Renzulli advised that he would have no problem with rezoning only a portion of the property. He stated that he would need the road to the building, which is approximately 475 , and an area that encompasses the building and parking area.

Ms. Rossetti asked what happened in 1992 that caused a change in the Zoning Ordinance? Mr. Houston stated that the mistake was made when the Comprehensive Rezoning was done in 1993, the medical office was not picked up as a commercial use.

Wayne Stafford, owner of two farms adjoining this property, appeared in favor of the application. He advised that he is a patient of Dr. Renzulli. He further stated that if the sign weren't in front, you wouldn't even know the doctor's office was there.

Elizabeth Moore, owner of a farm in the immediate area, appeared in favor of the application. She stated that the property is an asset to the area. She is a registered nurse and she feels that with Cecil County's recent history of losing doctors, and not being able to attract new ones, it would behoove the County not to continue to allow this medical office at this location.

Edna Nagle, adjoining property owner, appeared in opposition. She advised that she lives across the street from the property. She doesn't object to the doctor's office, but she does object to the entire 17 acres being rezoned.

SPECIAL EXCEPTIONS:

FILE NO. 2850 APPLICANT: James L. McCloskey.

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PROPERTY LOCATION: 7 Beechwood Avenue, Earleville, MD, 21919, Election District 1, Tax Map 56, Parcel 78

May 20, 2002, 1:00 p.m.

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PROPERTY OWNER: James L. and Phyllis McCloskey

PRESENTLY ZONED: Rural Residential (RR)

Mr. and Mrs. McCloskey presented the application. Mr. McCloskey advised that there are 113 manufactured homes and 136 cottages in White Crystal Manor. This is part of a trailer subdivision, but the owners were allowed to put cottages on the lots. He read an opinion from Dale DeWeese, Supervisor of Assessments, stating that the manufactured home that Mr. McCloskey wants to place on the property will not have any adverse impact on the subdivision because of the number of manufactured homes in the immediate vicinity. Mr. McCloskey showed photographs of the existing structures on the adjoining properties. The existing home was burned and there was no insurance. He is only permitted to replace the house with another house of the same size, which is 880 square feet. The cost to do that would be too much for such a small house. He is permitted to put a doublewide manufactured home on a permanent foundation with a Special Exception. However, the smallest doublewide manufactured home made is around 1100 square feet, which is larger than the Health Department will allow, therefore he is limited to using a singlewide manufactured home.

The following information was ascertained from the applicants after questioning from the Planning Commission members:

The home is not the McCloskey's permanent home, but a vacation home. The house that burned had three very small bedrooms. The manufactured home would have a maximum of three bedrooms. A home of comparable size would cost at least \$40,000, whereas a singlewide manufactured home would cost \$18,000 to \$20,000.

No one appeared in favor of the application.

Evelyn Cordray, adjoining property owner, appeared in opposition. She advised that she is concerned that a manufactured home would devalue the land. The adjoining lots have old cottages on them, but they are houses and houses increase in value, manufactured homes don't. The residents are trying to increase the value of the houses around them. There is one trailer in the area but it has had upgrades and it doesn't look like a trailer. The homes two blocks away are \$100,000+ homes.

Mr. McCloskey stated that Mr. DeWeese, Supervisor of Assessments, states that this manufactured home will not change the value of the adjoining homes.

PLANNING COMMISSION MINUTES 2002

FILE 2851 - APPLICANT: Patricia Whiteoak

FOR: Special Exception to renew a privately owned outdoor recreation facility.

PROPERTY LOCATION: 1702 Augustine Herman Highway, Elkton, MD, 21921, Election District 2, Tax Map 38, Parcel 30 and 31.

PROPERTY OWNER: Patricia Whiteoak

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Ms. Whiteoak presented the application. She stated this application is a request for renewal of her inn and retreat. She opened last July and had 90 guests from July through October. She has had good, positive comments from her guests. In addition to having guests, she has started retreats, which began in December. Some of the retreats have dealt with stress, divorce, etc., and have all been for women. She has been approached by a church to have something for men. She will also have a retreat planting perennials and planting in unusual containers this Thursday. She advised that she promotes the area by sending guests to different Chesapeake City businesses. She feels her business is an asset to Cecil County. She requested that the renewal be for as long as she lives at this address or owns the business.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

The following information was ascertained from the applicant after questioning from the Planning Commission members:

The property on the side by Knights Corner Road is not where the horses are. That property is owned by Mr. Davis. When the original application was granted, the intent was to do a nature trail. There is a nature trail that goes around her house, her brother's house, almost out to Rte. 213, and back. The trail had originally been planned to go north, but Ms. Whiteoak is not able to do that at this time. Ms. Whiteoak lives in the house that is used as the inn and retreat. Her son and his family live in the house in front.

No one appeared either in favor of or in opposition to the application.

FILE 2852 - APPLICANT: Kelsey E. Phipps

FOR: Special Exception to place a doublewide manufactured home on a permanent foundation as a principal structure in a Rural Residential District.

PLANNING COMMISSION MINUTES 2002

PROPERTY LOCATION: 288 Jackson Park Road, Port Deposit, MD, 21904, Election District 7, Tax Map 23, Parcel 133.

PROPERTY OWNER: Kelsey E. and Carol L. Phipps

PRESENTLY ZONED: Rural Residential (RR)

WITHDRAWN.

FILE 2854 - APPLICANT: Jack T. Brewer

FOR: Special Exception to locate a singlewide manufactured home for farm help.

PROPERTY LOCATION: 383 Mt. Zoar Road, Conowingo, MD, 21918, Election District 8, Tax Map 8, Parcel 9.

PROPERTY OWNER: Jack T. and Lana R. Brewer

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Mr. Brewer presented this application. He gave the Planning Commission members a detailed drawing of his entire property. He advised that there is a young couple that want to help him on the farm. He has some health problems and is not able to take care of the farm. He is proposing to place a 14 x 60 manufactured home for them to live in. The home won't be seen from Mount Zoar Road. Mr. Brewer explained where the septic tank and field lines are located.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

The following information was ascertained from the applicants after questioning from the Planning Commission members:

The Brewers live in the front of the farmhouse in a 40 x 80 house. Another couple lives in the farmhouse, but can't help out on the farm because they work long hours away from home. The couple that will live in the manufactured home will be helping with the general upkeep of the farm. They have other jobs, too. The Brewers have sons and daughters in the immediate vicinity, but they don't do farm work. This property consists of 69 acres. Mr. Brewer has a job outside the home at CSX.

PLANNING COMMISSION MINUTES 2002

No one appeared either in favor of or in opposition to the application.

FILE 2856 - APPLICANT: Tiffin Investment

FOR: Special Exception for a singlewide manufactured home for security for heavy equipment storage.

PROPERTY LOCATION: 1591 E. Old Philadelphia Road, North East, MD, 21901, Election District 3, Tax Map 32, Parcel 470.

PROPERTY OWNER: Tiffin Investment

PRESENTLY ZONED: Heavy Industrial (M2)

WITHDRAWN, failed to show.

RECOMMENDATIONS

Agricultural Preservation District

APPLICANT: Joseph and Andrea Mahoney

FOR: Establishing an Agricultural Preservation District.

PROPERTY LOCATION: 250 and 252 Wilson Road, Rising Sun, MD, Tax Map 11, Parcels 54 and 318; Acreage: 132 acres (P. 54=95.504 acres and P. 318=36.496 acres), 6th Election District.

PROPERTY OWNER: Joseph and Andrea Mahoney

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Staff recommended approval with no conditions.

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ACTION: Motion made by Coudon, seconded by Rossetti, to recommend approval with no conditions.

VOTE: All in favor, motion carried.

REZONING:

FILE 2002-04 **APPLICANT:** William Renzulli

PROPERTY LOCATION: 901 Warburton Road, Elkton, MD, 21921, Election District 9, Tax Map 19, Parcel 419.

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

REQUEST: Rezone 17.647 acres from Northern Agricultural Residential (NAR) to Business Local (BL), for the proposed use of Residential/Medical Office.

PROPERTY OWNER: William and Patience Renzulli.

Staff recommended approval for 1.5 acres to be rezoned from Northern Agricultural Residential (NAR) to Business Local (BL) based on mistake in the 1993 Comprehensive Rezoning.

ACTION: Motion made by Smith, seconded by Rossetti, to recommend approval for 1.5 acres to be rezoned from Northern Agricultural Residential (NAR) to Business Local (BL) based on mistake in the 1993 Comprehensive Rezoning.

VOTE: All in favor, motion carried.

SPECIAL EXCEPTIONS:

FILE 2850 - **APPLICANT:** James J. McCloskey

FOR: Special Exception to locate a singlewide manufactured home for hardship purposes.

PLANNING COMMISSION MINUTES 2002

PROPERTY LOCATION: 7 Beechwood Avenue, Earleville, MD, 21919, Election District 1, Tax Map 56, Parcel 78.

PROPERTY OWNER: James L. and Phyllis McCloskey.

PRESENTLY ZONED: Rural Residential (RR)

Staff recommended approval for as long as applicant owns the property and resides in the manufactured home.

ACTION: Motion made by Rossetti to disapprove. Motion dies for lack of a second. Motion made by Smith, seconded by Coudon, to recommend approval for as long as applicant owns the property and resides in the manufactured home.

VOTE: Smith and Coudon in favor. Rossetti opposed. Motion carried.

FILE 2851 - APPLICANT: Patricia Whiteoak

FOR: Special Exception to renew a privately owned outdoor recreation facility.

PROPERTY LOCATION: 1702 Augustine Herman Highway, Elkton, MD, 21921, Election District 2, Tax Map 38, Parcel 30 and 31.

PROPERTY OWNER: Patricia Whiteoak

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Staff recommended approval for as long as applicant owns the property and operates the business.

ACTION: Motion made by Coudon, seconded by Smith, to recommend approval for as long as applicant owns the property and operates the business.

VOTE: All in favor, motion carried.

PLANNING COMMISSION MINUTES 2002

FILE 2852 - APPLICANT: Kelsey E. Phipps

FOR: Special Exception to place a doublewide manufactured home on a permanent foundation as a principal structure in a Rural Residential District.

PROPERTY LOCATION: 288 Jackson Park Road, Port Deposit, MD, 21904, Election District 7, Tax Map 23, Parcel 133.

PROPERTY OWNER: Kelsey E. and Carol L. Phipps

PRESENTLY ZONED: Rural Residential (RR)

WITHDRAWN.

FILE 2854 - APPLICANT: Jack T. Brewer

FOR: Special Exception to locate a singlewide manufactured home for farm help.

PROPERTY LOCATION: 383 Mt. Zoar Road, Conowingo, MD, 21918, Election District 8, Tax Map 8, Parcel 9.

PROPERTY OWNER: Jack T. and Lana R. Brewer

PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Staff recommended approval for two years.

ACTION: Motion made by Smith, seconded by Coudon, to recommend approval for two years.

VOTE: All in favor, motion carried.

FILE 2856 - APPLICANT: Tiffin Investment

PLANNING COMMISSION MINUTES 2002

FOR: Special Exception for a singlewide manufactured home for security for heavy equipment storage.

PROPERTY LOCATION: 1591 E. Old Philadelphia Road, North East, MD, 21901, Election District 3, Tax Map 32, Parcel 470.

PROPERTY OWNER: Tiffin Investment

PRESENTLY ZONED: Heavy Industrial (M2)

WITHDRAWN, failed to show.

NEXT PLANNING COMMISSION MEETING: Monday, June 17, 2002 at 7:00 p.m.

Meeting adjourned at 8:00 p.m.

Respectfully submitted:

Deborah J. Graham, Administrative Assistant

Office of Planning and Zoning

June 17, 2002, 1:00 p.m.

**PLANNING COMMISSION MINUTES
(Subdivisions)**

PRESENT: Walbeck, Rossetti, Hair, Brown, Kilby, Sennstrom, Di Giacomo, Carter, Woodhull, Von Staden, Campbell and Graham.

ABSENT: Coudon and Smith.

Minutes: Motion made by Rossetti, seconded by Walbeck, and unanimously carried to approve the May 20, 2002 minutes, as mailed.

1. Jeff Deegan and Ken Schmeid presented **Racine Property, Washington Schoolhouse Road, Concept Plat, Fifth District.**

The applicants were duly sworn according to law and testimony followed. Mr. Deegan stated this is a concept plat that was before the Planning Commission in July 2001. Technical requirements have been satisfied by providing two points of access on Washington Schoolhouse Road. Lots will be served with private wells and septic systems. Environmental features have been approved. There was an outstanding issue regarding traffic. The zoning district allows for a density of one unit per five acres. Bonus density is being sought, which would allow an additional 24 units. The proper amount of open space has been set aside to qualify for bonus density.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 60 lots on 180.77 acres, for a proposed density of 1/3.01.

This proposal was tabled by the Planning Commission on 7/16/01, pending:

1) Receipt of the Natural Heritage letter and the approval of the Forest Stand Delineation, and

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2) A Traffic Impact Study (TIS) being performed on Theodore Road and Washington Schoolhouse Road in the vicinity of the proposed development.

The TIS revealed that local roadways and intersections would operate at acceptable levels of service (LOS s) (A,B,C) for Rural Conservation Areas, as defined in the Comprehensive Plan, and recommended several improvements, such as striping the edge of Theodore Road. The TIS needs to be amended to include the additional improvements to the sports complex on Bard Cameron Road, therefore OPZ s recommendation would be that those numbers be added and submitted prior to preliminary plat review.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes, and must be done prior to TAC submittal.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Any slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the open space requirements of the NAR zone for bonus density eligibility. The proposed large lot, lot 40, is 52.83 acres and the proposed common open space is 56.68 acres. Together, they total 109.51 acres and comprise 60.58% of the total acreage. Note # 7 must be revised, as more than 27.12 acres of is being proposed.

The note in the legend must be revised to state that there is a 25', not 75', buffer around wetlands.

No landscaping of the development envelope is required in the NAR zone.

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The cul-de-sacs exceed the 800' limit of the Subdivision regulations; therefore, Planning Commission approval will be required.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Theodore and Washington School House Roads. Bufferyard Standard A, which requires a 100' setback (which may be problematic for proposed Lot 53), is required along the lot lines of proposed lots 18, 19, and 49-53 to buffer adjacent agricultural uses. For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved. The wetlands depiction on the FSD does not match that on the Concept Plat. There are similar discrepancies with respect to the depictions of wooded areas. Those discrepancies must be rectified on the Preliminary Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The deed reference on parcel 95 should be WLB 556/816. The BRL has not been shown on the stub to Washington Schoolhouse Road, and that must be added.

The road names must be approved by the Cecil County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Access to common open space between lots must be marked with concrete monuments.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. Proposed Lot 41 should be denied access to Washington Schoolhouse Road. Mr. Di Giacomo asked why the acreage has been specified only for proposed Lot 41 and the large lot (# 40)? Mr. Deegan stated the developers wish to show it only on those two lots at this time.

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Mr. Di Giacomo continued: A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated a stormwater management submittal must be approved by DPW prior to submittal for final plat approval. An Inspection and Maintenance Agreement must be approved for the stormwater management (SWM) facilities. Access easements for the SWM facilities may need to be widened on the final design. No access easement is provided to the SWM area adjacent to Lot 54.

A street and storm drain submittal must be approved by DPW prior to submittal for final plat approval. A Public Works Agreement for the streets and storm drains must also be submitted prior to DPW signing the final plat. Entrance geometry must be coordinated with DPW prior to significant engineering efforts.

All driveways must be paved at least to the right-of-way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner's expense.

The right-of-way dedication for Theodore and Washington Schoolhouse Roads should be denoted as 30-foot wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Any applicable Road Code Waivers must be requested prior to submittal for preliminary plat approval. The cul-de-sac bulbs should be increased to 75 radii.

Drainage improvements will be required along the entrances and fronting lots. Sight distance measurements must be submitted for all entrances to DPW to establish compliance with the Cecil County Road Code. Access should be denied to Washington Schoolhouse Road for Lot 41 and both Washington Schoolhouse Road and Theodore Road for Lot 40, except for existing entrances.

The Traffic Impact Study (TIS) for this project has been reviewed. It should be noted that the total future traffic volume, which includes 3% increase in background volume, would increase the average daily trips (ADT) on Theodore Road by 28%. Of this, 15% would be created by this development. The increase in either case is significant. In the current CIP, substantial road improvements for Theodore Road are projected for design in FY2005 and built in FY2006. This reflects DPW's belief that the Theodore Road corridor, as it

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stands, will not continue to adequately support existing traffic demands without those improvements. DPW recommends that approval of this proposed project include off-site improvements to Theodore Road along the frontage of the property to full minor collector road status.

Ms. Rossetti asked what the average daily trips would be if it were regular density vs. bonus density? Mr. Schmeid stated it would probably generate 1/3 less traffic. 15% added traffic with bonus density. 10% would be added if bonus density were not granted. The improvements to Theodore Road are something the County envisions doing. Mr. Carter stated that Theodore Road is nearing a point where substantial additional traffic loads shouldn't be added without improvements. Those improvements are reflected in the CIP for a couple of years out. DPW feels that some portion of those improvements should be done now.

Mr. Walbeck asked if any improvements are proposed to Washington Schoolhouse Road? Mr. Carter stated no.

Mr. Walbeck asked if the applicant has considered Drive B accessing Theodore Road? Mr. Deegan stated that DPW advised them not to make that connection to Theodore Road due to sight distance. Mr. Carter stated that at one point, DPW wanted to split the two entrances with one on each road. It may be that when sight distances were initially shot, DPW decided not to do that. There were also environmental constraints against that. Mr. Walbeck stated that citizens in the area are concerned about increased traffic on Washington Schoolhouse Road, therefore he would like to see an access onto Theodore Road.

All persons wishing to testify were duly sworn according to law at this time.

Barbara Barron, 2400 Biggs Highway, testified in opposition. She stated that she owns a lot of woodland that contains five springs. She is concerned about water run off. Stoney Run goes through her property. She is concerned about traffic on Washington Schoolhouse Road where her mother lives. When the dragstrip runs, residents can barely get out of their driveway. She is concerned about wells and water availability in the area. Some people are already having to drill new wells. She also feels that Cecil County is growing too fast.

Kathy Hudson testified in opposition. She advised that she previously submitted a letter, with attachments, concerning the dragstrip schedule and concerns about the water situation. The Planning Commission has addressed some of the problems with Theodore Road, but she questioned why Washington Schoolhouse Road hasn't been addressed since that is where the accesses will be. There are no shoulders on Washington Schoolhouse Road. She submitted pictures of the road, marked Exhibit 1 and in the file for reference. She advised that she is also concerned about the water supply. The area has been in a drought for the past couple of years and she doesn't think the water supply will come back. She has a spring on her property that is virtually drying up. There are three developments within two to three miles of her that will be built in the near future. All of the homes will have private wells. She questioned where the water will come from. Well drillers are going down 300-400 feet in Whitaker Woods. There is no contingency plan for an alternate water

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supply in these areas. Her last concern is bonus density. 60 houses on this country road are too many. A development of this size does nothing to promote a rural atmosphere. Further, the roads and water supply cannot support new homes, cars and people. There are 200 homes in Whitaker Woods and 200 more planned. Overlook at Chantilly has 80+ homes and now more are proposed on Bethel Church Road. Those subdivisions have easier access to Rte. 40 and Rte. 274, so that traffic can be more easily handled. Washington Schoolhouse Road cannot handle the additional traffic. Subdivisions are going up all over Cecil County in the rural areas. The general impact to the area and the quality of life for the residents should be taken into consideration. Rural areas should be kept rural and development should be controlled. She feels that the number of homes on this parcel should be limited and bonus density not granted.

Richard Bibey, Sr., 180 Washington Schoolhouse Road, testified in opposition. He submitted pictures for the Planning Commission's perusal that showed water run off. The pictures were not submitted in evidence. He stated that he has lived there for over 30 years and he has had to re-drill his well. He has also had three sewage systems put in and he still doesn't have a good one. The percs are no good in that area. He advised that Mr. Litzenberg tried to get the ground perked 30 years ago, and it failed. He doesn't think it will pass perc now. The county road won't handle the additional traffic. This is not a good, quiet, rural area to live in because of the noise from the dragstrip, which runs four times a week.

Harriet Barron, 424 Washington Schoolhouse Road, testified in opposition. She stated that she is concerned about water and sewage. The land slopes toward her farm, which has been in the Janney family since William Penn's land grant. The ground is solid granite for up to 16 feet. There is clay underneath the soil before hitting granite. There is no alternative water supply. Baltimore is taking 2.5 million gallons a day out of the Susquehanna River. Perryville takes their water from the Susquehanna River, and Bainbridge will also be getting their water from the river. The traffic is very heavy on Washington Schoolhouse Road. It is difficult to get out onto Rte. 274. People won't use Theodore Road because of the hills and turns. Also, there is a manufactured home park on Ebenezer Church Road and those residents use Bard Cameron Road to Washington Schoolhouse Road to Rte. 274. There are a lot of accidents there now and that will increase because of this subdivision. Further, the County loses tax dollars every time a house is built because of the cost of road, police, schools, etc.

Frank Gray testified in opposition. He stated that he owns the farm next to Mr. Racine's property and he is concerned about runoff. He doesn't need additional water on his property. There are four sections of woodland and every one has wetlands. There is also a pond on the farm. He asked if that pond will stay? Water and sewage are a major concern. He doesn't agree with granting bonus density on this property.

Pam Benjamin, 255 Washington Schoolhouse Road, testified in opposition. She stated that her concerns are the same as she voiced last year. She has a very shallow well and is concerned about the water supply. Her biggest concern is the increased traffic. She has lived on Washington Schoolhouse Road since she was 9 years old. She has lived with the dragstrip. At one time, the dragstrip was dormant. Then it was restarted for a couple of days a week. It has recently become more active. The Traffic Impact Study indicated that the dragstrip runs seasonally with one or two evenings per week. That is totally inaccurate. It runs eleven months a year from February through December. There is a website that concurs that. It operates Wednesdays, Fridays, Saturdays, and Sundays, at least four times per week. Last week it even operated on Tuesday. She

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advised that she sent a letter to the Planning Commission on June 13th reflecting an ad for the dragstrip in a national magazine offering \$60,000 in prizes, a car show with \$5,000 in prizes and cash, and a jet car demonstration. ESPN will be there. This is not teenage kids racing down a strip. It draws many spectators, as well as participants and vendors. She feels that the TIS provided more information about Theodore Road even though Washington Schoolhouse Road gets a large amount of traffic. The TIS does not have the sophistication to determine what type of vehicles use that road. There are pick-up trucks pulling cars, dual wheel pickups, motor homes and tractor trailers traveling that road. The road is 20 feet wide. It is a danger meeting one of those vehicles. Also, the sports complex is expanding to include football and soccer. There can be as many as four soccer games at one time there. With all the added traffic, and the traffic already there, this is not a good place for this subdivision and certainly not for bonus density.

Harriet Barron asked what type of houses will be built on the property, and questioned construction supervision. Mr. Deegan stated the developer hasn't selected a specific builder yet, but typically in a subdivision like this, there may be two builders available. It is not being proposed for double-wide manufactured homes.

Mr. Deegan advised that this proposal is in accordance with zoning regulations. The bonus density requires the homes be clustered to provide more rural character. No wetlands are being disturbed and stormwater management is proposed to mitigate the increased stormwater runoff. The perc's were approved based on this number of lots. MDE approves the drilling of additional wells. He feels that a lot of public comment concerned the dragstrip, however they are not proposing to expand the dragstrip. This subdivision is well within the capacity of the roads, and the roads can handle the amount of traffic.

Mr. Walbeck asked if the traffic engineer has used the most recent information on the hours of operation and the traffic generated from the dragstrip? Mr. Schmeid stated that the counts that were done were done on a Friday evening to mirror the dragstrip being open with an event going on. The traffic counts along the County roads were done by the County, which covered time periods when there were events and weren't events. They know the different volumes of traffic when there are dragstrip events or not. The information they received from the dragstrip was that there were Wednesday and Saturday night races. He now understands that there are races on Fridays, too. He also understands that activities have gotten heavier since last summer. However, it is irrelevant. From a capacity standpoint, that was factored in when the calculations were done.

Ms. Hair asked when the traffic study was done? Mr. Schmeid stated the counts were done last summer. Mr. Deegan stated they had waited from the initially meeting to when school was in session to take the counts. Mr. Schmeid stated that the intersection counts were done during the school season. The two counts that the County did were done in July and August.

Mr. Deegan stated that there was a wetland crossing issue and a sight distance issue to access Theodore Road. They will go back and look at that, with the County's permission.

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2. Stan Granger and Jeff Tyree presented Forest Knoll, Section 2, Lots 23-53, Old Elk Neck Road, Final Plat, Fifth District.

The applicants were duly sworn and testimony followed. Mr. Granger stated this is a subdivision that was disapproved last month because the Final Forest Conservation Plan was not approved. That has now been approved, and all other issues have been satisfied.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac.

The Concept Plat was approved on 9/21/98 at a density of 1/2.65 (77 lots on 204.32 acres with 44.02 acres of common open space). Section 1, Lots 8-22, and 9.089 acres of common open space, received Final Plat approval on 1/18/00, and signed on 5/4/00.

The Section Two Preliminary Plat was approved on 10/15/01, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space and landscape island with \$50 per recorded lot placed in escrow prior to recordation;
- 4) The Final Plat meeting all requirements with regard to an acreage data table, a site data table, general notes, location map, and the legend;
- 5) The FRAs on the FCP and the Final Plat matching up;
- 6) The FCP and the Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 7) A landscape agreement being executed prior to recordation;
- 8) The balance of the required common open space being provided in future sections; and
- 9) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat; and the metes and bounds description of the FRA being shown on the record plat.

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This Final Plat is generally consistent with the approved Concept and Preliminary Plats. The approved Concept Plat proposed a total of 77 lots; this Final Plat proposes 31 lots -- in addition to the 15 Section 1 lots already recorded. If Section 2 receives Final Plat approval, then that would leave a balance of 31 lots for any subsequent sections of Forest Knoll. Since this Preliminary Plat proposes 7.415 acres of common open space, if approved, then a deficit balance of 27.516 acres of common open space would remain.

Open space access between lots must be marked with concrete monuments.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

Sidewalks are recommended on at least one side of the Forest Knoll Drive cul-de-sac.

The Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (PFCP) were approved (6/15/01-PFCP). The Final Forest Conservation Plan (FCP) and Landscape Plan have been approved. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated a stormwater management submittal is currently under review and must be approved by DPW prior to DPW signing the final plat. A Mass and Final Grading Plan has been submitted and the review is substantially complete. This plan must be approved by DPW prior to DPW signing the final plat. The final plat must include a note referring to the Lot Grading Plans. A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon. The street and storm drain submittal is currently under review and must be approved by DPW prior to DPW signing the final plat. A Public Works Agreement for internal streets and storm drains will be required. An Inspection and Maintenance Agreement will be required for the SWM facilities.

Ms. Rossetti asked if Lot 37 can accommodate a 10,000 sq. ft. septic field without encroaching into the drainage easement? Mr. Von Staden stated there is a 5 x 100 strip on the side of that sewage area, 20 drainage easement. The sewage area has to be 5 from the rear property line, so it can be moved back toward Lot 34.

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3. Dave Strouss and Rick Shirk presented **Chesapeake Ridge, Marysville Road, Preliminary Plat Extension, Fifth District.**

Mr. Strouss stated this is a request for a one-year extension of preliminary site plan approval of a 264-unit apartment complex. Preliminary approval was granted in July 1999. A one-year extension was granted in June 2001. In October 2001, an amendment was received to allow final site plan approval prior to obtaining Marysville Road easements. The final engineering drawings are currently under review by DPW and OPZ. The architectural plans are completed and building permits will soon be applied for. The owner plans to start construction this year and anticipates a two-year buildout. The water contract with the Town of North East is active and the developer is paying quarterly fees that are required by the town. Concerning the easements on Marysville Road the condemnation papers have been filed and are waiting on a hearing date. The County has approved a sewer project in the area that would provide upgrades and allow Chesapeake Ridge to tie into the sewer line Marysville Road rather than down Bethel Church Road. The owner does wish to take part in that and will contact DPW about that. They hope to come before the Planning Commission for final approval in the next few months.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the Concept Plat was approved 3/15/01, conditioned on:

- 1) Verification in writing from the Town of North East regarding water allocation being received prior to preliminary plat review by the Technical Advisory Committee,
- 2) A Traffic Impact Study being done and reviewed by the Department of Public Works, the Office of Planning and Zoning, the State Highway Administration, and the County's consultant prior to preliminary plat review by the Technical Advisory Committee,
- 3) Buildings and parking areas being rearranged to eliminate the impacts on the steep slopes and priority retention areas,
- 4) Sidewalks being provided on both sides of all internal roads, and
- 5) Off-site road improvements to Marysville Road, Lums Road, and Peninsula Drive being examined prior to preliminary plat review by the Technical Advisory Committee.

The Preliminary Plat was approved 7/19/99, conditioned on:

- 1) Health Department requirements being met,

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- 2) Department of Public Works requirements being met,
- 3) Forest retention areas being shown on the plat,
- 4) A Landscape Plan being approved prior to final plat review by the Planning Commission,
- 5) A Landscape Agreement being executed prior to recordation,
- 6) The Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission,
- 7) Marysville Road from Lums Road to the project site being upgraded to minor road standards closed section of the Road Code,
- 8) Lums Road from Marysville Road to MD Rte. 272 being upgraded to minor collector road closed section standard of the Road Code,
- 9) Lums Road intersection with MD Rte. 272 being widened to accommodate two eastbound lanes, one for left and through movements and one for right turns, in accordance with the TIS recommendations,
- 10) Marysville Road from Lums Road south, a distance of 50 yards, be upgraded to open section minor road,
- 11) The cost of right-of-way acquisition, negotiations, surveying, engineering, and construction being the responsibility of the developer,
- 12) All right-of-way acquisition along Marysville Road and Lums Road necessary for improvements being accomplished prior to Planning Commission review of the final plat,
- 13) Construction drawings for Marysville Road and Lums Road being included in improvement drawings for Phase 1 prior to Planning Commission review of the final plat,
- 14) Percentages of open space exclusive of stormwater management areas being provided,
- 15) Improvements to common open space being included in the Public Works Agreement for Phase 1,
- 16) Water allocation agreement being executed with the Town of North East prior to final plat review by the Planning Commission, and
- 17) Approval of the priority retention area impacts on highly erodible soils, on 15% slopes, and specimen tree issues.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. An extension was granted for one year on 6/18/01. Another extension is now sought.

§4.1.18 of the Cecil County Subdivision Regulations stipulates, The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval upon application of the developer. In connection with such request, the Commission shall consider the following:

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- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations.

There have been no such changes.

On 10/15/01 the Planning Commission approved a request to modify Condition # 12 of Preliminary Plat approval, conditioned on surety being posted by the developer, acceptable to the County, equal to the cost to obtain right-of-way along Marysville and Lums Roads necessary for improvements, and that being included in the Public Works Agreement.

Mr. Woodhull stated that DPW does not recommend signature of the final plats until the construction drawings have been approved and required easements and rights of way have been obtained by the developer to affect the off-site improvements. Because the outcome of eminent domain proceedings cannot be guaranteed (either in terms of the Court's decision or the time to arrive at it), construction could be complete for the development only to find that the off-site improvements cannot be completed. It is DPW's advice that Old Marysville Road is not suitable for the additional traffic that would be generated by this proposed development and will not be without the required improvements. The SWM Plan is in for review and must be approved by DPW prior to DPW signing the final plat. An Inspection and Maintenance Agreement will be required for the SWM facilities. A Public Works Agreement will be required for the Marysville Road/Lums Road improvements and storm drains. A Public Works Agreement will also be required for the sanitary sewer line.

Mr. Walbeck asked if the sewer line is part of the sub-district? Mr. Carter stated yes, it is part of the North East industrial sub-district. That project is under design and will be put out to bid in August.

Mr. Walbeck stated this proposal is what the Planning Commission previously approved. Mr. Di Giacomo concurred.

Ms. Kilby asked DPW to clarify the statement made about Marysville Road not being able to bear the traffic. Mr. Woodhull stated Marysville Road cannot support additional traffic without improvements.

Ms. Rossetti questioned the decision made at the October 2001 Planning Commission meeting. Mr. Strouss stated that the Planning Commission approved an amendment to the preliminary plat, which had previously stated that easements had to be obtained prior to final plat approval. That amendment was stricken, therefore

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final site plan approval can be obtained before the easements are obtained, conditioned on the developer placing money into escrow or bonding the improvements for that work. Mr. Walbeck advised that the developer is cautioned that that may never come about.

James Huber, Jr., 10 Lums Road, the corner of Lums and Marysville Roads, appeared in opposition. He was duly sworn according to law and testified as follows: He represents the Marysville Homeowners Improvement Association, an organization that was created over a year ago due to this project. They continue to be in opposition to this development, as evidenced by the many meetings that they have attended. He listed those meetings. They are concerned with safety, traffic control, ruining the neighborhood, irresponsibility of the County as far as creating a situation where it will spend money to go to court to take people's property away from them, and for making sewage and road improvements the responsibility of the taxpayers. Putting 60 houses on Theodore Road, as voiced earlier in the meeting, doesn't compare to putting 240+ units at the end of a dead-end road. The traffic studies that were done are obviously outdated. He stated that another request for extension should not be granted. When this was first brought before the County four years ago, the opponents were told this was approved under another group of Commission members and they couldn't do anything about it. He feels that they can do something about it now. He doesn't feel that the developers have their act together, or they wouldn't have to keep requesting extensions.

Roland Wills, North East, appeared in opposition. He was duly sworn according to law and testimony followed. He stated that his concern is imminent domain. The Code book says you have to have facilities in place before you go into a project. This project did not have the facilities in place. Imminent domain at Carpenter's Point was brought up at a recent Commissioners' meeting and the County attorney advised the Commissioners that that would be a last resort. But the plans for this project are approved first and then they try to take people's property by imminent domain. Also, the sewer is not in place yet. He feels this extension should be disapproved.

4. Donnie Sutton presented James E. Waters, II (Lands of), MD Rte. 545 and Dogwood Road, Preliminary-Final Plat, Third District.

Mr. Sutton was duly sworn according to law and testimony followed. He stated this is a preliminary-final plat that was previously approved, recordation plats submitted, and signed by agencies, but the final review fees were never submitted. Therefore, the approved plat expired. This subdivision is around an existing business establishment. He requested a modification of the setbacks, Bufferyard D elimination, and street tree elimination.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

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Mr. Di Giacomo stated the zoning is M2. This subdivision proposal was previously approved by the Planning Commission on 10/19/98, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met; and
- 3) The source of water supply being noted on the plat.

In addition, the Planning Commission also approved:

- 1) Elimination of the Bufferyard E requirement;
- 2) Elimination of the street tree requirement;
- 3) A setback modification.

The Plat was signed on 12/1/98, but it was never recorded. Per §4.2.11 of the Cecil County Subdivision Regulations, if recording fees are not received within two years after receiving approval, the approval is voided and the application considered withdrawn.

No landscaping is required.

No open space is required.

As no new development is taking place, as noted on the plat, this proposal is exempt from the Forest Conservation Regulations per §3.2N.

The Entrance Road's name has changed to Triumph Park Road. That has been reflected on the plat.

Mr. Woodhull advised that DPW has no comments.

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5. Bud Felty presented Ralph R. Lanphar & Shady Beach, L.L.C. (Lands of), MD Rte. 272 and Irishtown Road, Concept Growth Allocation Plat, Fifth District.

Mr. Felty was duly sworn according to law and testimony followed. He stated this is a request for Growth Allocation for land designated as LDA. It is requested that it be designated IDA. Part of the land is owned by Shady Beach LLC and part is owned by Lanphar. When the Critical Area lines were put on the maps in 1988, the Critical Area line went through the middle of the both parcels. They are zoned BL and located in the Development District. Projects in BL and Development District have the opportunity to be considered for Growth Allocation to IDA in order to develop them for commercial purposes. LDA is very restrictive as far as industrial/commercial development. Section 212 allows for Growth Allocation without an Environmental Assessment being submitted, and points granted. It does require an environmental report to be made, which a letter has been submitted. Notes 9, 10, 11, and 12 show no habitat of rare, threatened, or endangered species. A letter has been received from Wildlife and Heritage Service. There are no threatened or endangered species to be known on this site, except one plant species known as a rough aster. That plant is found in bogs and swamps, and along stream banks, therefore it is highly unlikely that this species would be found on this property.

Mr. Walbeck stated this is fairly steep slope. He questioned the erodible soils. Mr. Felty stated he is not sure of the soil type.

Mr. Walbeck advised that the Planning Commission is not making a decision on this item, but a recommendation to the County Commissioners for Growth Allocation.

Ms. Rossetti stated that the Health Department has no comments.

Mr. Di Giacomo stated the zoning is BL, LDA (Critical Area). This is a plat submitted for the Growth Allocation and Reclassification from LDA to IDA. As yet, no site plan has been submitted. Growth Allocation basically is the process by which a specifically defined area within the Critical Area is reclassified so as to allow a more intense use. §206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the TAC and Planning Commission agendas prior to proceeding to the Board of County Commissioners. This application was reviewed by the TAC on 6/5/02. The applicants seek to have 1.3 acres of the site awarded Growth Allocation to reclassify the Critical Area designation from LDA to IDA.

This plat shows two, separately-owned lots; however, only one application for Growth Allocation has been submitted because, as indicated at the TAC review, there are plans to combine the 2 lots as the forthcoming site plan approval process is dealt with.

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As indicated in Note 1, the exact proposed use is not known at this time.

Scoring: §206, 207, and 208 provide that a scoring system be the basis for any recommendation of reclassification, except, as provided in §212, which states:

To further promote the goals and objectives of the Comprehensive Plan , certain parcels, sites, or portions of parcels or sites shall be exempted from the County Growth Allocation Point Scoring System to receive Growth Allocation Floating Zones as required above provided:

- a. The proposed use is Commercial, Institutional, Industrial or Recreational and the parcel is located in the Development District of the Comprehensive Plan of 1990;
- b. The granting of growth allocation would change the land management classification from Limited Development Area (LDA) to Intensely Developed Area (IDA) only; and
- c. All other requirements of this Ordinance, the Cecil County Chesapeake Bay Critical Area Program, COMAR 8-1801-1, and the Chesapeake Bay Critical Area Criteria are met.

Regarding those conditions:

- a) This site, adjacent to the Town of North East, is in the Development Area, as defined by the Cecil County Comprehensive Plan, and the proposed use is Commercial;
- b) The application seeks reclassification from LDA to IDA; and
- c) When a site plan is submitted, its administrative review will ensure compliance with all Critical Area Program requirements.

Therefore, staff finds that the application meets the conditions for the awarding of Growth Allocation under §212. However, all the specific details of the project sketch plat, per §213.2 and Appendix A, are not included. In addition, the applicant is again advised of the following:

The possible awarding of Growth Allocation is not contingent upon final site plan approval;
Final site plan approval may be (depending on site plan specifics) contingent upon the awarding of Growth Allocation by the Board of County Commissioners;
The possible awarding of Growth Allocation by the Board of County Commissioners is no guarantee of site plan approval;
Any site approval will be contingent upon the satisfactory demonstration of compliance with all Critical Area Program requirements as well as all pertinent provision of §291 and Appendix A of the Zoning

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Ordinance; and

Per §213.6, A major site plan approved with the use of the Project Point Scoring System Exemptions for a Growth Allocation Floating Zone shall be valid for a period of two (2) years unless construction has begun. If work has not begun, as determined by the Cecil County Office of Planning and Zoning, all approvals shall be null and void and the Growth Allocation may be subject to recapture.

Mr. Woodhull stated that no development is indicated for this site. However, when development is proposed, all appropriate submittals will be required. No sewer allocation has been granted to these parcels. Location of access to this site will be of major concern to DPW when development occurs. Assuming that SHA will not allow access from MD Rte. 272, there is little distance (200) from the intersection in which to connect to Irishtown Road. Section 7.2.12 E.5 of the Subdivision Regulations requires a 125-foot separation from Harvey Street, which contributes to the tightness of the acceptable access area to Irishtown Road. DPW strongly encourages the owners to look at a second access point to this site, preferably from the Melvin and Joyce Titus, Trustees property.

Ms. Rossetti asked if the access affects the Planning Commission's decision? She asked if the ouster has anything to do with the decision made today? Mr. Di Giacomo stated that the Planning Commission is not making a decision, but a recommendation. Those specifics would be more appropriately addressed at the Site Plan stage.

Mr. Felty advised that this is two separate property owners and two separate parcels and he would like them to stand on their own. The one interest they had in this property was going to use both parcels, but in the event that doesn't come to pass, then they would like them to stand on their own.

6. Mike Burcham and Mike Pugh presented *The Chesapeake Club, Villages of Cross Creek North, Lotominiums 58-73, MD Rte. 272, Final Plat, Fifth District.*

Mr. Burcham and Mr. Pugh were duly sworn according to law and testimony followed. Mr. Pugh advised that this is a final plat of the remaining unrecorded townhouse lots on Gilbert Court. These lots are already built and utilities and hook up are in place.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is RM. The proposed lotominiums contained in this Final Plat were part of Area D in the approved Concept and Preliminary Plats. The original Concept Plat was approved 5/19/87. The revised Concept Plat, The Chesapeake Club, Sections for C, D, E, & F, was approved 3/16/98,

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conditioned on:

1) Prior to Preliminary plat review by the Planning Commission, the applicant providing a schedule for completion of the improvements in Area B to the Office of Planning and Zoning.

The Preliminary Plat, The Chesapeake Club, Sections C, D, E, & F, was approved 4/20/98, conditioned on:

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met, including a Road Code Waiver being granted prior to final plat approval,
- 3) These lots becoming members of the Condominium Association,
- 4) A revised Preliminary Forest Conservation Plan and Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission,
- 5) A Jurisdictional Determination for the non-tidal wetlands being received from the Corps of Engineers prior to final plat review by the Planning Commission,
- 6) The walkway along Chesapeake Club Drive in Area B and the bus stop being included in the first Public Works Agreement for Areas C, D, and E,
- 7) A walkway being provided in areas C, D, and E along Chesapeake Club Drive and Range Road and also from the Village Green and 14 parking spaces to the internal roads of the townhouses and detached units between Units 73 & 74 and 87 & 88 respectively,
- 8) Department of Public Works providing a report on the status of Chesapeake Club Drive when the final plat is submitted to the Planning Commission,
- 9) Six additional parking spaces being provided on the opposite side of Village Green,
- 10) After consultation with the homeowners in Area B, the applicant providing a recreational improvement plan and schedule with the Final Plat submittal to the Planning Commission, and
- 11) The draft agreement between the State Highway Administration and the developer being amended to state that the State Highway entrance be guaranteed to be installed within six months of recordation of the 17 units.

This Final Plat is consistent with the approved Concept and Preliminary Plats.

The Chesapeake Club, Villages of Cross Creek North, Lotominiums 50-53 & 78-80, Final Plat was approved 6/15/98. They were recorded 10/9/98.

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The Chesapeake Club, Villages of Cross Creek North, Lotominiums 54-57 & 74-77, Final Plat was approved 2/20/01. They were recorded 9/24/01.

Documentation of water allocation has been received from the Town of North East. Sewer allocation has been granted by DPW.

The open space requirements have been satisfied in other sections, although 24.8% has been provided in this section.

In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The owners of these lotominiums must become members of the appropriate section s Condominium Association and road maintenance association.

The FSD and FFCP have both been approved. The metes and bounds description of the forest retention areas on lotominiums 66, 67, and the area of common open space must be shown and identified on the record plat.

Mr. Woodhull stated the sewer capacity for 16 ELUs is available to the developer should they choose to use them.

Mr. Walbeck asked if the downed trees and brush near the cul-de-sac and the access to the open space to the west will be cleaned up? Mr. Pugh answered in the affirmative.

7. Dan Banks Company, Inc. (Lands of), Old Bayview Road, Concept Plat, American Engineering & Surveying, Inc., Fifth District.

withdrawn.

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8. Mike Pugh and Mike Estes presented **Villages of Elk Neck, Section IV, Woodholme Four, Lots 82-105, Oldfield Point Road, Preliminary Plat, Fifth District.**

Mr. Estes was duly sworn according to law and testimony followed. Mr. Pugh stated this is a preliminary plat of the next section of the Villages of Elk Neck. This section will access Oldfield Point Road, as requested. These 23 lots are approximately 2/3 open and 1/3 wooded. They tried to maximize the amount of retained forested areas.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR. The current Concept Plat for the Villages of Elk Neck, which proposed 12 lots on 84 acres in the NAR-zoned portion of the project and 182 lots on 316 acres in the SR-zoned portion, was approved on 11/15/99 with the following conditions:

- 1) That a Traffic Impact Study (TIS) be reviewed prior to Preliminary Plat review by the Technical Advisory Committee;
- 2) That at least one stub road be extended to Forest Knoll (If a second stub is extended to Forest Knoll beyond what was required in Forest Knoll's conditional approval, then that should be coordinated);
- 3) That a looped road for common access to Racine School Road, from lots 8-19 be added; and
- 4) That a jurisdictional determination be done by the Corps of Engineers prior to Preliminary Plat review by the Planning Commission.

That Concept Plat did not include the then-already-existing developments: Section One, Longview, 41 lots and Section Two, Woodholme, 51 lots. It was approved with 80.5 acres common open space in the SR-zoned portion of the project being proposed.

The Section III, Woodholme Three, Final Plat, lots 52-81, was approved on 5/21/01 and subsequently recorded. It included 3.80 acres (8%) of common open space.

This Section IV, Woodholme Four Preliminary Plat is generally consistent with the approved Concept Plat. However, the common open space acreage has been reduced from the Preliminary Plat review by the TAC on 4/4/01. It was 14.15 acres; it now proposes only 12.73 acres.

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Common open space access between lots must be marked with concrete monuments.

Only 23.9% common open space is proposed. Consistent with the approved Concept Plat, additional common open space requirements shall be satisfied in other Sections. If Section IV is approved, then a balance of an additional 63.97 acres of common open space will be required. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands. Those percentages have not been provided.

A minimum of 20% landscaping of the development envelope is required in the SR zone. Street trees are required on both sides of all internal roads, and sidewalks are recommended to be provided on one side.

The FSD was approved on 10/4/99. The PFCP was approved on 6/12/02. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to review of the Final Plat by the Planning Commission. A Landscape Agreement must be executed prior to recordation.

Significant areas of steep slopes are depicted on proposed Lots 82, 87, 89, 90, 94, 100, 101, and 102. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Site-specific grading plans should be submitted for proposed Lots 89, 90, & 94 along with the road construction plans.

The name Wood Chip Road has been approved.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated that a street and storm drain submittal must be approved by DPW prior to submittal for final plat approval. A Public Works Agreement will be required for internal streets, storm drains, sanitary

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sewers, and any private utility improvements. A stormwater management (SWM) submittal must be approved by DPW prior to submittal for final plat approval. An Inspection and Maintenance Agreement will be required for the SWM facilities. No SWM structures, such as ponds, should be located within an easement on private property, such as on Lots 83 and 84. Mr. Estes stated it will most likely be some sort of water quality treatment device.

Mr. Woodhull continued: The storm drain outfalls must be piped beyond house locations on Lots 93 and 94. DPW is concerned about discharge on Lot 93. He asked if that is going into an established ditch line? Mr. Estes stated that is a well-defined swale. Mr. Woodhull stated that inlets should be placed to catch water at the intersections. (Woodchip/Lake Forest Drive and Clearfield Court/Lake Forest Drive in the northern edge)

Mr. Woodhull further stated that sight distance measurements are required for the entrance on to Oldfield Point Road. The landscape island must be located far enough back from the intersection to not obstruct vision. A Landscaping Agreement is needed for maintenance of the island. A more significant entrance should be proposed with a decel lane. Clarify the extent of the denied access for Lots 82 and 105. Lot 105 is limited to an area of access on Lake Forest Drive from the westernmost property line to the 40-foot wide drainage easement. The final plat must include a note referring to the Lot Grading Plans. A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.

Ms. Rossetti asked how many of the houses in this section are on a pump system? Mr. Estes stated three, Lots 86, 103, and 93.

Ms. Rossetti questioned DPW's concerns about Lot 93. Mr. Woodhull stated where the storm drains come off the street and down into the yard on the westernmost corner could potentially impact the house and septic area. However, the applicant mentioned there is a swale there, and DPW will review that in the submittal. Mr. Estes stated that will be addressed with the grading plan. All Health Department setback requirements have been met.

Mr. Pugh stated that the entrance location at Lake Forest Drive and Oldfield Point Road has already been reviewed by DPW. The applicant has a letter from DPW approving that location. Mr. Carter advised that DPW's concern is the island's final design. Mr. Estes stated the actual island has been moved back, per TAC comments, to 30 feet off centerline. Mr. Pugh stated they will probably put a berm along Oldfield Point Road and plant it.

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9. Ken Cantera, John Litzenberg, and Art Leonard presented **Oldfield at Ravens Glen, Lots 1-19, Old Elk Neck Road and Oldfield Point Road, Preliminary Plat, Fifth District.**

The applicants were duly sworn according to law and testimony followed. Mr. Cantera stated this is a preliminary plat that was approved in May 2001. Since then, the majority of engineering has been done, which changed the lot lines slightly. No lots have been added or taken away. The previously approved design is the same. He indicated the lot line changes.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac.

The adjacent Oldfield Acres subdivision, Lots 1-17, was approved by the Cecil County Planning Commission on 2/16/71. Subsequently, another Oldfield Acres subdivision on the east side of Oldfield Point Road, lots 1-15, was recorded on 8/12/81. Neither of those has any impact on this proposed Oldfield Acres subdivision with respect to density limitations or common open space requirements.

This Preliminary Plat has been revised since the TAC originally reviewed it in May 2001 at which time it proposed 24 lots in 2 groups on 59.1 acres, for a proposed density of 1/2.46. This has also been revised, since Planning Commission review in May 2001, to propose only 19 lots on 59.18 acres, for a proposed density of 1/3.11.

The approved Concept Plat density is 1/2.04. The approved density stated in the Density Table is incorrect and must be changed.

The Concept Plat, which proposed 29 lots, was approved 3/19/01, conditioned on:

- 1) The acreage percentages for wetlands, streams, and stream buffers in common open space being verified prior to Technical Advisory Committee review of the Preliminary Plat;
- 2) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 3) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association; and
- 4) The developer considering the three to one ratio of lot lines when the subdivision is redesigned.

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The previously-submitted Preliminary Plat was approved 7/16/01, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The verified acreage percentages for wetlands, streams, and stream buffers being included on the Final Plat;
- 4) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 5) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 6) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 7) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association;
- 8) The graphic used for septic areas matching that in the notes on the Final Plat;
- 9) The graphic used for wetlands being included in the notes on the Final Plat;
- 10) All lot dimensions being included on the Final Plat;
- 11) Documentation of the Jurisdictional Determination being received by the Office of Planning & Zoning prior to submission of the Final Plat for Planning Commission review; and
- 12) A revised Preliminary Plat correcting deficiencies being submitted to the Office of Planning & Zoning prior to submission of the Final Plat for Planning Commission review.

In terms of total acreage, this submission satisfies the common open space provisions of the SR zone. 15% is required; 38.56% common open space is proposed. The Common Open Space sensitive areas threshold calculations have been provided.

Intermittent stream buffers in the forest retention areas (not areas of common open space) must be 50' wide, rather than 25' wide. A notation incorrectly denotes a 50' wide buffer is required in areas of common open space. It should be forest retention areas and that must be corrected.

Proposed lot 19 exceeds the 3:1 ratio cited in § 7.4.2 of the Cecil County Subdivision Regulations.

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A boundary line survey has been done.

The stormwater management ponds have been defined in the stormwater management common open space areas, which still appear as separate lots. Mr. Di Giacomo asked if any thought has been given to connecting the more westerly stormwater management area of common open space to the other area of common open space along Lot 8? Mr. Cantera stated that line is not supposed to be there. They are not separate stormwater management parcels. Mr. Di Giacomo questioned connectivity of the one area of common open space to the west that contains the stormwater management pond that is separated from the balance of the common open space by Lot 8. Mr. Cantera stated he could put a 25-foot strip along the boundary between the perimeter and Lot 8 connecting the two. The main purpose of that access would be for people to walk to the common open space, however they don't want people walking around the stormwater management pond. Access to the open space is being provided off Ravens Way between Lots 5 and 6.

Mr. Di Giacomo continued: Slopes 25% or greater have been shown. Site-specific grading plans for proposed lots with slopes in excess of 25% must be submitted with the road construction plans.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) has been done.

Access to common open space between lots must be marked with concrete monuments.

20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of the proposed cul-de-sacs.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Elk Neck Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (PFCP) have been approved, but the FRAs on the Preliminary Plat and the Preliminary FCP do not match. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

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Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed Ravens Way and Oldfield Acres Drive cul-de-sacs exceed the 600 limit of the current Road Code. Therefore, Road Code Waivers from DPW may be required.

The proposed road names have been approved by the County Emergency Management Agency.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated a SWM submittal must be approved by DPW prior to submittal for final plat approval. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9A.(5) of the County's Stormwater Management Ordinance. This must include analysis of the drainage ditches and driveway pipes along Oldfield Acres Drive. They must be adequately sized to handle the additional runoff created by this project. The joint driveway for Lots 12 and 13 is acceptable. The final plat must require the access be made this way. A note must also be included limiting the width of the driveway to a 12-foot minimum. Deed requirements for the perpetual maintenance of the shared driveway will be required. The various SWM easements shown may change substantially, depending on SWM Plan review and approval. A street and storm drain submittal must be approved by DPW prior to submittal for final plat approval. This submittal must address the safe conveyance of runoff through the existing drainage ditches along Oldfield Acres Drive and Oldfield Point Road. The cul-de-sac bulb on Oldfield Acres Drive should be retained. Sight distance measurements must be provided to DPW to establish compliance with the Cecil County Road Code. Entrance geometry should be coordinated with DPW prior to significant engineering efforts. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner's expense. SWM outfalls must be extended to the toes of slopes. An Inspection and Maintenance Agreement will be required for the SWM facilities. A Public Works Agreement will be required for internal streets and storm drains.

Ms. Rossetti stated that stormwater management ponds can be an asset. She asked why they seem to be surrounded by chain link fences? Mr. Cantera stated the access to the open space is provided between Lots 5 and 6. Mr. Leonard stated these are dry ponds and only have water in them when it rains. They were discouraged from having an access to the open space at points other than the cul-de-sac. With regard to the suggestion that the existing cul-de-sac be retained, he would like it to be removed. Mr. Carter advised that was to have some consistency with the old/new Road Code. In lieu of the requirement of the intermediate turn around, this would achieve much the same thing.

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Charles McLewin, 36 Oldfield Acres Drive was duly sworn according to law and testimony followed. He stated that he represents the residents of Oldfield Acres and himself. Stormwater management is a concern. He submitted pictures, marked Exhibit 2 and in the file for reference, showing the road and ditches. He advised that nothing has been done to the roads or ditches since 1971. He asked if the work proposed to be done by DPW in July will take into consideration this new subdivision and the amount of runoff it will create? Two years ago a car hydroplaned and took out a telephone pole at the entrance of the development. When the rain is heavy, it almost covers the low point of the road. There is only one road going into the subdivision, therefore all the dirt and mud will be tracked up and down their road. Mr. Carter stated that DPW will require certain construction techniques on the road under construction to try to alleviate that dirt coming onto their road. Mr. McLewin stated the current residents would like to see a wash station at the top. The proposed homes are going to be very different from those existing. There are a lot of children in the existing development and they would like to have a stop sign put in for their safety, and to separate the developments. Further, the Board of Education anticipates 150% capacity of Elk Neck Elementary School next year. The children have to eat in rotation and depending on when they eat, they have to take a snack to tie them over until lunch, which is sometimes 1:00 or 1:30. When he bought his home, he was told this development would never happen. He asked if the cul-de-sac is eliminated, will there be a charge for the owner that will receive that land? Mr. Walbeck stated that cul-de-sac will not be eliminated unless they arrive at another technique for a mid-road turn around. Mr. McLewin stated the road is very steep. All the water will come down on the existing homes. He asked if the long drive in the back will be paved? Mr. Walbeck answered in the affirmative.

Ms. Rossetti asked where Mr. McLewin requests the stop sign to be placed? Mr. McLewin stated at the end of the cul-de-sac.

GENERAL DISCUSSION:

1. Lands of Mahoney Appeal

Mr. Walbeck advised that the developer appealed the Circuit Court decision and that was reviewed last week. Ms. Campbell reminded the Planning Commission that they approved the concept plat but denied the preliminary because they wanted more wet season testing. She advised that Judge Rollins, at the original appeal hearing, denied Mr. Emrey's appeal on behalf of the applicant. Mr. Emrey filed a Motion for Reconsideration of that decision, which was heard last week. Mr. Emrey's argument was that the State, through MDE, had acted so thoroughly in an area of law, i.e. perc testing, that that activity by the State would have pre-empted or stopped the County or local municipalities from having any say in regard to perc testing. Judge Rollins ruled in the Planning Commission's favor because there were no additional restrictions but just more testing. Mr. Emrey indicated he would consider appealing this as far as the Supreme Court.

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2. Tools for Watershed Protection

Mr. Walbeck stated that a short course was offered by the EPA at Washington College, which he, Ms. Rossetti, and David Black of OPZ attended. Ms. Rossetti advised that the presentations were excellent.

3. ESLC report

Mr. Walbeck advised that a presentation will be made to the County Commissioners on 6/18/02 on the ESLC report that was mailed to the Planning Commission a few weeks ago.

4. Ag Certification Program

Mr. Walbeck went over the ag certification program letter that was mailed to the Planning Commission, a copy attached for reference.

5. Down-zoning

Mr. Walbeck stated that Andy Andrews, ESLC, gave a report on the effect of down-zoning on agriculturally-zoned land. Mr. Andrews gave him a copy of a study titled "The Effect of Restrictive Agricultural Zoning on Land Value in Baltimore County, Maryland" if any of the Commission members would like to peruse it. The density in some areas of Baltimore County is 50 acres per unit. There is very little change in dollars per acre for the less restrictive zoning and the more restrictive zoning.

6. Baltimore Harbor dredging

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Mr. Walbeck advised that the Corps of Engineers will be holding scoping meetings on 6/18/02 in Dundalk and on 6/20/02 at Anne Arundel Community College on Dredge Material Management Plan. It concerns dredging the Baltimore Harbor for the next 20 years and where the material will be placed.

7. Smart Codes grant

Mr. Sennstrom advised that OPZ received a notification that there was an opportunity to apply for a grant for up to \$10,000 to propose amendments to the existing ordinances and Subdivision Regulations to encourage what they entitle Smart Codes, primarily infill type development, greater density type development in the designated growth areas, which would allow more flexibility to encourage growth in and around the municipalities. OPZ put in an application to Maryland Department of Planning applying for the grant and were notified on 6/14/02 that we were successful in obtaining the grant. OPZ feels that not only does the Comprehensive Plan encourage that type of thing, but also the County is engaged in a Transfer of Development Rights (TDR) study and this study would have the potential of dovetailing with that study in perhaps creating flexible design standards for a designated receiving area that would allow higher density development to occur in certain designated areas of the county.

7. Chesapeake Country Scenic Byways

Ms. Kilby advised that Cecil County received national recognition, which will enable Cecil County to access more grant money, such as water access, signage for the town, etc.

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Item B. Decisions.

1. Racine Property, Washington Schoolhouse Road, Concept Plat, Wilson Deegan & Associates, Inc., Fifth District.

Motion made by Rossetti, seconded by Hair, and unanimously carried to disapprove. The Planning Commission would like the developer to relocate the entrance of Drive B from Washington Schoolhouse Road to Theodore Road.

2. Forest Knoll, Section 2, Lots 23-53, Old Elk Neck Road, Final Plat, American Engineering & Surveying, Inc., Fifth District.

Motion made by Hair, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the owners of these lots becoming members of the Homeowners Association for maintenance of common open space and landscape island with \$50 per recorded lot placed in escrow for improvements prior to recordation, (4) a Landscape Agreement being executed prior to recordation, (5) the balance of the required common open space acres being provided in future sections, and (6) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat.

3. Chesapeake Ridge, Marysville Road, Preliminary Plat Extension, McCrone, Inc., Fifth District.

Motion made by Brown, seconded by Rossetti, and unanimously carried to approve for another one-year extension of preliminary plat approval.

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4. James E. Waters, II (Lands of), MD Rte. 545 and Dogwood Road, Preliminary-Final Plat, McCrone, Inc., Third District.

Motion made by Hair, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) a setback modification being granted, (4) the Bufferyard E requirement being eliminated, and (5) the street tree requirement being eliminated.

5. Ralph R. Lanphar & Shady Beach, L.L.C. (Lands of), MD Rte. 272 and Irishtown Road, Concept Growth Allocation Plat, McCrone, Inc., Fifth District.

Motion made by Brown, seconded by Hair, and unanimously carried to recommend awarding of Growth Allocation and Reclassification from LDA to IDA with the following conditions: (1) site plan approval being contingent upon the satisfactory demonstration of conformity with all Critical Area requirements, as well as all pertinent provisions of §291 and Appendix A of the Zoning Ordinance, (2) any add-on to combine the two parcels being effectuated prior to final site plan approval, (3) the awarding of Growth Allocation being valid for a period of two years unless construction has begun, (4) the Town of North East boundary being shown on the plat submitted to the Board of County Commissioners, and (5) the acreage of each respective parcel's Growth Allocation being shown on the plat submitted to the Board of County Commissioners

6. The Chesapeake Club, Villages of Cross Creek North, Lotominiums 58-73, MD Rte. 272, Final Plat, McCrone, Inc., Fifth District.

Motion made by Rossetti, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the owners of these lotominiums becoming members of the Condominium Association and Road Maintenance Association, and (4) the metes and bounds description of the forest retention areas on Lotominiums 66, 67 and the area of common open space being shown and identified on the record plat.

7. Dan Banks Company, Inc. (Lands of), Old Bayview Road, Concept Plat, American Engineering & Surveying, Inc., Fifth District.

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WITHDRAWN.

8. Villages of Elk Neck, Section IV, Woodholme Four, Lots 82-105, Oldfield Point Road, Preliminary Plat, Northern Bay Land Planning, Fifth District.

Motion made by Hair, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (4) the owners of these lots becoming members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation, (4) the Landscape Plan and Forest Conservation Plan being approved prior to review of the final plat by the Planning Commission, (5) a Landscape Agreement, including any bufferyards, being executed prior to recordation, (6) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat, (7) future sections including adequate common open space, consistent with the approved concept plat, and (8) a site-specific grading plan being submitted for proposed Lots 89, 90, and 94 along with the road construction plans.

9. Oldfield at Ravens Glen, Lots 1-19, Old Elk Neck Road and Oldfield Point Road, Preliminary Plat, Larson Engineering, Inc., Fifth District.

Motion made by Brown, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs, (4) the Forest Conservation Plan and Landscape Plan being approved prior to final plat review by the Planning Commission and the details of the final plat and the Final Forest Conservation Plan matching, (5) a Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation, and (6) the current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association.

There were no further comments.

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NEXT MEETING: July 15, 2002

Meeting adjourned at 3:45 p.m.

Deborah J. Graham

Administrative Assistant

August 19, 2002, 12:00 p.m.

PLANNING COMMISSION MINUTES (Subdivisions)

PRESENT: Walbeck, Rossetti, Coudon, Hair, Smith, Brown, Kilby, Sennstrom, Di Giacomo, Carter, Woodhull, Moore, Campbell and Graham.

Minutes: Motion made by Hair, seconded by Rossetti, and unanimously carried to approve the June 17, 2002 minutes, as mailed.

Mr. Walbeck announced that Items 4, 10, and 11 have been withdrawn and will not be heard at today's meeting.

Elections: Rossetti nominated Walbeck for Chairman. Motion made by Coudon to close nominations, seconded by Hair, and unanimously carried. Walbeck unanimously elected Chairman.

Coudon nominated Rossetti for Vice-Chair. Motion made by Hair to close nominations, seconded by Coudon, and unanimously carried. Rossetti unanimously elected Vice-Chair.

1. Jeff Deegan and Ken Schmeid presented Racine Property, Washington Schoolhouse Road, Concept Plat, Fifth District.

The applicants were duly sworn according to law and testimony followed. Mr. Deegan stated they are seeking approval of the concept plat for the Racine property. It consists of 180 acres, made up of two parcels that will be combined into one. Bonus density is sought to achieve 60 lots. 60% open space is being provided. The plat was previously submitted with two accesses on Washington Schoolhouse Road. At that time, the Planning Commission requested that one of the roads be relocated to Racine Road, and that has been done. The sight distance requirements will be met. The lots will be served with private wells and septic systems. More perc tests have to be done. The roads are in accordance with DPW requirements. A stormwater management plan, that will meet the new regulations, has been provided.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

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Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 60 lots on 180.77 acres, for a proposed density of 1/3.01.

The Title Block must be amended to reflect that this proposal is for Cecil County, not Harford County.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Any slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the open space requirements of the NAR zone for bonus density eligibility. The proposed large lot, lot 40, is 52.60 acres and the proposed common open space is 56.68 acres. Together, they total 109.28 acres and comprise 60.45% of the total acreage.

The plat misstates the total open space acreage. That must be corrected. In addition, Note # 7 must be revised, as more than 27.12 acres of is being proposed, as stated elsewhere on the plat.

No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Theodore and Washington School House Roads. Bufferyard Standard A, which requires a 100' setback (which may be problematic for proposed Lot 53), is

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required along the lot lines of proposed lots 18 and 49-53 to buffer adjacent agricultural uses. In that regard, Note # 14 must be revised.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved (6/5/02). The wetlands depiction on the FSD does not match that on the Concept Plat. There are similar discrepancies with respect to the depictions of wooded areas. Those discrepancies must be rectified on the Preliminary Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The deed reference on parcel 95 should be WLB 556/816. The building restriction line has not been shown on the stub to Washington Schoolhouse Road. Those issues must be rectified on the Preliminary Plat submitted for TAC review.

The road names must be approved by the Cecil County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations, and must be provided on the Preliminary Plat submitted for TAC review.

The TIS revealed that local roadways would operate at acceptable Levels of Service (LOS) (A,B,C) for Rural Conservation Areas, as defined in the Comprehensive Plan, and recommended several improvements, such as striping the edge of Theodore Road. The calculations and LOS projections must be revised to take the athletic fields on Bard Cameron Road into account prior to submission of the Preliminary Plat for TAC review.

Access to common open space between lots must be marked with concrete monuments.

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Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. Proposed Lot 41 should be denied access to Washington Schoolhouse Road. Only the acreages for Lots 40 and 41 have been provided.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated a stormwater management submittal must be approved by the DPW prior to submittal for Final Plat Approval. If stormwater management (SWM) facilities are proposed (versus a waiver or exemption), the consultant is requested to send a second copy of the plan view only, which DPW will convey to the Health Department to keep them informed. Access easements for the SWM facilities may need to be widened on the final design. No access easement is provided to the SWM Area adjacent to Lot 54.

A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

All driveways must be paved at least to the right of way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense.

The right-of-way (ROW) dedication for Theodore and Washington School House Roads should be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval. The cul-de-sac bulbs should be increased to 75-foot radii.

Drainage improvements will be required at both entrances.

Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code. Court A entrance should be moved south because of sight distances.

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Access should be denied to Washington School House Road for Lots 41, 1, and 35, and both Washington Schoolhouse Road and Theodore Road for Lot 40 except for existing entrances.

A Public Works Agreement will be required for internal streets and storm drains.

The potential for inclusion of dry hydrants should be discussed with the serving Fire Company. This is all predicated on whether the SWM facilities designed are wet ponds of sufficient volume to support dry hydrants.

The Traffic Impact Study (TIS) should be amended to incorporate the change in entrance location for Drive B to Theodore Road. The TIS for this project has been reviewed. It should be noted that the Total Future Traffic Volume, which includes 3% increase in background volume, would increase the average daily traffic (ADT) on Theodore Road by 28%. Of this 15% would be created by this development. The increase in either case is significant. In the current CIP, substantial road improvements for Theodore Road are projected for design in FY2005 and build in FY2006. This reflects DPW's belief that the Theodore Road corridor, as it stands, will not continue to adequately support existing traffic demands without those improvements. The Department recommends that approval of this proposed project include off-site improvements to Theodore Road along the frontage of the property to full Minor Collector Road status.

Ms. Rossetti commended the applicant on their approach to alleviate the traffic problems. Also, the setbacks preserve the rural character in the area, and it appears that very little of the development will be seen from the roads.

Mr. Deegan referred to DPW comments concerning the relocation of the entrance road for Court A. He advised that this area will remain unencumbered for sight distance. He wants to make sure that landscaping doesn't occur there to encumber that sight distance. According to the Traffic Impact Study (TIS), Theodore Road was projected to operate at 16% of its capacity based on the width and the number of vehicles. If the relocation of that road will cause an impact, then does the TIS have to be redone? Mr. Woodhull stated there will be a change, to some degree, with the traffic flow. The TIS data needs to be corrected, however new traffic counts are not needed.

No one appeared in favor of the subdivision. All persons wishing to testify in opposition to the development were duly sworn according to law and testimony followed.

Sonny Gray stated that he is speaking on behalf of Frank Gray. His farm runs parallel to this farm. He doesn't want any more water from this property to run onto his property. He currently has problems with water runoff. Mr. Carter advised that will be considered in the stormwater management plans. Mr. Gray

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asked what would be done with the water? Mr. Carter stated that he can't answer that at this point because he has not seen a stormwater management plan yet.

Roland Wills, North East, referenced the Clean Water Act. He stated that he finds problems in the charts concerning runoff and impervious surface drawdowns, and that impacts Cecil County. The County must do something to guarantee that it is going to have water. He is also concerned with the roads. DPW must follow their own laws and set up a testing of the roads and the PSI of the roads. The road put in in front of his house last year is already collapsing. He doesn't feel that any more roads should be given to the County without testing.

Kathy Hudson stated that the bonus density for this project should be denied because of traffic, as well as the drought situation. People on this road are already having problems with their wells. She asked how more developments in the rural area can be justified without giving a guarantee that the water supply will last. There is nothing to draw on if wells go dry. She stated that she has livestock that she worries about. Her spring is dry and the ponds on adjacent properties are dry. An Adequate Public Facilities Ordinance (APFO) is used in other Counties in Maryland as a tool to enforce their Comprehensive Plan. She asked why Cecil County doesn't adopt an APFO? This Ordinance is used to assess whether an area to be developed can be adequately served by the existing public facilities, such as roads, schools, sewer and water supply, and emergency service. She believes it is the developers' responsibility to make allowances for additions or improvements to those services and to put them in place before development begins. An APFO would promote more development where those facilities are already in place, such as the suburbs or towns. An APFO in Cecil County would help limit, and even discourage, development in areas where those facilities are lacking, such as rural areas. The County needs to control the over-development in the country and abide by the Zoning Codes, thus putting less strain on the roads, water supplies and farms, and push it toward the towns. She reiterated that bonus density should be denied.

Mr. Walbeck stated that the Comprehensive Plan states that the County will have adequate public facilities. Four years ago, the County tried to institute an APFO but was unable to for political reasons. Two years ago, a Harford County speaker cautioned the Planning Commission that once an APFO is in use, there is only a certain period of time to bring the facilities up to standard. That does not always require the improvements to be made by the developer. It could be costly to the County, and the feeling is that Cecil County is not in the financial position to do that. The State has mandated that an APFO be in the Comprehensive Plan the next time it is reviewed.

Ms. Hudson stated that if this is going to be the way of the future, putting subdivisions on every farm, then an APFO should be adopted. She doesn't want to see public water and sewer in her area, but she can't be worrying about her well going dry either. She has animals that have to be watered. The County is taking far too much water out of the ground. She feels there should be a moratorium on developing, as well as drilling wells. Mr. Walbeck stated that the Planning Commission does not have the ability to do that. Only the County Commissioners can do that, but that could result in legal implications.

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Harriet Janney Barron stated that she hates to see the best land in the U.S. torn up for housing. She advised that Stoney Run runs through the farm, and she has never seen it dry in all the years she has lived there. She asked if a traffic survey was ever taken at midnight on Washington Schoolhouse Road? Mr. Woodhull stated no. Ms. Barron stated there is traffic from the dragstrip, which runs Wednesday through Sunday, plus the soccer fields, as well as the residents of the mobile home park on Ebenezer Church Road. She advised that she has difficulty getting out of her driveway. People don't use trailers to haul cars to the dragstrip, but have huge vans. A traffic light will be needed at Rte. 274. 160 additional cars from this housing development, with the existing traffic, makes for a dangerous spot on MD Rte. 274. She is also concerned about the water situation. She reiterated that Stoney Run has never been dry.

Nan Greaves, 376 Washington Schoolhouse Road, stated that she is concerned with the water situation. There are seven or eight houses that come from Stoney Run up to the apex where Bard Cameron hits Washington Schoolhouse. One house already has to have a new well drilled. Her advised that her water pressure is down. Her neighbor across the street has a spring is dry. There is a 15-degree grade up to these new houses. She asked if somebody would be responsible for these new houses causing the existing wells to go dry? A 15-degree grade will put sewage on the existing home's property. The water runs down that hill and she is concerned with water pollution. She feels the perc tests should be redone.

Mr. Walbeck stated that percs have been suspended by the Health Department because of the drought situation. Mr. Moore advised that percs were done on this property prior to the drought. Last year, seasonal testing was suspended. If the County does not receive a lot of rain, seasonal testing will be suspended this year as well. All of the County's monitoring wells are currently dry. There were seasonal tests done on this property.

Pam Benjamin, 255 Washington Schoolhouse Road, stated that an attempt has been made to alleviate the traffic problem, but she doesn't feel that it is a complete resolution. The people will still use Washington Schoolhouse Road to go to Rising Sun. The water is also a very serious concern. Many people are having problems with their wells. No one will help when their water is gone. There are no plans for public utilities in this area. She doesn't understand how the County can continue to develop at the rate it is without better plans. The County needs to prepare for the future. Cecil County is having the worst drought in the state. In June, Cecil County's precipitation was a little above normal, but the water level was still below normal because of the drought from the previous year. Perc testing has been deferred because of the drought. She understands the Planning Commission cannot defer development because of the drought, but residents want assurance that they will have water. If the subdivision cannot be denied based on water and traffic situations, then bonus density should be denied. That is the least reasonable thing that could happen here.

Richard Bibey, 187 Washington Schoolhouse Road, stated that he lives across from this property. He has lived there for 33 years. He has had to re-drill his well. He has also had to put in three septic systems. The property in the area doesn't perc. Also, the schools cannot support these homes.

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Jim Benjamin stated that he is concerned about the wells. Traffic is also a concern. Baseball fields are being put in, with a 270-car parking lot. He appreciates the two entrances, but putting one on Theodore Road will not change the traffic situation. People will travel Washington Schoolhouse Road because the other road is in poor shape.

Mr. Walbeck explained that the first house will not be built for two to three years, and the DPW has stated that improvements will be made to Theodore Road in that period of time.

Sonny Gray stated that he is concerned about trying to take farm equipment on Theodore Road. He is concerned about how Theodore Road will be improved considering the hills and curves.

Ms. Barron stated that gravel companies dig until they hit water and they shouldn't be allowed to do that.

Joe Pantano, 54 Patrick Ward Drive, asked if the owners could increase the property from $\frac{3}{4}$ acre lots to five-acre lots? Mr. Walbeck explained the one-to-five density, unless bonus density is sought, then it is one-to-three. The one-to-three density allows for more open space. The Planning Commission cannot arbitrarily say that the owner has to have ten to fifteen acres for each lot. Mr. Pantano stated that there probably would not be the problem with the water situation if the lots were larger.

Kathy Hudson stated that there are almost 1,000 houses proposed within three miles of this area. She reiterated that 60 houses on this parcel are far too many.

2. Tim Granger presented Graham Farm Estates, Section 3, Lots 8-13, Old Telegraph Road, Final Plat, Second District.

Mr. Granger was duly sworn and testimony followed. He stated that he is seeking approval for the 3rd and final section of Graham Farm Estates.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SAR.

August 19, 2002, 12:00 p.m.

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The Concept Plat for Graham Farm Estates, f/k/a Graham Acres, was approved 9/21/98 at a density of 1/5, conditioned on:

- 1) Five lots being relocated outside of the Critical Area, DONE
- 2) Bufferyard C being provided along Old Telegraph Road, DONE
- 3) Bufferyard A being provided along the rear of the lots adjoining the large lot, DONE
- 4) An Environmental Assessment being done for the Critical Area portion of the site at the Preliminary Plat stage DONE, and
- 5) Access to the open space being provided from the southern-most mini road. DONE

The overall density for all sections is 1/5.78, which includes Lot 5 in Foley Acres -- because that was approved conditioned on its being included in the density calculation for any further subdivision of the remaining lands of Mary Foley Graham.

The Planning Commission voted to extend the Concept Plat approval for one year on 9/18/00.

The Preliminary Plat was approved 12/18/00, conditioned on:

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met,
- 3) The owners of these lots becoming members of the Homeowners Association, which must be established prior to recordation, for maintenance of common open space with \$50 per recorded lot placed in escrow prior to recordation,
- 4) The owners of lots 1, 2, 3, 4, 5, 6 & 7 also becoming members of the maintenance association for the Mary Court mini-road, which must be established prior to recordation,
- 5) The owners of lots 8, 9, 10, 11, 12, & 13 also becoming members of the maintenance association for the Steamboat Landing Lane mini-road, which must be established prior to recordation,
- 6) A Landscape Agreement, including bufferyards and street trees, being executed prior to recordation,
- 7) Deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the forest retention areas being shown on the record plat,

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- 8) Restrictions prohibiting any further subdivision of the large lot, lot 15, being recorded and noted on the plat,
- 9) A note being placed on the plat prohibiting any further subdivision in the Critical Area,
- 10) The Open Space designation on proposed Lot 15 being removed from the plat,
- 11) Permits being required from the U.S. Army Corps of Engineers for any non-tidal wetland impacts and impacts to the Waters of the U.S., prior to recordation,
- 12) A note being placed on the plat restricting clearing in the Critical Area, and
- 13) The issue regarding the Eastern Lumpmussel and the Tidewater Mucket being resolved prior to Planning Commission review of the Final Plat.

The Final Plat for Section 1, Lots 1-7 was approved on 7/16/01, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) A Maintenance Association being formed and the owners of Lots 1, 2, 3, 4, 5, 6, & 7 also become members for the maintenance of the Mary Court mini-road;
- 5) A Landscape agreement, including bufferyards and street trees, be executed prior to recordation;
- 6) Deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat; and
- 7) The layout and installation of roads and buildings following the guidelines set forth in the Department of Natural Resources letter of 3/24/00.

The Section 1 Record Plat was signed on 6/20/02.

The Final Plat for Section 2, Lots 14 and 15 was approved on 10/15/01, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The owners of these lots becoming members of the Homeowners Association, established for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to

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recording;

- 4) A Landscape Agreement, including bufferyards and street trees, be executed prior to recording;
- 5) Deed restrictions for long-term protection of the forest retention areas be recorded prior to recording of the plat. The metes and bounds description of the FRA must be shown on the record plat;
- 6) An access easement to lot 15 being shown over the existing lot 14 driveway; and
- 7) A FIDS note being added to the Record Plat.

The Section 2 Record Plat was signed on 1/24/02.

This Final Plat is consistent with the approved Concept, the Preliminary Plat, and other sections Final Plats.

The approved Preliminary Plat contained a total of 34.5732 acres of common open space. Section 1 contained 4.8399 acres of common open space, leaving a remaining deficit of 29.7333 acres. Section 2 Final Plat contained 29.3818 acres of common open space, leaving a subsequent remaining deficit of .3515 acres. That common open space remainder must be satisfied in this section; however, only .3152 acres of common open space are cited on the plat. The correct amount of common open space acreage must be provided, and that must be reflected on the Record Plat.

David Brinker at DNR responded by telephone to our inquiry regarding the issue of the Eastern Lumpmussel and the Tidewater Mucket. He declined to send written comments, but he indicated that so long as the guidelines of the 3/24/00 DNR letter were followed, then DNR had no issue with the proposed subdivision.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recording. The pond on proposed Lot 9 is not a wetland, so no buffer is required.

Common open space access between and behind lots must be marked with concrete monuments.

No landscaping of the development envelope is required in the SAR zone. Rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (10/13/00) and Preliminary Forest Conservation Plan (12/15/00) have been approved. The Final Forest Conservation Plan (FCP) and the Landscape Plan have been approved. A Landscape Agreement must be executed prior to recording (DONE). Note # 8 must be changed to the standard street tree/bufferyard non-disturbance note. As is, it is

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inappropriate since none of these proposed lots are in the Critical Area. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

A mini-road maintenance association must also be established for the Steamboat Landing Lane mini-road, and the owners of Lots 8, 9, 10, 11, 12, & 13 must become members.

Mr. Woodhull stated that a stormwater management waiver has been approved per Section 3.3a. The pond located on Lot 9 and the waters of the U.S on Lots 9, 10, 11, 12 & 13 are considered as a conveyance system and are not considered as stormwater management facilities.

A Public Works Agreement will be required for the internal street.

Mr. Coudon asked if the difference in open space is an issue? Mr. Granger stated that it is just a math error and will be corrected.

Mary Foley Graham was duly sworn according to law and stated that she is in favor of this project.

3. Ken Cantera and Elmer Justice presented **Marley Station, Marley Road, Final Plat, Third District.**

The applicants were duly sworn and testimony followed. Mr. Cantera stated there has been no change from the preliminary plat to this final plat.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

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Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. This Final Plat proposes 11 lots, common open space, and a cul-de-sac street on 16.080 acres, for a proposed density of 1/1.462.

The approved Preliminary Plat indicated that there were 16.344 total acres. Subsequently, .142 acres were added on to Minor Subdivision Lot 1 on 7/18/01 (M.S. # 3322), leaving 16.202 acres. A net .129 acres were added to Minor Subdivision Lot 2 on 8/23/01 (M.S. # 3330). Minor Subdivision # 3322 must be noted on the plat.

The Concept Plat was approved 2/20/01, conditioned on:

- 1) The establishment of a Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow prior to recordation, with the owners of all lots becoming members;
- 2) A new road name for the cul-de-sac being approved prior to Planning Commission review of the Preliminary Plat; and
- 3) A JD being obtained prior to Technical Advisory Committee review of the Preliminary Plat (Corps did not feel one was required).

The Preliminary Plat was approved 8/18/01, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The establishment of a Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow prior to recordation, with all lot owners becoming members;
- 4) Proposed Lot 3 being denied access onto Marley Road;
- 5) Sidewalks being installed on one side of Chester's Way;
- 6) The Forest Conservation Plan and the Final Plat matching up;
- 7) The Forest Conservation Plan and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 8) A landscape agreement for bufferyards and street trees being executed prior to recordation;
- 9) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat;

This Final Plat is generally consistent with the approved Concept and Preliminary Plats.

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The Common Open Space provisions of the SR zone are satisfied. 2.412 acres is required and provided. All open space must be labeled and referenced as common open space.

Sidewalks are required on one side of Chester s Way, per condition # 5 of the Preliminary Plat approval. No sidewalks have been depicted on the Final Plat. The name Chester s Way has been approved.

Proposed lot 3 must be denied access onto Marley Road, per condition # 4 of the Preliminary Plat approval.

The Record Plat must contain the standard street tree/bufferyard non-disturbance note. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Marley Road. Rows of street trees are required, outside the right-of-way, along both sides of the Chester s Way cul-de-sac. The Forest Stand Delineation (FSD) was approved, as was the Preliminary Forest Conservation Plan (PFCP), Final Forest Conservation Plan (FCP) and Landscape Plan. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Access to common open space between lots must be marked with concrete monuments.

The standard FCP/Street Tree Notes and the standard Sidewalk Maintenance Note must appear on the Record Plat.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated the Stormwater Management (SWM) submittal is currently under review and only minor revisions are required for final SWM approval.

The Deed for Lot 3 must contain language pertaining to the lot owner s responsibility for perpetual maintenance of the yard drain and associated grass sump located on this lot.

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Mass and Final Grading Plan has met the requirements of DPW. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. [A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.]

The road design has met the DPW requirements. The Final Plat should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities located in the common space. A separate Inspection and Maintenance Agreement is required for the yard drain and associated sump located on Lot 3. A Public Works Agreement will be required for internal streets and stormdrains.

Mr. Cantera questioned the need for sidewalks. He stated that closed section road with curbing is proposed and the homes are not planned to be starter homes. Mr. Justice stated it will be a burden to the property owners to maintain sidewalks. Mr. Cantera stated they want to minimize the impervious surfaces. There are only 11 houses, and he doesn't think the sidewalks will be used. Mr. Sennstrom stated sidewalks are not required by any ordinance, but staff usually recommends them in the designated growth area. It is the applicants' encumbrance to seek the Planning Commission's approval to eliminate the sidewalks. Mr. Di Giacomo used the word "required" because it was a condition of preliminary plat approval. Mr. Cantera requested the Planning Commission eliminate the sidewalk requirement.

Barbara Wallace appeared in opposition. She was duly sworn according to law and stated that she lives on the adjoining property. Her well is 425 feet deep. Originally, she got 2 gallons per minute from her well, but it is not that now. She is concerned about water and septic. Even with the drought, her septic still overflows.

4. Oldfield at Ravens Glen, Phase 1, Lots 9-19, Old Elk Neck Road and Oldfield Acres Drive, Preliminary Plat, Larson Engineering, Inc., Fifth District.

WITHDRAWN.

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5. Mike Pugh and David Meiskin presented **The Villages at North East, Shady Beach Road, Concept Plat, Fifth District.**

The applicants were duly sworn and testimony followed. Mr. Pugh stated this project is an age-restricted community located on Shady Beach Road. It is zoned SR. It is being submitted for review under Section 6.1 of the Subdivision Regulations, which is the section dealing with cluster development. This section of the Subdivision Regulations specifies a different way to preserve open space and arrange lots. A portion of the property is zoned NAR, and a blend of the densities is proposed across the zoning lines. Private roads are proposed, and it will probably be a gated community. It will be a self-sustained community. The sewer will be County, and there will be sufficient sewer capacity to accommodate this project with the advent of Mauldin Avenue lines and the upgrade of the pump station at de la Plaine. The water service would either be from the Town of North East or a private on-site system. He advised that they have met with the town regarding its potential use. Wells have been drilled on the site that have yielded production that would make this feasible for on-site supply. A Forest Stand Delineation has not been approved to date.

David Meiskin submitted a marketing brochure for the Planning Commission's perusal, marked Exhibit 1 and in the file for reference. It will be an active adult community. One person must be 55 years or older, with the spouse being at least 21 years of age. No one may live in the community full time that is under the age of 18. Children may visit and stay a maximum of 12 weeks. The impact on the County and the local community of North East will be positive. People will be moving here for the lifestyle, not shelter. Maintenance of the exterior grounds will be done for the residents, lawns as well as gardens. The lots will be detached homes. Two different lot sizes, with two different products are proposed. There will be a recreation center that will have planned activities. There will be a social director that will plan trips, on-site activities, etc. The subdivision will be gated for security purposes. The recreation center will have a pool, tennis, bocce ball, etc. There will be a chipping putt, community gardens, walking trails. It has been clustered as much as possible and a good portion is being left in its natural state. The ponds from the mining operation have been included and made better. Everybody must join the Homeowners' Association. No two alike houses will be contiguous to each other or across the street. The façade of the houses will be staggered to improve the streetscape.

Mr. Walbeck asked if the homeowners will own their lots? Mr. Meiskin stated that is the intent. Mr. Pugh stated they are planning to build the roads to County specifications. He advised that this company has constructed a number of these communities. Mr. Meiskin advised that the brochure (Exhibit 1) shows the project in the Princeton area of New Jersey.

Mr. Walbeck questioned the time line for construction? Mr. Meiskin stated in New Jersey they started construction in 1999 and build approximately 100 homes per year.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

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Mr. Di Giacomo stated the zoning is SR & NAR. Per the cover letter, this submission seeks to invoke the provisions of §6.1 of the Cecil County Subdivision Regulations regarding residential cluster development.

In the SR portion, this Concept Plat proposes 754 lots on 396 acres, for a proposed density of 1.904/1. The SR zone permits a maximum base density of 1 du/ 1 acre. With community facilities, a density of 2/1 is permitted. If community facilities are planned, then that must be stated on the Concept Plat. The use of such facilities would require amendments to the Master Water and Sewer Plans prior to Final Plat review.

Verification of water allocation must be received from the Town of North East prior to Final Plat review. The water service area agreement between the County and the Town of North East will need to be amended to include this parcel prior to the Planning Commission's review of the Final Plat. Project systems will require approval from Cecil County operating authority and MDE. A private road variance from the Board of Appeals will be required prior to Planning Commission review of the preliminary plat. If granted and they are to be private roads, then a Road Maintenance Association must be established with all lot owners becoming members.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review.

If on-site wells and septic systems are proposed, then the 1/1 density cannot be exceeded in the SR portion of the property and a GAP will need to be obtained prior to Final Plat review. Moreover, as currently proposed for the SR portion, the project cannot be realized without community facilities.

In the NAR portion, this Concept Plat proposes 88 lots on 33 acres, for a proposed density of 2.67/1. The NAR zone permits a maximum base density of only 1 du/ 5 ac., and bonus density eligibility carries with it a permitted density of 1/3. §6.1 states that Developers cannot construct more dwelling units on the site than normally would be permitted in the respective zoning district. Consequently, the density proposed for the NAR portion exceeds the permitted maximum and must be reduced.

Again, this submission seeks to invoke the provisions of §6.1. The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

There may some question as to whether § s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that it's authority supersedes that of other laws or regulations, specifically with respect to lot area and yard

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requirements. However, the Zoning Ordinance makes clear that its purpose is not to replace existing laws, rules, regulations, etc., and that it has the basic objective of implementing the Comprehensive Plan, including to concentrate development in areas suitable for growth as designated in the Comprehensive Plan (§3.2.h). The Comprehensive Plan states that one of the purposes of the Suburban District is to encourage cluster development as a means of maximizing common open space and minimizing disturbance of the natural resources.

In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties. Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding residential cluster development, are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.

With respect to this specific parcel of land, it is noted that it is not situated in a Priority Funding Area (PFA). §1.1 of the Subdivision Regulations states their intent to be, in part, to legislate the intent of the policies of the Comprehensive Plan. Therefore, the provisions of §6.1 may be invoked to facilitate an innovative and environmentally friendly layout, but, in so doing, PFA boundaries and SR and NAR densities remain unaffected.

A Traffic Impact Study (TIS) is required. It must be completed prior to TAC review of the Preliminary Plat.

ARTICLE VI of the Cecil County Zoning Ordinance stipulates that the minimum lot area in the SR and NAR (with community facilities) is 12,000 ft². It further stipulates that the minimum yard requirements shall be 30 front, 10 side, 40 rear, and 30/10/30, respectively.

The plat information indicates that proposed lot sizes are 5,720 and 6,600 ft². The plat contains no information regarding proposed yard dimensions. Rather, that information is contained in a separate pamphlet: 20 front, 5/7 side (12 combined), and 20 rear. This information must be included on the plat.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance

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activities. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. At least one perennial stream (Ford Run) runs through the property.

A 25' buffer is required around all non-tidal wetlands present. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Two wetland impacts resulting from roadway construction are depicted on the plat. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

The habitats of rare, threatened, and endangered species must be avoided.

15% common open space is required for subdivisions of 10 or more lots in the SR and NAR zones. In keeping with established precedent to achieve a better design, the common open space requirements for the respective zones could be satisfied by providing the combined required acreages anywhere on the property. That in no way would reduce the total common open space acreage required.

58.2% common open space is proposed.

Except in the NAR and SAR zones, at a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands (except in the NAR zone). Those percentages must be stated on the Preliminary Plat submitted for TAC review.

The Elk Neck Trail is in very close proximity to this property. It has been depicted on the plat. Mr. Di Giacomo asked if the developer is willing to consider such access and connectivity? Mr. Meiskin answered in the affirmative.

No landscaping of the development envelope is required in the NAR zone. 20% landscaping of the development envelope is required in the SR zone.

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Sidewalks are recommended on at least one side of all internal roads, in the SR-zoned portion and the NAR-zoned portion for the sake of consistency.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Shady Beach Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has not been approved. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Staff will recommend the inclusion of the potential internal roadway connection. It will improve connectivity, enhance emergency service response capability, and potentially reduce trip lengths.

For those same reasons, contingent upon the roads of both developments becoming public roads, staff will recommend the inclusion of the extension of the Court U cul-de-sac to the proposed Bay Club Parkway in the Chesapeake Club Section H development to the north. Since that project has received Preliminary Plat approval, per §4.0.13 (h) of the Cecil County Subdivision Regulations, that roadway should be depicted. The internal road names will need to be approved by the County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. No names were provided on the TAC submission, and the names submitted on the plat for Planning Commission review appear to be temporary.

Lot dimensions have not been provided, as required by §4.0.13 (j) of the Cecil County Subdivision Regulations.

The adjacent Old York Estates has been shown, but not identified.

Lot numbers have now been included. Their inclusion reveals that the total number of lots on the Concept Plat submitted for TAC review was actually 909. As a result, 67 lots and 2 cul-de-sacs have been deleted, consistent with the 842 lots cited on the plat.

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Some open space/greenway vistas do not match up well. Access to common open space between lots must be marked with concrete monuments.

A Homeowners Association for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities must be established prior to recordation. \$50 per recorded lot must be placed in escrow for improvements to the common open space and landscape islands prior to recordation.

The location(s) of existing utilities on or within 200 ft of the parcel must be added prior to Planning Commission review of the Concept Plat.

A Special Exception will need to be obtained from the Board of Appeals for the Private Club prior to Final Plat review.

The clubhouse, parking, and recreational facilities are accessory uses to the proposed subdivision. Therefore, a major site plan submittal will not be required. The details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, must be shown on subsequent Preliminary and Final Plats. The issuance of a building permit for the clubhouse will be contingent upon recordation/Final Plat approval.

Active recreation improvements should be included in the Public Works Agreement.

Lastly, it should be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations requires strict compliance, as follows:

- a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
- c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

Mr. Woodhull stated that the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management submittal; a street and stormdrain submittal; and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations; it should be noted for the record that

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public water would be provided from the Town of North East system.

Court Y is too narrow to meet any County road classification. The Department prefers that Court Y be modified to extend through to Road F at Lot 716 to gain standard road construction while retaining the same number of lots.

DPW recommends hydrants at each intersection (including Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet. Because of the close proximity of the houses, consideration of closer hydrant spacing may be in order (although consultation with the North East Fire Department is recommended); alternatively, other consideration should be given to minimize the spread of a fire, given the close spacing.

The Department finds the proposed Emergency Access to Court U acceptable. This should be provided by means of an 18' wide x 10' deep crusher run road to support firefighting and EMS vehicles. The roadway must extend to the property line where it would be secured with a locked gate. The North East Fire Company must be provided with keys for this gate.

Looped water mains should be designed to ensure adequate fire flow and pressure throughout the development.

The Department of Public Works views the two entrances as essential.

The lands of Ford on the west side of Shady Beach Road are the subject of a pending Concept Plat for Cameron Woods; the proposed entrances of the two developments must be either directly aligned or offset in accordance with the required distances of the Cecil County Road Code.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Entrance geometry should be coordinated with DPW prior to significant engineering efforts. Shady Beach Road will not likely support the addition of some 800 additional homes without upgrade to Major Collector cross section. Pending an anticipated traffic impact study, the Department recommends that the Planning Commission require upgrade of Shady Beach Road from State Route 272 as a condition of approval. It is recommended that the applicant complete deed research as soon as possible along Shady Beach Road to determine what fee simple right of way and/or road widening and utility easements already exist. All internal roadways that support more than 300 homes must be Major Collectors; all internal roadways that support between 50 and 300 homes must be Minor Collectors; only internal roads serving less than 50 homes may be Minor Roads. All lots must front Minor Roads wherever possible. Where substantiated as necessary,

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lots may front Major Collector Roads; however, additional pavement cross section may be required by the Department to provide for safe egress from driveways. It is the Department's position that every effort should be made to move Lots 100-103, 110-120, and 78-68 to Courts V and U. The proposed gates cannot be used if the internal roads are proposed as public roads. If the internal roads are proposed as private, the emergency services community is strongly advised to address access issues with the applicant. The Department recommends careful consideration before final decision on the use of private roads. Past results in other projects have fallen well short of expectations. That concern will be lessened if all infrastructure is built to County standards.

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The cul-de-sac bulbs are shown as 50' radii; these must be expanded to 75' in accordance with the Cecil County Road Code.

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The Department strongly recommends the use of a construction entrance for the project, separate from the final entrances. All driveways must be paved at least to the right of way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense. The ROW dedication must be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

No wastewater allocation exists for this development at this time. The proposed North East sewer upgrades (anticipated spring 2003) will address a portion of the obstacle (a benefit assessment per dwelling will apply, in addition to the connection fee), but the de la Plaine pump station must also be upgraded and the applicant must design and construct the off site sewer lines to connect the flow to de la Plaine pump station. Notwithstanding the above, it is DPW's position that water and sewer can be extended to this development; however, the current Master Water and Sewer Plan will have to be amended to include this. In connecting the Villages of North East to the de la Plaine pump station, the use of gravity main must be maximized.

A Public Works Agreement will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements and an Inspection and Maintenance Agreement will be required for the stormwater management facilities.

Mr. Pugh advised that lot dimension setbacks and typicals were on the site data. He realizes that a variance for the private roads will be necessary. He asked if it could be done prior to final plat review as opposed to preliminary plat review? Mr. Di Giacomo stated that it should be done as soon as possible so the Planning Commission will know what they are dealing with via the layout.

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Mr. Pugh stated that he lacks information on the Elk Neck Trails location and would need that to determine a viable way to get through the property before that can be accommodated. Mr. Walbeck advised that he would get that information to him.

Mr. Pugh stated that a Special Exception is not required for the private club because it has been changed to a recreational center. The intent of the center is not to benefit off-site parties.

Mr. Pugh distributed copies of Section 6.1 of the Subdivision Regulations, marked Exhibit 2 and in the file for reference. The section does not say that you cannot put the cluster in the NAR zoned portion of the property. He feels the site should be looked at overall.

Discussion followed concerning Section 6.1.

Ms. Hair asked when construction would begin if the project receives approval? Mr. Meiskin stated their intention is to begin next summer. Ms. Hair questioned the price range. Mr. Meiskin stated it would be in the upper \$100,000 range.

Mr. Coudon asked if the potential gated entrances would be staffed? Mr. Meishkin answered in the affirmative. They have coordinated with emergency services on other projects.

John and Martha Bolinski, 986 Irishtown Road, appeared in opposition. They were both sworn according to law and testimony followed. Mr. Bolinski stated that he moved here 27 years ago. At that time, this property was a stone quarry. Since then, it has changed zoning without the current residents being involved in the process. 842 homes in a farming community doesn't work. The new residents will have to be re-educated on farming. Since he has lived here, he has had to fight off motorcycles that crush down the corn crops, golf carts that crush down the hay, kids that play in the hay shed with cigarettes. His property is next to the Elk Neck State Forest, which has been open to the public for hunting and hiking, and he feels this property should stay open.

Mrs. Bolinski stated she does not object to the design, but she is concerned about the wetlands between their property and the subject property. There will be a lot of building, sidewalks, and paving. She asked what assurances are there that the wetlands will not be changed? Her other concerns are water and sewer. Even though the water may come from the Town of North East, the town still has to get their water from somewhere. She advised that she and her husband have had to drill two wells.

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6. Mike McAllister presented Rock View, Section 3, Lot 8, Rock Church Road, Preliminary-Final Plat, Fourth District.

Mr. McAllister was duly sworn according to law and testimony followed. He stated that this is a one lot major subdivision for Mr. and Mrs. Mackey. The intention is to convey this lot to their son, Mark Hurm. The farm is in agricultural preservation, which means the lot can be no greater than one acre. The local Ag Board has approved the lot. The lot will be served by an existing lane, and a Perpetual Road Maintenance Agreement (PRMA) will be executed. He requested the Bufferyard A be modified to 10 feet wide on four of the five sides. A modification of the 100-foot agricultural setback was also requested. The Landscape Plans have been approved by OPZ. This is a family situation. The TAC comments have been satisfied. A 30-foot road widening easement has been shown. The area to the north of the PRMA easement has been marked for clearing and grading for the driveway.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. This Preliminary-Final Plat proposes 1 additional lot on approximately 229 remaining acres, for a proposed density of 1/57.75.

The open space provisions for the NAR zone are moot since there are still fewer than ten lots proposed.

No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard A is required along the perimeter lot lines. Staff has recommended a 10' modified Bufferyard A, consistent with those previously approved for Lots 6 and 7. Staff also recommends an agricultural setback modification, consistent with those previously approved.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. This requirement has been satisfied in Note # 10.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. This project is exempt under provisions of §3.2K of the Forest Conservation Regulations, as noted on the plat. A Landscape Plan for the bufferyard has been approved, contingent upon the Planning Commission's approval of the modified Bufferyard A design, which is consistent with modifications on lots 6

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and 7. A Landscape Agreement must be executed prior to recordation.

The pending MALPF exclusion, as noted in Note # 7, must be granted prior to recordation. Documentation thereof will be required.

The GAP has been issued.

Mr. Woodhull stated this project is technically approved and will receive final approval upon completion of administrative requirements.

7. Harry Smith presented Harrison, John R. (Lands of), Bohemia Church Road, Delmarva GPS, Concept Plat, First District.

Mr. Smith was duly sworn and testimony followed. He stated that this property is located off of Bohemia Church Road and Welders Lane. It has frontage on the Bohemia River and Smith Creek. It is partially in the Critical Area. Mr. Harrison lives on Lot 4. A new public road is proposed with five clustered lots and three larger Critical Area lots.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SAR & RCA (Critical Area). The RCA overlay zone permits a density of 1 du/ 20 ac. 3 lots are being proposed on 104.352 acres in the RCA zone for a proposed density of 1/34.78. The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility carries with it a permitted density of 1/5. As currently submitted, this Concept Plat proposes 8 new lots, add-ons, and right-of-way on approximately 130 acres in Deed Parcel 1 of (TM 58) Parcel 2.

As stated at the 2/22/00 Planning Commission meeting: The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1. Those comments pertain to Lot 5 of Smith Creek. Therefore, Lot 5 in Smith Creek must be included as the 9th lot in the density calculation, which yields a proposed density of approximately 1/14.44.

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Most of this proposal is for TM 58, Deed Parcel 1 of Parcel 2. However, because of the proposed add-ons, this proposal also involves portions of Deed Parcel 2 and Deed Parcel 3. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. The Title Block must reflect the fact that an add-on to Lot 1 of the Revised Minor Subdivision of J. Frank Skillman (originally part of Deed Parcel 2) is proposed. This represents a revision to that minor subdivision. The proposed add-ons to Lot 4 of Smith Creek (part of Deed Parcel 3) and 2 proposed driveways for lots proposed on Deed Parcel 1 also represent revisions to the Smith Creek subdivision. That must also be reflected in the Title Block.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Any slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. A sensitive species survey must be done prior to TAC review of the Preliminary Plat for the 9 possible threatened and endangered species.

No landscaping of the development envelope is required in the SAR zone.

A 110' tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments. No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

No more than 15% of the surface area can be converted to impervious surface in the RCA, and no more than 20% of the forest or developed woodland may be removed.

In the Critical Area, no structure shall exceed 35' in height.

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Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) has been approved.

An Environmental Assessment for the three proposed lots in the Critical Area has been submitted. It must be approved prior to the TAC review of the Preliminary Plat. Additional field assessment to determine the presence of sensitive species may be required.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and a Landscape Plan for street trees must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations). A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The name Creek Lane will need to be approved by the County Emergency Management Agency prior to Planning Commission's review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Mr. Woodhull stated a street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.

A Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

The existing driveway leading to the other lands of John R. Harrison, as shown on the Revised Final Major Subdivision Lots 1-4 Smith Creek, must be reworked at the intersection of Welders Lane and the new cul-de-sac to center it in the ROW.

A stormwater management (SWM) submittal must be approved by the DPW prior to submittal for Final Plat Approval. An Inspection and Maintenance Agreement will be required for any SWM facilities.

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A Mass and Final Grading Plan will be required. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. [A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.]

All driveways must be paved at least to the right of way.

Mr. Woodhull asked if Deed Parcel 3, Lot 4 is part of the Smith Creek subdivision? Mr. Smith answered in the affirmative. Mr. Smith indicated a paved lane on the plat and stated that will be reworked when the road is done.

Ms. Rossetti questioned the add-ons. She asked where Lot 4 accesses Welders Lane or Creek Lane? Mr. Smith indicated the access on the plat. Lot 5 of Smith Creek, and its access, will be reworked with this subdivision. Ms. Rossetti asked if the two northerly large lots will share a driveway? Mr. Smith stated they probably will, at least until it turns.

All persons wishing to speak in opposition were duly sworn according to law.

Diane Hayes stated that she lives on Lot 1. The proposal does not fit with the scheme that is there. This property was marketed as small horse farms and that is not what is being proposed. She understood that when she purchased the lot, there would be only four more lots. Now nine are proposed. She asked how many more lots can be created? Also, this property is being subdivided in little sections instead of all at once. When she purchased there, she purchased in the back because of traffic. She has three small children. This subdivision would create 18+ additional cars. She questioned the success of the perc tests. Mr. Walbeck advised that perc data can be obtained from the Joe Moore of the Health Department.

Mr. Di Giacomo displayed a map showing different deed parcels. Deed Parcel 2 was a minor subdivision with two lots. Deed Parcel 3 was Smith Creek and part of the Franklin Estates subdivisions. Deed Parcel 1 is what is being proposed now. Lot 5 of Deed Parcel 3 is part of Parcel 3, but the density goes with Deed Parcel 1. Mr. Walbeck stated there are several different parcels there, and each one can be subdivided on its own.

Mary Cooper, Lot 5, stated that Mr. Harrison has made a complete mess of the County road. The drainage is bad. She asked who will be installing the new County road? Once the County road is installed, her home will be extremely close to it. She is concerned about traffic. If she had known this road would be installed next to her, she would not have bought that lot. She doesn't think Mr. Harrison is organized. She questioned the width of the road, including drainage. She stated that she was told where her home had to be positioned.

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From August to November, she debated on whether to build on the lot or sell it. Now she finds out that her house is going to be on top of the road, and houses will be behind her. She feels that she wasn't given a clear picture of what was going to happen here. She is concerned about her address. She doesn't know if she will be part of Smith Creek or this new development. Mr. Walbeck stated her address will still be Welders Lane. He suggested she determine where her property lines are. Ms. Cooper stated that she realizes she probably needs to pursue this through the courts.

Ms. Cooper stated that Mr. Harrison told her there would be no development on that parcel. She was aware of the right-of-way but he told her she didn't have to worry about it. She asked how long the applicant may take to complete the road? Mr. Carter stated that Mr. Harrison was permitted to modify an existing lane for Welders Lane. In so doing, it took longer than it would have for a new road. It is not uncommon for a road to take several months. There are no limitations on that except that typically the Public Works Agreement between the County and the developer requires the road be completed within one year or the County reserves the right to close on the performance bond and complete the road. Concerning the rocks left on the property, DPW doesn't have jurisdiction over private property issues. It would be a private matter.

Ms. Cooper submitted a letter in opposition from an adjoining property owner, marked Exhibit 3 and in the file for reference.

Jean Deeming, 551 Bohemia Church Road, Lot 5A, stated this property was marketed as small farms. She advised that she and most of the property owners in this existing subdivision own horses. She is concerned about placing five homes in a small area adjacent to horse people. She is concerned about putting 1.5 to 2.5 acre lots in an area that has 5 to 7 acre lots. People coming in won't like the smell of horses. She feels that Mr. Harrison doesn't follow through on anything he commits to. Welders Lane took over a year to finish, and it is still not completed. The landscaping is not done on both sides of the road. There are holes that are three feet deep on either side of the road. This subdivision impacts the wildlife in the area. There are endangered species on the property.

8. Donnie Sutton presented Susquehanna, Section 2, Lots 20-37, 42-43, 64-67, MD Rte. 269 and Canal Road, Final Plat, Seventh District.

Mr. Sutton was duly sworn and testimony followed. He stated that this comprises 24 lots. It provides access to the Bell property, which is currently under design.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

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Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat for Susquehanna was approved by the Planning Commission on 1/18/00 for 75 lots on 309.2 acres at a density of 1/4.1, conditioned on:

1. Additional common open space being provided in a centrally located area in the vicinity of lots 61 and 62 with a north and south access from Woodrow Lane and the other road,
2. Road improvements as recommended by the Department of Public Works being provided along Liberty Grove Road,
3. A jurisdictional determination being done by the Corps of Engineers prior to preliminary plat review by the Planning Commission,
4. Two stubs to the Lands of Bell being provided,
5. Deed restrictions prohibiting further subdivision to the large lot, Lot 5, being noted on the plat and recorded prior to recordation of the plat,
6. A name other than Susquehanna Hills being used,
7. Bufferyard C, outside the right-of-way, being provided along Liberty Grove Road and Canal Road,
8. A Bufferyard A being provided along the rear lot lines of Lots 24-38 to buffer adjacent agricultural uses,
9. A Preliminary Forest Conservation Plan being approved prior to preliminary plat review by the Planning Commission,
10. A Homeowners Association being established for maintenance of the common open space with \$50.00 per recorded lot being placed in escrow for improvements prior to recordation, and
11. Deed restrictions prohibiting further subdivision of Lot 79 being noted on the plat and recorded prior to recordation.

The Lot 5 Preliminary-Final Plat and the Lot 6 Preliminary-Final Plat were both approved with conditions on 4/17/00. The Lot 5 Record Plat was signed on 7/6/00, and the Lot 6 Record Plat was signed on 6/13/01.

The balance of the proposed Susquehanna subdivision was submitted as a Preliminary Plat and approved by the Planning Commission on 7/17/00, conditioned on:

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met,
- 3) The developer accepting the Department of Public Works requirements regarding Canal and Liberty Grove Road entrance and drainage improvements,

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- 4) These lots becoming members of the Homeowners Association for maintenance of the common open space with \$50.00 per recorded lot being placed in escrow for improvements prior to recordation,
- 5) The name McCormick Drive being approved by the 911 Emergency center prior to Final Plat review by the Planning Commission,
- 6) A Landscape Plan that addresses Bufferyard A and C requirements being approved prior to Final Plat review by the Planning Commission,
- 7) A Landscape Agreement for bufferyards and street trees being executed prior to recordation of the plat,
- 8) A Final Forest Conservation Plan being approved prior to Final Plat review by the Planning Commission,
- 9) Deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention area being shown on the record plat,
- 10) Bufferyard C requirements along Canal Road being waived,
- 11) The centrally located common open space requirement being waived in favor of additional common open space behind Lots 13-18,
- 12) All trash, abandoned vehicles, and collapsed buildings being cleared from the common open space prior to recordation,
- 13) Stormwater pond details, septic area details, and other discrepancies being resolved on the Final Plat, and the Forest Conservation Plan, prior to Final Plat review by the Planning Commission,
- 14) Areas of steep slopes on Lots 72 and &3 being depicted, or reconciled with information previously provided, and
- 15) Wetlands depicted on previous Forest Conservation Plans matching up with the final plat submitted for Planning Commission review, as well as the Final Forest Conservation Plan.

The Section 1 Final Plat was approved on 10/16/00, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) That the developer accept DPW requirements regarding Canal and Liberty Grove Roads bank, drainage, and entrance improvements;
- 4) That the owners of these lots become members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 5) That a Landscape Agreement for bufferyards and street trees be executed prior to recordation;

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- 6) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat,
- 7) That all trash, abandoned vehicles, and collapsed buildings in areas designated as common open space be cleared prior to recordation,
- 8) That the areas of proposed lots 13-17, 19, 44, 51-54, 57-58, 61-63, 69-70, & 73-74 be expressed in square feet on the Record Plat, and
- 9) That Section 2 consists of approximately 37.65 acres of common open space, when it is submitted.

The Section 1 Record Plat was signed on 6/14/01.

This Section 2 Final Plat proposes 24 lots on 33.24 acres, with 5.98 acres of common open space and 2 small add-ons. This Final Plat proposal is consistent with the approved Concept and Preliminary Plats.

A JD has been completed, and documentation thereof has been received by OPZ. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

This proposal satisfies the open space provisions of the NAR zone. The approved Preliminary Plat proposed 53.55 acres. Section 1 included 15.903 acres of common open space, and Section 2 now proposes 5.998. Therefore, Section 3 will require approximately 31.65 acres of additional common open space when it is submitted.

The vicinity map must be revised to show Liberty Grove Road as such, rather than as MD 269.

The developers must express their acceptance of Canal and Liberty Grove Roads bank, drainage, and entrance improvements as required by DPW.

No landscaping of the development envelope is required in the NAR zone. Rows of street trees are required along both sides of all internal roads, outside the right-of-way. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan (FCP), and Landscape Plan have been approved. Since the adjacent Bell property is now proposed for subdivision, the applicant may want to delete the Bufferyard A from the Landscape Plan. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be

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shown on the record plat.

Access to common open space between lots must be marked with concrete monuments.

The owners of these lots must become members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated that DPW technical requirements have been met.

Mr. Sutton stated the plan for Bufferyard A refers to the existing hedgerow and that will probably remain, therefore it will be shown as an existing hedgerow and not a Bufferyard A.

9. Mike Burcham and Barry Montgomery presented **Montgomery s Indian Springs, Lots 1-33, Old Farmington Road, Final Plat, Ninth District**

The applicants were duly sworn according to law and testimony followed. Mr. Montgomery advised that he is seeking final approval on this subdivision.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR & VR. The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility is not being sought. This Preliminary Plat proposes 10 lots on 52.72 acres, for a proposed density of 1/5.27 in the NAR zoned portion of the property. The VR zone permits a maximum base density of 1 du/ 1 ac. A maximum density of 4 du/ 1 ac. is permitted in areas with community facilities. This Preliminary Plat proposes 23 lots on 15.95 acres, for a proposed density of 1.44/1.

This project will require an amendment to the Master Water & Sewer Plan. Contrary to the note on the plat, this proposal is not yet in conformance with the 10-year master water and sewer plan. Verification of sewer allocation from the DPW for proposed Lots 1-23 is required prior to Final Plat review by the Planning Commission.

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The Concept Plat was approved 3/19/01, conditioned on:

- 1) The acreage percentages for wetlands, streams, and stream buffers being verified prior to TAC review of the preliminary plat;
- 2) The road name being approved by the 911 Emergency Center prior to Planning Commission review of the Preliminary Plat;
- 3) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes; and
- 4) Verification of sewer allocation being received from the Department of Public Works for proposed Lots 1-23 prior to Final Plat review by the Planning Commission.

The Preliminary Plat was approved on 5/22/01, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The verification of sewer allocation being received from the DPW for proposed Lots 1-23 prior to Final Plat review by the Planning Commission;
- 4) A variance being granted for the 40' road width;
- 5) The final Forest Conservation Plan and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 6) The establishment of a Homeowners' Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation,
- 7) A sidewalk being provided only on the southwest side of Van Weaver Drive.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

This proposal satisfies the common open space provisions of the NAR & VR zones. However, there are some problems with how the common open space required and proposed is represented on the plat. 2.4 acres, not 2.52 acres, of common open space is required in the VR zone, and 3.68 acres (23%) are proposed. 7.9 acres are required in the NAR portion, and 19.566 acres (37%) common open space is proposed.

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The respective 3.68 and 19.566 acres total 23.25 acres. However, the area table cites 23.28 total acres of open space. All areas of common open space proposed on the plat must be labeled and referred to as common open space on the Record Plat. Access to common open space between lots must be marked with concrete monuments.

A minimum of 20% landscaping of the development envelope is required in the VR zone; none is required in the NAR zone.

Sidewalks are required on the southwest side of the VR portion of Van Weaver Drive.

The 40' width of the right-of-way where the 2 parts of the parcel join will require a variance.

A row of street trees is recommended, outside the right-of-way, along the road frontages of Old Farmington Road. That would be more in keeping with the character of the existing village than a Bufferyard Standard C. A Bufferyard A has been depicted on the plat to buffer adjacent agricultural uses along the lot lines of proposed lots 27 & 28, bordering the lands of Magness.

The sewer service note must be amended to include only those lots proposed to be served by sewer. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan, and Landscape Plan have been approved. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with. This notice must appear on the Record Plat.

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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The GAP has been issued. DPW verifies they have sewer capacity.

Mr. Woodhull stated stormwater management, forced main system, sanitary sewer, streets and storm sewer have only minor issues to be completed and DPW does not expect the design to change as a result. Administrative requirements remain outstanding. Note 8 on Sheet 1 needs to add Lots 24 through 33 to be served by a private septic system.

Mr. Walbeck questioned the variance for the road where the two sections join? Mr. Carter stated that was addressed prior to preliminary plat approval with Road Code Waivers.

10. The Chesapeake Club, Bay Club Landing, Units 108-127, Range Road, McCrone, Inc., Revised Preliminary Plat, Fifth District.

WITHDRAWN.

11. Chesapeake Club, Fairhaven Estates, Lotominiums 81-84 and 105-107, MD Rte. 272, McCrone, Inc., Revised Preliminary Plat, Fifth District.

withdrawn.

general discussion:

1. Preparation for Comprehensive Plan review.

Mr. Walbeck distributed a two-page document that explains the process of the Comprehensive Plan review. The Planning Commission must assess the Plan and recommend to the Board of County Commissioners either to revise it or leave it as it is. The document lists 8 or 9 things that ought to be considered. An assessment schedule has been set up by Mr. Walbeck. From now until early November, the Planning Commission will review the Plan. Up until mid-October, the County departments will review it and provide recommendations

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to OPZ. In early November, OPZ will complete a review and make a recommendation to the Planning Commission. The Planning Commission should be prepared to make a recommendation to the County Commissioners in January. Then the Commissioners will decide what they want to do.

Mr. Walbeck distributed a list of plan elements for review that is out of the Comprehensive Plan. Commissioner Bolender feels the review should be assigned to small groups of Planning Commission members. Mr. Walbeck suggested the alternate member, Russ Farrell, be included in the review process. He proposes three two-person teams to review the list of elements. The teams would be Rossetti & Coudon, Hair & Farrell, and Brown & Smith. These teams will look at the plan and decide if any changes are needed. Then there would be one or more public meetings to comment on the Comprehensive Plan. Then everything would be assessed, followed by another possible public meeting after the assessment, and then proposed to the Commissioners.

Ms. Rossetti asked if they, as individuals, may approach the Board of Realtors to seek input. Ms. Campbell stated that if they would be speaking on behalf of the Planning Commission, it ought to come to the whole Commission. She suggested they ask the Board of Realtors to submit something, as opposed to taking their comments.

Mr. Walbeck suggested he meet with each of the teams sometime in mid-September and then the Planning Commission would have their first public meeting in November after the election.

Each of the 8 or 9 topics for consideration was assigned to a team.

1. Workshop for Commissioner Candidates

Mr. Walbeck advised that four years ago, the Planning Commission held a workshop for all County Commissioner candidates. Land use and the Comprehensive Plan was discussed. It was fairly well received by the candidates that attended. He suggested the Planning Commission host an information meeting for the Commissioner candidates after the primary on September 10th.

Mr. Smith suggested the Commissioner candidates be invited to the first public meeting on the Comprehensive Plan review. Mr. Walbeck proposed an information meeting with solely the candidates.

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2. *Local Developers Go Far*

Mr. Walbeck distributed a newspaper article titled *Local Developers Go Far* that appeared in last Sunday's Baltimore Sun real estate section. Developers are running out of land in Baltimore County, Harford County, and Anne Arundel County. He also distributed an article from a Wicomico County newspaper, which represents the fact that they are having the same problems that Cecil County is having. (A copy of both articles are attached for reference.)

3. Cell Phones

Ms. Campbell suggested that at the beginning of each Planning Commission meeting, Mr. Walbeck announce that all cell phones should be turned off.

4. Sidewalks

Ms. Campbell referenced the deliberation discussions concerning sidewalks. She stated that the Town of Elkton has sidewalks that lead to nowhere because if sidewalks are not put in, then cars will park on the side of the road leaving no room between the lot and the car to walk, except in the streets. The Town feels that the sidewalk will eventually connect to another sidewalk. If it isn't put in at the beginning of the subdivision, it will never be put in.

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Item B. Decisions.

1. Racine Property, Washington Schoolhouse Road, Concept Plat, Wilson Deegan & Associates, Inc., Fifth District.

Motion made by Smith, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) the calculations and level of service projections being revised to take the athletic fields on Bard Cameron Road into account prior to the submission of the preliminary plat for Technical Advisory Committee review, (2) a boundary line survey being done prior to submission of the preliminary plat, (3) discrepancies in the depictions of wetland and wooded areas being rectified prior to the submission of the preliminary plat for Technical Advisory Committee review, (4) general and legend notes being corrected prior to the submission of the preliminary plat for Technical Advisory Committee review, (5) proposed road names being approved prior to the submission of the preliminary plat for Planning Commission review; (6) a jurisdictional determination being done prior to preliminary plat review by the Planning Commission, and (7) an area table being included in the preliminary plat submitted for Technical Advisory Committee review.

2. Graham Farm Estates, Section 3, Lots 8-13, Old Telegraph Road, Final Plat, American Engineering & Surveying, Inc., Second District.

Motion made by Coudon, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the owners of Lots 8 - 13 becoming members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation, (4) a Maintenance Association being formed for the maintenance of the Steamboat Landing Lane mini-road, and the owners of Lots 8-13 becoming members, (5) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the forest retention area being shown on the record plat, (6) the layout and installation of roads and buildings following the guidelines set forth in the Department of Natural Resources letter of 3/24/00, (7) the Record Plat reflecting that at least .3515 acres of common open space have been provided, (8) the Record Plat labeling and referring to common open space as common open space, and (9) Note # 8 being changed to the standard street tree/bufferyard non-disturbance note.

3. Marley Station, Marley Road, Final Plat, Larson Engineering, Inc., Third District.

Motion made by Hair, and seconded by Smith to approve, conditioned on: Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the establishment of a

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Homeowners Association for maintenance of common open space with \$50 per recorded lot being placed in escrow prior to recordation, with all lot owners becoming members, (4) Proposed Lot 3 being denied access onto Marley Road, with a note to that effect being added to the Record Plat, (5) sidewalks being installed on one side of Chester's Way, (6) a Landscape Agreement for bufferyards and street trees being executed prior to recordation, (7) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the FRA must be shown on the record plat, (8) all open space being labeled or referenced common open space, (9) Minor Subdivision # 3322 being referenced, and (10) the Record Plat containing the standard street tree/bufferyard non-disturbance note.

Motion made by Rossetti and seconded by Smith to amend the motion to eliminate condition #5 by not requiring sidewalks. Smith and Brown in favor of amending motion. Hair, Rossetti, and Coudon opposed to amending motion. Motion to amend disapproved.

Original motion unanimously approved.

4. Oldfield at Ravens Glen, Phase 1, Lots 9-19, Old Elk Neck Road and Oldfield Acres Drive, Preliminary Plat, Larson Engineering, Inc., Fifth District.

WITHDRAWN.

5. The Villages at North East, Shady Beach Road, Maser Consulting, P.A., Concept Plat, Fifth District.

Motion made by Rossetti and seconded by Smith to table. Discussion ensued. Motion made by Rossetti and seconded by Smith to withdraw motion to table.

Motion made by Smith, seconded by Rossetti, and unanimously carried to disapprove. The Planning Commission recommends that a plat reflecting the proper density in the NAR-zoned portion be resubmitted after the Forest Stand Delineation has been approved.

6. Rock View, Section 3, Lot 8, Rock Church Road, Michael S. McAllister, Preliminary-Final Plat, Fourth District.

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Motion made by Coudon, seconded by Smith, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the modified 10' -wide Bufferyard A being approved for Lot 8, (4) an agricultural setback modification being granted, (5) an exclusion being granted from MALPF prior to recordation, and (6) a Landscape Agreement being executed prior to recordation.

7. Harrison, John R. (Lands of), Bohemia Church Road, Delmarva GPS, Concept Plat, First District.

Motion made by Smith, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) the name Creek Lane being approved prior to the Planning Commission's review of the preliminary plat, (2) the title block being modified to reflect the revision to adjacent subdivisions, and (3) sensitive species survey being done prior to Technical Advisory Committee review of the preliminary plat.

8. Susquehanna, Section 2, Lots 20-37, 42-43, 64-67, MD Rte. 269 and Canal Road, McCrone, Inc., Final Plat, Seventh District.

Motion made by Brown, seconded by Smith, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works (DPW) requirements being met, (3) the developer accepting DPW requirements regarding Canal and Liberty Grove Roads' bank, drainage, and entrance improvements, (4) the owners of these lots becoming members of the Homeowners' Association for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation, (5) a Landscape Agreement for the street trees and any bufferyards being executed prior to recordation, (6) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat, and (7) Section 3 including approximately 31.65 acres of common open space, when it is submitted.

9. Montgomery's Indian Springs, Lots 1-33, Old Farmington Road, McCrone, Inc., Final Plat, Ninth District.

Motion made by Coudon, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the contiguous agricultural operation notice being provided on the record plat, (4) all common open space being labeled and referred to as 'common open space' on the record plat, (5) the establishment of a Homeowners' Association for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation, (6) a Landscape Agreement being executed prior to recordation, (7) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the

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record plat, (8) a sidewalk being provided only on the southwest side of Van Weaver Drive in the VR zone, and (9) the Master Water and Sewer Plan being amended to include these lots in the S-1 zone prior to recordation.

10. The Chesapeake Club, Bay Club Landing, Units 108-127, Range Road, McCrone, Inc., Revised Preliminary Plat, Fifth District.

WITHDRAWN.

11. Chesapeake Club, Fairhaven Estates, Lotominiums 81-84 and 105-107, MD Rte. 272, McCrone, Inc., Revised Preliminary Plat, Fifth District.

WITHDRAWN.

September 16, 2002, 1:00 p.m.

PLANNING COMMISSION MINUTES (Subdivisions)

PRESENT: Walbeck, Rossetti, Coudon, Hair, Smith, Brown, Kilby, Sennstrom, Di Giacomo, Carter, Woodhull, Smyser, Campbell and Graham.

Minutes: Motion made by Coudon, seconded by Hair, and unanimously carried to approve the August 19, 2002 minutes, as mailed.

1. Mike Pugh, Donna McWilliams, and Jim Biegen presented **The Villages at North East, Shady Beach Road, Maser Consulting, P.A., Revised Concept Plat, Fifth District.**

The applicants were duly sworn according to law and testimony followed. Mr. Pugh stated they are seeking approval of the concept plat, which is now 792 units. They are applying under the terms of the cluster section of the Subdivision Regulations. The subdivision will be an age-restricted community. He submitted a booklet representative of the development, marked Exhibit 1 and in the file for reference. The Forest Stand Delineation has been approved. The plat was disapproved last month based on density. This revised plat shows 33 acres as reserved for future development. The roads are intended to be private, but will be constructed to County specifications. He stated that they are aware of the fact that they will need a Variance from the Board of Appeals for that. An emergency access to the adjoining Chesapeake Club development has been shown.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR & NAR. This submission seeks to invoke the provisions of §6.1 of the Cecil County Subdivision Regulations regarding residential cluster development. In the SR portion, this Concept Plat proposes 792 lots on 396 acres, for a proposed density of 2/1. The SR zone permits a maximum base density of 1 du/ 1 acre. With community facilities, a density of 2/1 is permitted. The use of community facilities would require amendments to the Master Water and Sewer Plans prior to Final Plat review.

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Verification of water allocation must be received from the Town of North East prior to Final Plat review. The water service area agreement between the County and the Town of North East will need to be amended to include this parcel prior to the Planning Commission's review of the Final Plat. Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review.

As currently proposed for the SR portion, the project cannot be realized without community facilities.

In the NAR portion, this Concept Plat proposes an area reserved for future development on 33 acres. The NAR zone permits a maximum base density of only 1 du/ 5 ac., and bonus density eligibility carries with it a permitted density of 1/3. There should be a stub road from one of the cul-de-sacs to the NAR portion.

He reiterated that this submission seeks to invoke the provisions of §6.1. The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

There may some question as to whether § s 6.2 & 165 of the Cecil County Zoning Ordinance are in conflict with §6.1 of the Cecil County Subdivision Regulations. The Zoning Ordinance makes quite clear that it's authority supersedes that of other laws or regulations, specifically with respect to lot area and yard requirements.

However, the Zoning Ordinance also makes clear that it's purpose is not to replace existing laws, rules, regulations, etc., and that it has the basic objective of implementing the Comprehensive Plan, including to concentrate development in areas suitable for growth as designated in the Comprehensive Plan (§3.2.h). The Comprehensive Plan states that one of the purposes of the Suburban District is to encourage cluster development as a means of maximizing common open space and minimizing disturbance of the natural resources.

In addition, §170 of the Cecil County Zoning Ordinance grants the Planning Commission the power to modify front, rear, and side setbacks, as well as lot widths in major subdivisions where it is demonstrated that the modifications will contribute to better subdivision design and will not have an adverse effect on adjacent properties.

Therefore, in general, it is the reasoned opinion of staff that the provisions of §6.1 of the Cecil County Subdivision Regulations, regarding residential cluster development, are consistent with the various sections of the Cecil County Zoning Ordinance and the Cecil County Comprehensive Plan as to language and intent.

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A Traffic Impact Study (TIS) is required. It must be completed prior to TAC review of the Preliminary Plat.

ARTICLE VI of the Cecil County Zoning Ordinance stipulates that the minimum lot area in the SR zone (with community facilities) is 12,000 ft². It further stipulates that the minimum yard requirements shall be 30 front, 10 side, 40 rear. Invoking §6.1, the plat information indicates that proposed lot sizes are 5,720 and 6,600 ft².

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. A 25' buffer is required around all non-tidal wetlands present. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. Two wetland impacts resulting from roadway construction are depicted on the plat. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

There are no habitats of rare, threatened, and endangered species on the property, but there is FIDS habitat.

15% common open space is required for subdivisions of 10 or more lots in the SR and NAR zones. 54.72% common open space is proposed. That percentage is based on the 396 acres in the SR zone. 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

The Elk Neck Trail has been depicted on the plat.

20% landscaping of the development envelope is required in the SR zone.

September 16, 2002, 1:00 p.m.

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Sidewalks are recommended on at least one side of all internal roads in the SR-zoned portion.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Shady Beach Road, as indicated in Note 3. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) was approved on 9/11/02. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Staff recommends the inclusion of the potential internal roadway connection. It will improve connectivity, enhance emergency response capability, and potentially reduce trip lengths.

For those same reasons, contingent upon the roads of both developments becoming public roads, staff will recommend the inclusion of the extension of the unnamed cul-de-sac (showing proposed emergency access) to the proposed Bay Club Parkway in the Chesapeake Club Area H development to the north. Since that project has received Preliminary Plat approval, per §4.0.13 (h) of the Cecil County Subdivision Regulations, that roadway should be depicted. If the roads are to be private roads, then a Variance from the Board of Appeals will be required prior to the Planning Commission's review of the Preliminary Plat. The internal road names will need to be approved by the County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. No names have been provided.

The adjacent Old York Estates has been shown, but not identified.

Some open space/greenway vistas do not match up well. Access to common open space between lots must be marked with concrete monuments.

A Homeowners Association for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities must be established prior to recordation. \$50 per recorded lot must be placed in escrow for improvements to the common open space and landscape islands prior to recordation.

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The recreation center, parking, and recreational facilities are accessory uses to the proposed subdivision. Therefore, a major site plan submittal will not be required. The details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, must be shown on subsequent Preliminary and Final Plats. The issuance of a building permit for the clubhouse will be contingent upon recordation/Final Plat approval.

Active recreation improvements should be included in the Public Works Agreement.

It should be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

- a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
- c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by DPW prior to submittal for final plat approval: a stormwater management submittal, a street and storm drain submittal, and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. It should be noted for the record that public water would be provided from the Town of North East system. DPW requires hydrants at each intersection (including Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet. Looped water mains should be designed to ensure adequate fire flow and pressure throughout the development.

DPW views the two entrances and the third emergency access as essential. The Lands of Ford on the west side of Shady Beach Road are the subject of a pending concept plat for Cameron Woods. The proposed entrances of the two developments must be either directly aligned or offset in accordance with the required distances of the Cecil County Road Code. Sight distance measurements must be provided to DPW to establish compliance with the Cecil County Road Code. Any applicable Road Code Variances must be requested prior to submittal for preliminary plat approval. Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

DPW recently measured traffic loads on Shady Beach Road and found an estimated 1424 trip ends. The 792 proposed units would add in the order of 6,000-8,000 trip ends on average to the road. Shady Beach Road will not likely support the addition of some 800 additional homes without upgrade to major collector cross section. Pending an anticipated traffic impact study, DPW recommends that the Planning Commission

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require upgrade of Shady Beach Road from MD Rte. 272 as a condition of approval. It is recommended that the applicant complete deed research as soon as possible along Shady Beach Road to determine what fee simple right-of-way and/or road widening and utility easements already exist.

All internal roadways that support more than 300 homes must be major collectors. All internal roadways that support between 50 and 300 homes must be minor collectors. Only internal roads serving less than 50 homes may be minor roads. All lots must front minor roads wherever possible. Where substantiated as necessary, lots may front major collectors roads, however, additional pavement cross section or other measures such as driveway turnarounds may be required by DPW to provide for safe egress from driveways.

The proposed emergency access needs to be defined in terms of access on to the Court, roadbed structure, gate, and entry (keyed, padlock, etc.). The proposed gates cannot be used if the internal roads are proposed as public roads. If the internal roads are proposed as private, the emergency services community is strongly advised to address access issues with the applicant. If the applicant intends that the internal roads and/or utilities remain private, these and other concerns must be addressed to avoid problems encountered in the past with such proposals.

Recognizing the Planning Commission's intent to respect the NAR and SR zoning densities and acknowledging the responsive layout of lots along the northern collector road, DPW nonetheless believes that the previous layout presented a better site plan and better use of infrastructure. This plan has created new dead end streets at the expense of internal connectivity. Furthermore, this revised plan will likely encourage six additional driveways from the NAR portion onto Shady Beach Road with potentially marginal sight distance. OPZ's request for a stub road would mitigate some of these concerns.

The cul-de-sac bulbs are shown as 50' radii. These must be expanded to 75' in accordance with the Road Code.

DPW strongly recommends the use of a construction entrance for the project, separate from the final entrances. The proposed entrance should be shown on the preliminary plat.

All driveways must be paved at least to the right-of-way. Where determine necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner's expense.

The right-of-way dedication must be denoted as 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

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No wastewater allocation exists for this development at this time. The proposed North East sewer upgrades (anticipated Spring 2003) will address a portion of the obstacle (a benefit assessment per dwelling will apply, in addition to the connection fee), but the de la Plaine pump station must also be upgraded and the applicant must design and construct the off-site sewer lines to connect the flow to de la Plaine pump station. In connecting the Villages at North East to the de la Plaine pump station, the use of gravity main must be maximized.

A Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements. An Inspection and Maintenance Agreement will be required for the stormwater management facilities.

Mr. Walbeck questioned DPW's comment concerning emergency services coordinating with the developer. He feels the developer should coordinate with emergency services. Mr. Woodhull agreed.

Mr. Pugh advised that there has not been a final determination that the water supply will come from the Town of North East. It could possibly be an on-site water supply. Ms. Rossetti stated that private well and public sewage takes 100% of the groundwater out of the system. Based on Maryland Geologic Survey, assuming two people per home, there will be 120,000 gallons per day coming out of the groundwater if this project is put on a private well. She would rather see it receive water from the Town of North East. Mr. Pugh stated there are some issues with that, such as, it is not within the town's water service area. Before the project could be put on a private well, they would have to do groundwater testing. Ms. Rossetti stated that she would prefer to review the concept again if water is not supplied by the town. She feels the Planning Commission must look at the surrounding groundwater.

Mr. Walbeck gave the applicant a sketch of the Elk Neck Trail, along with the amendment to the Zoning Ordinance that requires developers to dedicate land or provide an access easement to the greenway. He also gave the applicant a copy of Maryland Greenway Commission's criteria for trails.

Mr. Walbeck stated that the developers haven't walked the property with interested persons yet. Ms. McWilliams stated that would be done after the concept plat is approved.

All persons wishing to testify in opposition were duly sworn according to law.

John Bolinski, 986 Irishtown Road, stated there is a stormwater management pond next to his property. He asked if it will overflow into the streams that feed the three farms in the area? He asked if the pond will be fenced? He stated that his first well was contaminated and he had to drill a second one. He is concerned that that well will go dry if water is supplied by a private well. He is concerned that the property will become a

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dumping ground for the developers of the property. He advised that he had a problem with a neighbor building on his property, therefore he would like to see the drawings to make sure this subdivision is not on his property. He is concerned that taxes will increase for the existing residents since they will be surrounded by houses. He asked if the woods that border the three farms and this property will be torn down? He asked how long it has to stay a senior community? He asked if the engineering is in place that would support his property and the surrounding farms if they are developed? He wants to see pipes put in that will be sized for future development.

Ms. McWilliams stated there will be a Homeowners Association agreement drawn up, which is legal documents that will make sure it is always a 55 or older community. It is a legal binding deed that will run with the land. There will be no by-laws that will allow that to be changed in the future.

Mr. Pugh stated that many of Mr. Bolinski's questions would be answered at the preliminary plat stage, such as stormwater management issues and the forest issues. The property will have a boundary survey done.

George Spence, 848 Irishtown Road, asked what impact this subdivision will have on the surrounding farms? There is an approved concept plat on the property to the east. York Estates is to the south. With this development, the only open space left is his and Mr. Bolinski's farms. He asked who will enforce the Homeowners Association's bylaws? He is concerned with the residents of this development coming onto his property. The residents of Old York Estates cross his property line. He stated that his wife feels the pond should be fenced. He would like the utility rights-of-way to be put in for future development of his and other properties. The development will impact the wildlife in the area. He feels the deer will be pushed off this property onto his property. He is also concerned that North East is being advertised as a recreational residential area.

Ms. Rossetti asked if the entire community will be fenced or just the road gated? Mr. Pugh stated that only the road will be gated; it will not have a perimeter fence.

2. Ken Cantera and John Litzenberg presented **Oldfield at Ravens Glen, Phase 1, Lots 9-19, Oldfield Acres Drive, Final Plat, Larson Engineering, Inc., Fifth District.**

The applicants were duly sworn according to law. Mr. Cantera stated this is Phase 1, followed by Phase 2. There have been no modifications from the preliminary plat.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

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Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac.

The adjacent Oldfield Acres subdivision, lots 1-17, was approved by the Cecil County Planning Commission on 2/16/71. Subsequently, another Oldfield Acres subdivision on the east side of Oldfield Point Road, lots 1-15, was recorded on 8/12/81. Neither of those has any impact on this proposed Oldfield Acres subdivision with respect to density limitations or common open space requirements.

The approved Concept Plat density is 1/2.04. The Density Table must be changed to include the approved Concept Plat density. The second line of the density table must be changed to substitute the word "phase" for the word "subdivision".

The Concept Plat, which proposed 29 lots, was approved 3/19/01, conditioned on:

- 1) The acreage percentages for wetlands, streams, and stream buffers in common open space being verified prior to Technical Advisory Committee review of the Preliminary Plat;
- 2) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 3) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association; and
- 4) The developer considering the three to one ratio of lot lines when the subdivision is redesigned.

A Preliminary Plat, proposing 24 lots, was approved 7/16/01, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The verified acreage percentages for wetlands, streams, and stream buffers being included on the Final Plat;
- 4) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 5) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 6) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;

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- 7) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association;
- 8) The graphic used for septic areas matching that in the notes on the Final Plat;
- 9) The graphic used for wetlands being included in the notes on the Final Plat;
- 10) All lot dimensions being included on the Final Plat;
- 11) Documentation of the Jurisdictional Determination being received by the Office of Planning & Zoning prior to submission of the Final Plat for Planning Commission review; and
- 12) A revised Preliminary Plat correcting deficiencies being submitted to the Office of Planning & Zoning prior to submission of the Final Plat for Planning Commission review;

A revised Preliminary Plat, proposing 19 lots, was approved on 6/17/02, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission and the details of the Final Plat and the FFCP matching;
- 5) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation; and
- 6) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association.

That Preliminary Plat supersedes the one approved on 7/16/01. Therefore, the approved Preliminary Plat reflects a density of 1/3.11 rather than 1/2.46 (because the number of proposed lots had again been reduced from 24 to 19).

This Final Plat is generally consistent with the approved Concept and Preliminary Plats.

In terms of total acreage, this submission satisfies the common open space provisions of the SR zone. 15% is required; 38.56% common open space is proposed. For Phase 1, the common open space percentage is actually 58.04%. The Common Open Space sensitive areas threshold calculations have been provided. Areas of common open space must be identified as such on the plat.

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The Area Table total acreage is incorrect. The correct total area for Phase 1 is 39.322 acres.

Proposed Lot 19 exceeds the 3:1 ratio cited in § 7.4.2 of the Cecil County Subdivision Regulations.

The GAP has been issued.

Site-specific grading plans for proposed lots with slopes in excess of 25% must be submitted with the road construction plans.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

Access to common open space between lots must be marked with concrete monuments.

Rows of street trees are required, outside the right-of-way, along both sides of the extension of Oldfield Acres Drive. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements. The Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (PFCP) have been approved. The Final Forest Conservation Plan (FCP) the Landscape Plan were approved on 8/16/02. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed road name has been approved.

The standard street tree/planted buffer non-disturbance note must be included on the Record Plat.

A Homeowners Association for maintenance of common open space must be established, in coordination with Phase 2, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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Mr. Woodhull stated the drainage easement between Lots 14 and 15 and along the rear of Lot 14 must be shown and labeled as 30-foot wide drainage and utility easement . The driveways for Lots 12 and 13 must be paved (entire length) in accordance with the 5/21/01 Road Code Waiver. A note must be added to the final plat.

The private stormwater management easements on the lots must be shown on the final plat and the perpetual maintenance of the stormwater management facilities must be reflected in the individual deeds. A stormwater management submittal is currently under review.

Deed requirements for the perpetual maintenance of shared driveways will be required (Lots 12 and 13).

A street and storm drain submittal is currently under review. An Inspection and Maintenance Agreement will be required for the stormwater management facilities. A Public Works Agreement will be required for internal streets and storm drains.

Mr. Cantera stated there is a drafting mistake on Sheet 2 of Phase 1, which will be corrected. The mistake indicates it is Phase 2.

3. Ken Cantera and John Litzenberg presented Oldfield at Ravens Glen, Phase 2, Lots 1-8, Old Elk Neck Road, Final Plat, Fifth District.

The applicants were previously sworn according to law. Mr. Cantera explained the open space.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac.

The adjacent Oldfield Acres subdivision, lots 1-17, was approved by the Cecil County Planning Commission on 2/16/71. Subsequently, another Oldfield Acres subdivision on the east side of Oldfield Point Road, lots 1-15, was recorded on 8/12/81. Neither of those has any impact on this proposed Oldfield Acres subdivision with respect to density limitations or common open space requirements.

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The approved Concept Plat density is 1/2.04. The Density Table must be changed to include the approved Concept Plat density and to add a line stipulating the number of lots in this phase.

The Area Table needs revisions. The open space acreage has not been included. The details of the vicinity map and those of the plat do not match up. The plat depicts an extra, unlabeled lot next to proposed Lot 8; yet its acreage is unaccounted for. Areas of common open space must be identified as such on the plat.

The Area Table must include the total acreage for this phase.

The Concept Plat, which proposed 29 lots, was approved 3/19/01, conditioned on:

- 1) The acreage percentages for wetlands, streams, and stream buffers in common open space being verified prior to Technical Advisory Committee review of the Preliminary Plat;
- 2) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 3) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association; and
- 4) The developer considering the three to one ratio of lot lines when the subdivision is redesigned.

A Preliminary Plat, proposing 24 lots, was approved 7/16/01, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The verified acreage percentages for wetlands, streams, and stream buffers being included on the Final Plat;
- 4) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 5) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 6) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 7) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association;

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- 8) The graphic used for septic areas matching that in the notes on the Final Plat;
- 9) The graphic used for wetlands being included in the notes on the Final Plat;
- 10) All lot dimensions being included on the Final Plat;
- 11) Documentation of the Jurisdictional Determination being received by the Office of Planning & Zoning prior to submission of the Final Plat for Planning Commission review; and
- 12) A revised Preliminary Plat correcting deficiencies being submitted to the Office of Planning & Zoning prior to submission of the Final Plat for Planning Commission review;

A revised Preliminary Plat, proposing only 19 lots, was approved on 6/17/02, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access be provided from both cul-de-sacs;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission and the details of the Final Plat and the FFCP matching;
- 5) A Homeowners Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation; and
- 6) The current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association.

That Preliminary Plat supersedes the one approved on 7/16/01. Therefore, the approved Preliminary Plat reflects a density of 1/3.11 rather than 1/2.46 (because the number of proposed lots had again been reduced from 24 to 19).

This Final Plat includes an unlabeled area, which is common open space, as stated by the applicant. In terms of total acreage, this submission satisfies the common open space provisions of the SR zone. 15% is required; approximately 38% common open space is proposed most of it apparently in Phase 1. The Common Open Space sensitive areas threshold calculations have been provided for Phase 1; however, it is unclear whether those figures include open space in this phase.

The GAP has been issued.

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Site-specific grading plans for proposed lots with slopes in excess of 25% must be submitted with the road construction plans.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

Access to common open space between lots must be marked with concrete monuments.

A Bufferyard standard C must be depicted along the Old Elk Neck Road frontages. Rows of street trees are required, outside the right-of-way, along both sides of the extension of Oldfield Acres Drive and along Ravens Way right-of-way. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements. The Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (PFCP) have been approved. The Final Forest Conservation Plan (FCP) the Landscape Plan were approved on 9/13/02. The FRAs on the FCP and the Final Plat do not match up. In addition, the FSD shows an intermittent stream on proposed Lot 4. That intermittent stream must be shown on the Final Plat, and its buffer must be expanded from 25 to 50 in the FRA. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed road name has been approved.

The standard street tree/planted buffer non-disturbance note must be included on the Record Plat.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation, which must be done in coordination with Phase 1.

Mr. Woodhull stated a stormwater management submittal is currently under review. The private stormwater management easements on the lots must be shown on the final plat and the perpetual maintenance of the stormwater management facilities must be reflected in the individual deeds. The street and storm drain submittal is currently under review.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner's expense.

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An Inspection and Maintenance Agreement will be required for the stormwater management facilities, and a Public Works Agreement will be required for internal streets and storm drains.

Ms. Rossetti asked what happens on the west side? Mr. Cantera stated that is part of Ravens Way right-of-way.

Mr. Cantera stated that a small part of the intermittent stream is not shown on the plat. That stream has no impact to Lot 4.

Persons wishing to speak in opposition were duly sworn at this time.

Roland Wills, 74 Crow s Foot Drive, stated it is a requirement that the critical root zone be visibly marked. He asked if it has been done on this plan? Mr. Di Giacomo stated it would not be shown on the record plat or final plat. If it is required, then it was shown because the Forest Conservation Plan has been approved.

4. Mike Pugh and Mike Burcham presented Chesapeake Club, MD Rte. 272, Concept Plat, Fifth District.

Mr. Pugh was previously sworn according to law. Mr. Burcham was sworn at this time. Mr. Pugh stated a portion of this area is to the right side of Chesapeake Club Drive into the new area, Area H. Several months ago, preliminary approval was received for a portion of the property. There was an original parcel zoned commercial along Rte. 272 and Chesapeake Club Drive. Subsequently, that was rezoned to RM. The purpose of this concept is to show how the two areas are integrated.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is RM. The current RM zoning for a portion of the detailed area south & east of Chesapeake Club Drive is the result of a recent zoning change. The Board of County Commissioners rezoned 28.684 acres, from BG to RM, on 7/2/02.

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The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

As the Chesapeake Club project has evolved, revised Concept Plats have been approved. The purpose of this procedure has been twofold:

- 1) To ensure that the Planning Commission has up-to-date information as to the current direction of the project from which to make decisions on Preliminary and Final Plats,
- 2) To ensure consistency between those Preliminary and Final Plats and the Concept Plat upon which they must be based.

All of the revised Concept Plats have adhered to the originally-approved density of 3.5/1, so they have reflected changes in only layout and structure types. A revised Concept Plat was approved 12/20/93, a subsequent revised Concept Plat was approved 6/20/94 (with no conditions), and the most recent revised Concept Plat was approved on 3/16/98. The most recent of the revised Concepts showed this area as an area of future commercial development. This proposed revision would make for clear and uniform consistency among the zoning classification, the revised Concept Plat, and subsequent Preliminary and Final Plats.

The detailed portion of this plat, called Area H, proposes 161 lots, common open space, and roadways on 82.08 acres for a density of 1.96/1. That proposed density is within the original 3.5/1 and the 6/1 permitted in the RM zone.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Jurisdictional Determinations (JD) must be done prior to Preliminary Plat review by the Planning Commission.

This site does not contain any habitats of rare, threatened, and endangered species, though it does contain FIDS habitat.

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This satisfies the general open space provisions of the RM zone. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended, in keeping with the designs of completed sections.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD was approved on 6/27/94, and a 5-year extension was granted on 9/22/00. The respective Final Forest Conservation Plans (FCP) and Landscape Plans must be approved prior to Planning Commission review of the respective Final Plats. The respective Landscape Agreements must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

For any future portions proposed as condominium projects, those portions will have a different review process than the normal subdivision process to be applied to the fee simple lot portions. The applicant must submit a Preliminary Plat/Site Plan for the condominiums for TAC review and Planning Commission review and approval. Once the condominium units are built, then the developer will apply for as built Final Plat review by the Planning Commission. If approved, then condominium plats may be recorded.

The respective Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums or lots offered for sale.

Verification of water and sewer allocation must be received for condominium units prior to the issuance of building permits. Verification of water and sewer allocation must be received for lots prior to the Planning Commission's review of the Final Plat.

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The internal road names will need to be approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plats. Therefore, those road names must appear on the Preliminary Plats submitted for TAC review. That procedure must be followed for both condominium and fee simple submissions.

A Variance will be required from the Board of Appeals for the roads if they are to be private. If they are to be public, then Chesapeake Club Drive must first be accepted by the County.

Mr. Woodhull stated this concept sketch is helpful as an overview of the next significant sections. The applicant, as DPW understands it, intends to provide a modified concept plan prior to the next section with general plans for the build-out of the Chesapeake Club. Such a concept plat will be very helpful to DPW.

All lots must front minor roads wherever possible. Where substantiated as necessary, lots may front major collector roads; however, additional pavement cross section or other measures, such as driveway turnarounds, may be required by DPW to provide for safe egress from driveways. Improvements to the intersection with Chesapeake Club Drive will be required.

5. Mike Pugh and Mike Burcham presented Chesapeake Club, Area H-1, Lots 128-186 and a portion of Area H, MD Rte. 272 and Chesapeake Club Drive, Preliminary Plat, Fifth District.

The applicants were previously sworn according to law. Mr. Pugh stated this section (H1) is intended to service the area from the entrance (MD Rte. 272) to the lower part of Ginty Drive and will serve as the thoroughfare through the development. He advised that he met with DPW and will be meeting with the County Commissioners in two weeks in an effort to convert the roads to fee simple, as well as the ownership and maintenance of the sewer. If successful, they will proceed with this portion of the property as standard subdivision with fee simple lots and not as a condo project. They will retain as much of the wooded buffer as possible. A landscape easement will be created along Chesapeake Club Drive to maintain its tree-lined nature. They are showing 20 feet. A wooded buffer is also being kept along the perimeter properties, as well as oversizing the rear setback along the fairways to provide a maximum play depth from the golf links to the proposed structures.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is RM. The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities. A

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revised Concept Plat was approved 12/20/93, a subsequent revised Concept Plat was approved 6/20/94 (with no conditions), and the most recent revised Concept Plat was approved on 3/16/98.

As reflected in the title block, this plat revises the Area H, lots 110-216 Preliminary Plat that was approved on 5/20/02. Therefore, the approval of this Preliminary Plat would also make the previously approved Area H Preliminary Plat consistent with the new, revised Concept Plat under review today.

This Section H-1 Preliminary Plat proposes 59 lots, roadway, and common open space on 35.14 acres for a proposed density of 1.73/1 within the maximum allowable density, as well as that of the approved Concept Plat. It is consistent with the latest, yet-to-be approved, revised Concept Plat submitted today.

The road name Crescent Links Drive has been approved.

If the proposed roads are to be public, then Chesapeake Club Drive must first be accepted by the Department of Public Works. If they are proposed to be private roads, then a variance from the Board of Appeals must be obtained.

Slopes greater than 25% have been shown.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

This proposal satisfies the general open space provisions of the RM zone. 8.94 acres, or 25.44%, is being proposed. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended, in keeping with the designs of completed sections.

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Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 272 and Shady Beach Road.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. The Forest Stand Delineation (FSD) was approved on 5/15/02. The Preliminary Forest Conservation Plan (PFCP) was approved on 5/17/02. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Access to common open space between lots must be marked with concrete monuments.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Water allocation must be confirmed by the Town of North East prior to final approval. Sewer allocation must be confirmed by the Department of Public Works prior to final approval.

A Variance will be required from the Board of Appeals for the roads if they are to be private. If they are to be public, then Chesapeake Club Drive must first be accepted by the County.

Mr. Woodhull stated a stormwater management submittal must be approved by DPW prior to submittal for final plat approval. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A.(5) of the County's Stormwater Management Ordinance. A street and storm drain submittal must be approved by DPW prior to submittal for final plat approval.

Modification of the entrance onto Chesapeake Club Drive will likely be required to handle the merge of collector roads. All lots must front minor roads wherever possible. Where substantiated as necessary, lots

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may front major collector roads; however, additional pavement cross section or other measures, such as driveway turnarounds may be required by DPW to provide for safe egress from driveways. Any applicable Road Code Variances must be requested prior to submittal for preliminary plat approval. The right-of-way should be extended to the PCs of the proposed future road adjacent to Lot 148 and the pavement should be extended to the PCs to make the intention clear to the purchaser of Lot 148. All driveways must be paved at least to the right-of-way. Lots 128-133 and 180 must be denied access to Chesapeake Club Drive.

If the Planning Commission requires sidewalks, the final plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Sanitary sewer design submittals must be approved by DPW prior to submittal for final plat approval. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. Some sewer allocation is available for the Chesapeake Club and the developer must choose which of the various development plans will go forward within those allocations. The proposed North East sewer upgrades (anticipated Spring 2002) will address the remaining capacity issue (a Benefit Assessment per dwelling will apply, in addition to the connection fee), but the de la Plaine pump station must also be upgraded.

A Mass and Final Grading Plan will be required. The final plat must include a note recognizing the applicability of the Lot Grading Plans. A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.

A Public Works Agreement will be required for internal streets, storm drains, and sanitary sewer and an Inspection and Maintenance Agreement will be required for the SWM facilities.

Ms. Kilby questioned DPW's comment concerning downstream conveyance. Mr. Woodhull stated that refers to the stormwater that will run out of the stormwater management pond located on MD Rte. 272. Cross culverts, effects on existing roads, drainage ditches, streams, etc. have to be analyzed. Mr. Carter stated that applies to any stormwater management facility, unless a water quantity waiver has been granted. It is a new element in the Stormwater Management Code.

Ms. Rossetti asked if these will be single-family homes? Mr. Pugh answered in the affirmative.

Ms. Rossetti asked who will maintain the cart path that weaves in and out of the back of the northeasterly lots? Mr. Pugh stated there are two cart paths shown. One is an existing trail that will be eliminated. The

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other is the golf cart path and they are currently working with the golf course to determine where they will be easements and where they will be removed back onto golf course property. That will be resolved as part of the final documents in the record plat.

Mr. Walbeck stated that the placement of Lots 179 and 180 at the entrance provides an unbalanced view coming into the property. He feels it would make for a more harmonious design and blending of the woodlands if those lots were moved somewhere else in the development. Mr. Pugh stated that the travel lane of MD Rte. 272 is currently in the western portion of the right-of-way, therefore there is an ample wooded buffer within the remaining Rte. 272 right-of-way that is not intended to be disturbed. Other than the stormwater management pond, all other areas are non-tidal wetlands or will be dedicated open space that will remain wooded. Those two lots will have a screened view from MD Rte. 272. Also, the wooded buffer along Chesapeake Club Drive will be maintained. The parcel directly across the road was originally shown on the concept as a model area. A townhouse proposal was discussed for that area. It is eligible for development. With the wooded buffer along that area, and with a portion of the rear of Lots 179 and 180 remaining wooded, he feels the wooded context of those lots will remain. It is important from a marketing standpoint, to be able to create a model presence at the intersection. Mr. Walbeck disagreed. He feels the houses detract from the harmony of the entrance to the subdivision. Mr. Pugh stated that Lot 180 is not intrusive to the overall context of Chesapeake Club Drive.

Elizabeth Parker, 3 Ginty Drive, appeared in opposition. She was duly sworn according to law. She stated that she lives directly across from Area H. She read a letter from the Homeowners Association. It is summarized as follows: Most residents purchased homes there because of the pleasing natural environment. The entrance is beautifully lined with trees. They would like for the entrance to retain as large a buffer of trees as possible in order to keep the rustic feeling of the area. They understand that homes will be developed in the area. They would like to see a 30-foot buffer of trees from Lot 128 through 133 along Chesapeake Club Drive, and that Lot 180 be kept intact as a forest retention area. She further stated that Lots 128, 129 and part of 130 may need to be planted because that is an open area where residents walk their dogs, and it will be open to the back of the homes. She requested there be close supervision of any forest retention area because of the cutting that took place on Guilford Court.

Mr. Wills stated that the critical root zone must be physically drawn on the plan. Mr. Sennstrom stated that all of the Subdivision Regulations, Zoning Ordinance and Forest Conservation Plan requirements are checked for compliance when the plats are reviewed and won't be approved unless all requirements have been met. Mr. Wills stated that there has never been a subdivision that has shown the critical root zone.

Ms. Kilby questioned the clear cutting that took place on Guilford Court. Mr. Pugh demonstrated on the plat where the trees were cut and explained how it happened. On the south side, the clear cutting that took place was part of the approved forest plan.

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6. Tim Granger and Dan Banks presented **Dan Banks Company, Inc. (Lands of), Old Bayview Road, Concept Plat, Fifth District.**

The applicants were duly sworn according to law and testimony followed. Mr. Granger stated this is a 12-lot subdivision. Since the concept plat was submitted, the Forest Stand Delineation has been approved. Waters of the U.S., with a 50-foot stream buffer, is shown on the southwest corner. It is not a wetlands. Since it is in the forest area, OPZ requested a 50-foot intermittent stream buffer be shown around it. It is more of a drainage area, not a stream. The Planning Commission has the authority to waive the stream buffer requirement. He submitted a copy of the concept plat with the stream buffer shown for the Planning Commission's perusal, marked Exhibit 2 and in the file for reference. He requested the 50-foot buffer be waived to allow for the road crossing and the driveways on Lots 7, 8 and 9. He advised that there are two specimen trees on the tract (Lot 8 and Lot 10) that will be preserved. The houses on Lots 1-4 will be in the existing pasture and Lots 5-10 will be in the woods.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is DR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 is permitted. This Concept Plat proposes 12 lots, a roadway, and common open space on 12.14 acres, for a proposed density of 1/1.01.

Per the request of the Town of North East (6/17/02), OPZ staff notes that this development proposal is located within the Town's Water Service Area, as defined by the Water Service Agreement between the Town and the County. Therefore, consistent with §1.S (i) (1) of the Master Water and Sewer Plan, the applicant should first consult with the Town, and then, if it is determined that Town water is not available, propose private wells.

A boundary line survey must be done for the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Any slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. A 25' buffer is required around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to

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recording.

The habitats of rare, threatened, and endangered species must be avoided.

This proposal satisfies the common open space provisions of the DR zone. 15% is required; 18.69% is proposed. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

20% landscaping of the development envelope is required in the DR zone.

Sidewalks are recommended on both sides of the proposed Banks Boulevard.

Rows of street trees are required, outside the right-of-way, along both sides of proposed Banks Boulevard. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the MD DNR. The Forest Stand Delineation (FSD) has been submitted, but the Natural Heritage Letter must first be received in order for the FSD to be approved. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recording. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recording. The metes and bounds description of the FRA must be shown on the record plat.

The name Banks Boulevard has been approved.

It is recommended that a concrete monument be used between proposed Lot 12 and the adjacent area of common open space. Proposed Lots 4-8 exceed the 3:1 length-to-width ratio.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recording.

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Mr. Woodhull stated a street and storm drain submittal must be approved by DPW prior to submittal for final plat approval.

Banks Boulevard, as shown, extends to and provides access for the adjacent lands of Barry Montgomery; therefore it must be designed as a minor collection with a 60-foot right-of-way. Connectivity between this parcel and Montgomery Oaks, through the remaining lands of Montgomery, appears substantially feasible and should be strongly encouraged. Only if the Planning Commission endorses the connectivity concept should Banks Boulevard be ended in a U-turn around. Otherwise it should be terminated in a cul-de-sac. Any applicable Road Code Variances must be requested prior to submittal for preliminary plat approval.

A stormwater management submittal must be approved by DPW prior to submittal for final plat approval. A sanitary sewer submittal must be approved by DPW for the sewer improvements prior to submittal for final plat approval. The applicant must provide as-built information of the connecting sewer (rim and invert elevations, pipe sizes and types) and engineering calculations to demonstrate total and available capacity from Manhole #493 to Manhole #476 of the Stoney Run Interceptor (North East Sanitary Sewer Extension - A).

If the Planning Commission requires sidewalks, the final plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Sight distance measurements must be provided to DPW to establish compliance with the Cecil County Road Code. It should be noted that the safe stopping distances in AASHTO tacitly assume a straight road section. This must be taken into consideration when evaluating these distances. The sight distance to the south along Old Bayview Road is extremely limited and great care must be taken in locating the access to this site. The proposed entrance should be marked on the pavement. A site meeting would be advantageous. Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

Mr. Woodhull asked who has legal access to the existing gravel lane at the southern property line, and what is intended to be done with that? Mr. Granger stated that no one has legal access to it. That gravel lane will be removed.

Mr. Woodhull continued: All driveways must be paved at least to the right-of-way. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner's expense.

Outlet culverts must be extended to the stormwater management facility. Stormwater management outfalls must be extended to the toes of slopes.

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A Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements. An Inspection and Maintenance Agreement will be required for the stormwater management facilities.

Ms. Rossetti questioned the buffer waiver. Mr. Granger stated that Section 170 of the Zoning Ordinance talks about the environmental standards and perennial and intermittent stream buffer. If the intermittent stream buffer is inside the forest conservation area, then it needs to be a 50-foot buffer. Section 174.2.b states that if the property is located outside the Critical Area, then the buffer requirement may be waived by the Planning Commission and OPZ for road crossing. They believe the stream does not have a base flow of its own. He requested that the stream buffer be waived for driveway crossings for Lots 7, 8 and 9. He indicated on the plat where the stream buffer would be.

Mr. Granger stated there is an existing 12-inch water line in the road. They had previously requested to tie into the line from the Town of North East, but the request was denied. Mr. Di Giacomo stated that OPZ received notification from the Town on 6/17/02 that the property is within the water service area of the town. Mr. Granger stated that based on that information, they would like to withdraw the plat.

7. Fred Orr and Kevin Geraghty presented **Pelham Manor, Williams Road and Hutton Road, Concept Plat, Second District.**

The applicants were duly sworn according to law and testimony followed. Mr. Orr stated that the property is zoned NAR. They are seeking bonus density. The property consists of 296.04 acres, which takes into account Lot 1 of Minor Subdivision #1842. A 50-foot wide stub road has been provided to the lands of Boinovych. They haven't been able to determine Boinovych property has any other access. If it does, that stub can be removed. A 10-foot wide Bufferyard A has been shown along the rear of Lots 6-23. The 100-foot setback is not proposed as part of that Bufferyard A. It will be planted with white pines. A 30-foot Bufferyard C is shown along the frontage of the common open space adjacent to Williams Road from the western property limit at Williams Road to approximately 270 feet east of the second entrance.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 98 lots on 296.04 acres, for a proposed density of 1/3.02.

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44.41 acres (or 15%) of common open space are proposed. The proposed large lot, Lot 98, is 157.6 acres (or 53.24% of the total acreage). The combined open space proposed totals 68.24%, which exceeds the 60% threshold for bonus density eligibility. This proposal satisfies the general open space provisions of the NAR zone.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160' as shown on the plat. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. If the wetlands depicted have been field-delineated, and if the wetlands are in an FRA, common open space, or the large lot, then, per policy adopted 1/16/96, no Jurisdictional Determination (JD) must be done. The wetlands must not be disturbed. Otherwise, a JD must be done prior to the Planning Commission's review of the Preliminary Plat.

The habitats of rare, threatened, and endangered species must be avoided.

No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along both road frontages. However, a Bufferyard C along Lot 98's road frontages would not help preserve this area's rural character. Rather, staff recommends that the Bufferyard C along Lot 98's road frontages be waived in favor of a modified Bufferyard A (10' wide w/o the 100' setback) along the rear lot lines of proposed Lots 6-18 and 21-23. A Bufferyard C would still be required along the rest of the road frontage, except for the wetlands and buffer. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

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A stub road has been added to the Lands of Boinovych.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Natural Heritage Letter has not been received. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County's 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat.

Access to common open space between and beside lots must be marked with concrete monuments.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners' Association for maintenance of common open space and landscape islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated a Stormwater Management Plan, a Street and Stormdrain Plan, and a Mass and Final Grading Plan must be approved by DPW prior to submittal for final plat approval. The final plat must include a note recognizing the applicability of the Lot Grading Plans. A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's Stormwater Management Ordinance.

The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the stormwater management facilities are designed as wet ponds of sufficient volume to support dry hydrants. With the addition of an estimated 980 trips per day, the applicant may be required to upgrade Williams Road to a minor collector road standard between the development and U.S. Rte. 213.

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All lots must front minor roads where possible and denied access should be denoted accordingly. Where substantiated as necessary, lots may front minor collector roads, however additional pavement cross section or other measures, such as driveway turnarounds, may be required by DPW to provide for safe egress from driveways.

Any applicable Road Code Variances must be requested prior to submittal for preliminary plat approval. Entrance geometry should be coordinated with DPW prior to significant engineering efforts. Match centerlines for opposing entrances or provide adequate separation distance.

The stub street between Lots 52 and 53 should be paved to the PCs and the remainder of the future right-of-way should be dedicated to Mr. Boinovych.

All driveways must be paved at least to the right-of-way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner's expense.

If the Planning Commission requires sidewalks, the final plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities, and a Public Works Agreement will be required for internal streets and storm drains.

Mr. Walbeck asked if the applicant has considered sidewalks? Mr. Orr stated they will be open section roadways, which will promote water quality. The new stormwater management regulations push water quality.

Mr. Orr advised that an on-site meeting is scheduled to discuss the upgrade to Williams Road.

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8. Fred Orr, James Keefer, and Morris Wolfe presented Hardy Realty, Inc. (Lands of), MD Rte. 277 (Fletcherwood Road), Concept Plat, Fourth District.

Mr. Orr was previously sworn according to law. Mr. Keefer and Mr. Wolfe were sworn at this time. Mr. Keefer stated this is a 44-acre parcel on the north side of MD Rte. 277. This plat was at the TAC meeting earlier this month. Revisions have been made since then. A second access has been provided off Rte. 277. A total of 328 units are proposed (200 townhouses and 128 two-bedroom condos). There will be eight buildings with 16 units per building. The density will be eight units per acre for townhouses and 6.5 units per acre for condos. Approximately 42% open space in the townhouse section is proposed and 57% in the condo section. The proposal will require a waiver of the stream buffer requirements in order to cross the stream. There is a 110-foot buffer shown, which has been expanded to a maximum of 160 feet to correspond to the wetlands.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is RM. This Concept Plat proposes 200 town homes (up from 198 on the TAC submission) and 128 condominiums. The 328 proposed dwelling units on 44.35 acres, yields a proposed density of 7.4/1. The 200 townhouses are proposed on 24.56 acres, for a density of 8.14/1. The 128 condo units are proposed on 19.79 acres, yielding a density of 6.5/1. The RM zone permits a maximum density of 12 du s/ 1 acre for townhouses and 16/1 for apartments or condos, with community facilities.

Another change in response to TAC review comments is that an additional, right-in, right- out entrance has been proposed on Fletcherwood Road. Although §7.2.12 (e) (4) of the Subdivision Regulations prohibits entrances onto state roads closer than 750 , because of the right-in, right-out design and the desirability of having a second entrance, staff recommends that the Planning Commission waive the restriction.

Since a portion of this project is a condominium project, that portion will have a different review process than the normal subdivision process to be applied to the townhouse portion. The TAC and the Planning Commission will review the Concept Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums and clubhouse for TAC review and Planning Commission review and approval. Once the units and clubhouse are built, then the developer will apply for as built Final Plat review by the Planning Commission. If approved, then condominium plats may be recorded.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be

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used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. There appear to be hydric soils (Hatboro silt loam and Othello silt loam) on either side of the stream, but only a 110' stream buffer has been shown.

Consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better. The applicant has formally requested a waiver of the buffer expansion.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

20% open space is required in the RM zone. 42% is proposed for the townhouse section. 57% is proposed for the condo section.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands. The open space acreage must be included on the Concept Plat submitted for Planning Commission review, and those thresholds must be provided on the Preliminary Plat submitted for TAC review.

Mr. Di Giacomo asked if any active recreation areas are planned in the common open space? Mr. Keefer stated there are several areas proposed for active recreation.

Mr. Di Giacomo continued: 25% landscaping of the development envelope is required in the RM zone.

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Sidewalks are recommended on both sides of all internal roads.

A Traffic Impact Study (TIS) must be submitted prior to the submission of the Preliminary Plat for TAC review.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Consideration should be given to the installation of a dry hydrant on the proposed bridge structure over the West Branch.

The minimum distance between townhouse structures shall be 60' if the townhouse structures are face to face. No townhouse structure shall be closer than 20' to any interior roadway or closer than 15' to any off-street parking area excluding garages built into an individual townhouse unit. The maximum townhouse height is 35'. Apartment/condominium buildings shall be set back at least 20' from all parking areas and internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25' peripheral bufferyard is also a Bufferyard standard C. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Some of the parking spaces are depicted partly on individual lots and partly on common open space. Those spaces should be located on one or the other, but not both. In addition, some parking spaces are depicted on 2 lots; that situation should also be avoided.

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners Association.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Natural Heritage Letter has not been received, and the FSD cannot be approved without the Natural Heritage Letter. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes

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and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat.

Access to common open space between lots must be marked with concrete monuments. Additional open space access between structures should be considered in the townhouse portion. As designed, most owners would take a long and circuitous path to their back yards. To move lawn mowers or grilles to the rear yards, for example, this is an awkward design.

In the townhouse portion, a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All condominium owners must become members of the condominium association(s) for maintenance of the buildings, parking areas, private roads, landscaping, clubhouse, and common elements.

The condo instruments for these condominiums must be accepted by the Maryland Secretary of State prior to recordation.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and townhouses offered for sale.

Verification of water and sewer allocation must be received for the condominium units and clubhouse prior to the issuance of building permits. Verification of water and sewer allocation must be received for the townhouses prior to the Planning Commission's review of the Final Plat.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by DPW prior to submittal for final plat approval: a stormwater management submittal, a street and storm drain submittal, a mass and final grading plan, a sanitary sewer submittal, and a water system submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. The final plat must include a note recognizing the applicability of the lot grading plans. A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.

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DPW requires hydrants at each intersection (including Fletchwood Road) and along the internal streets at separation distances of no more than 600 feet. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through a comprehensive network model. Looped water mains must be designed to ensure adequate fire flow and pressure throughout the development.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of County Stormwater Management Ordinance. This includes analysis of the drainage ditches and cross culvert on MD Rte. 277.

The 30-foot right-of-way in the condominium section must be shown for Cornice Circle and the 38-foot right-of-way for Azalea Lane must be extended along its entire length and shown on the plat. Entrance geometry should be coordinated with DPW prior to significant engineering efforts. The street crossing should be a box culvert design. Said design must be signed and sealed by a professional engineer licensed in the State of Maryland and the design must be approved by DPW.

Any applicable Road Code Variances must be requested prior to submittal for preliminary plat approval.

All driveways must be paved at least to the right-of-way.

Mr. Woodhull asked if the applicant knows the allowable capacity of the clubhouse? Mr. Keefer stated he did not know at this time. Mr. Woodhull stated there does not appear to be adequate parking and guests will park illegally along the County road. An additional 12-15 parking spaces should be added to the west side of Azalea Lane adjacent to the clubhouse.

The proposed Azalea Circle and the associated lots are immediately adjacent to the floodplain line, which has been graphically shown from the FEMA maps. In reality, the floodplain follows some (probably as yet undefined) topographic contour. Because the road and/or some of the lots could potentially be within the floodplain, an engineering analysis must be completed to delineate it. A particular concern is that Azalea Lane could be under water during a significant flood and those rear lot owners would be stranded in or out; it could pose emergency response concerns.

If the Planning Commission requires sidewalks, the final plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

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A request for water allocation must be submitted to DPW. No wastewater allocation exists for this development at this time. The Meadowview Wastewater Treatment Plant has no unallocated capacity at this time. As such, no new connections may be made until system capacity is expanded.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities, and a Public Works Agreement will be required for internal streets, storm drains, and sanitary sewer.

Ms. Rossetti questioned the townhouse lots and parking spaces. Mr. Keefer stated there is a parking easement. Each townhouse is not guaranteed a parking space in front of their unit. The lot line goes to the right-of-way.

Ms. Rossetti questioned the waiver request. Mr. Keefer stated that a waiver would be required in order to get across the stream. Ms. Rossetti asked if the waiver would allow penetration of the floodplain? Mr. Keefer answered in the affirmative. They would also need a permit from MDE and the Corps of Engineers.

Mr. Keefer addressed OPZ concerns about accessing the rear yards. He advised that there will be a five-foot wide access easement on the side of each unit. Those easements aren't shown on this plat.

Mr. Wolfe stated that he has been working with DPW about expanding the treatment plant at Meadowview and would be happy users and contributors toward that expansion.

Mr. Orr stated that they would like to reserve the ability to discuss the crossing structure until they see a joint permit application. Depending what the permit requirements are, they may not be able to provide a concrete box culvert in the bottom. Mr. Carter stated that DPW prefers a concrete box culvert but sometimes that can't be done.

Mr. Orr requested the 110-foot buffer on Azalea Lane be waived.

Discussion followed concerning culvert structures and floodplain.

GENERAL DISCUSSION

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1. Planning Commission Meetings - Some of the Planning Commission members requested the meetings begin at 12 noon from now on, and that they be held in the same location every month. It is confusing to them and the general public when the meeting place and time are moved. Beginning with the Planning Commission meeting in October 2002, the meetings will begin at 12 noon and will be held in the County Commissioners Board Room.

2. Maryland Department of Planning - Mr. Walbeck advised that he has invited Secretary Kienitz to speak to the Planning Commission at the regularly scheduled meeting in October. He will speak on Smart Growth prior to the regular order of business.

3. Comprehensive Plan - The Planning Commission members agreed to meet on October 8th at 7:00 p.m. in the County Commissioners Board Room. The meeting will be open to the public, but public input will not be heard.

Ms. Rossetti expressed an interest in having the public give their input early on in the process. Mr. Walbeck stated that the purpose of the meeting on October 8th would be to discuss what the small Planning Commission groups are doing. It was decided that the Planning Commission would meet on October 22, 2002 and receive public input at that meeting. That meeting would also be held in the Commissioners Board Room at 7:00 p.m.

4. County Commissioner Candidates - Mr. Walbeck stated that he would like to have a workshop for County Commissioner candidates. It was decided that the Planning Commission would forgo a workshop, and instead would send an invitation to candidates to attend the two meetings on the Comprehensive Plan. A handout compiled by Mr. Walbeck would be mailed with the invitations.

5. Maryland Citizen Planners Association - Mr. Walbeck advised that the Maryland Citizen Planners Association annual meeting will be held on October 10th and 11th at the Tidewater Inn and Conference Center in Annapolis. The speakers will include Kathleen Kennedy Townsend and Dr. Wayne Bell, Director of the Center for Environment and Society at Washington College.

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6. Eastern Shore Land Conservancy (ESLC) - Mr. Walbeck advised that he has a letter from the ESLC thanking the Cecil County Planning Commission.
Item B. Decisions.

1. The Villages at North East, Shady Beach Road, Maser Consulting, P.A., Revised Concept Plat, Fifth District.

Motion made by Hair, seconded by Rossetti, to approve, conditioned on: (1) the potential roadway connection being shown as an actual connection on the Preliminary Plat submitted for TAC review, (2) a boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes, (3) roadway names being approved prior to the Planning Commission's review of the Preliminary Plat, (4) the Preliminary Plat including the details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance, (5) the Preliminary Plat including proper identification of the adjacent Old York Estates, (6) a Variance for the private roads being obtained from the Board of Appeals prior to the Planning Commission's review of the Preliminary Plat, (7) the Elk Neck Trail being identified clearly on the plat as to what it is and its location, (8) a stub being shown to the 33 acres in the NAR portion, and (9) Shady Beach Road being designed and upgraded, by and at the cost of the developer, from their southern boundary to MD Rte. 272.

Motion made by Rossetti, seconded by Hair, to amend the motion to add a condition that the water supply be obtained from the Town of North East.

Rossetti and Hair in favor of amendment. Brown, Smith and Coudon opposed to amendment.

Motion made by Brown, seconded by Rossetti, and unanimously carried to amend the motion to add a condition that a Traffic Impact Study be completed prior to Technical Advisory Committee review of the preliminary plat.

Motion to approve the plat with ten conditions unanimously carried.

2. Oldfield at Ravens Glen, Phase 1, Lots 9-19, Oldfield Acres Drive, Final Plat, Larson Engineering, Inc., Fifth District.

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Motion made by Rossetti, seconded by Coudon, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) Fee simple access to common open space between lots being marked with concrete monuments, and fee simple access being provided from both cul-de-sacs, (4) a Homeowners Association for maintenance of common open space being established (in coordination with Phase 2) with \$50 per recorded lot placed in escrow for improvements prior to recordation, (5) the current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association, (6) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the forest retention areas being shown on the record plat, (7) the standard street tree/planted buffer non-disturbance note appearing on the Record Plat, (8) the Density Table being revised to replace the word subdivision with phase and the correct approved density being included, and (9) any Phase 2 common open space and sensitive area calculations that may have been erroneously placed on the Phase 1 Final Plat being corrected prior to recordation.

3. Oldfield at Ravens Glen, Phase 2, Lots 1-8, Old Elk Neck Road, Final Plat, Larson Engineering, Inc., Fifth District.

Motion made by Coudon, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) fee simple access to common open space between lots being marked with concrete monuments, and that fee simple access being provided from both cul-de-sacs, (4) a Homeowners Association for maintenance of common open space being established (in coordination with Phase 1) with \$50 per recorded lot placed in escrow for improvements prior to recordation, (5) the current Oldfield Acres lot owners not being included in this subdivision's Homeowners Association (6) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the FRA being shown on the record plat (7) the forest retention areas on the Forest Conservation Plan and the Record Plat matching up, (8) the standard street tree/planted buffer non-disturbance note appearing on the Record Plat (9) the Density Table being revised to replace the word subdivision with phase and the correct approved density being included prior to recordation (10) the Bufferyard standard C being shown along the Old Elk Neck Road road frontages prior to recordation, (11) consistent with the approved Forest Stand Delineation, the intermittent stream and appropriate buffers being shown on proposed Lot 4 prior to recordation, (12) all common open space being labeled as such prior to recordation, (13) all common open space acreage being accounted for in the Area Table prior to recordation, and (14) any Phase 2 common open space and sensitive area calculations that may have been erroneously placed on the Phase 1 Final Plat being corrected prior to recordation.

4. Chesapeake Club, MD Rte. 272, Concept Plat, McCrone, Inc., Fifth District.

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Motion made by Smith, seconded by Rossetti, and unanimously carried to approve, conditioned on the previously-approved Area H, Lots 110-216, Preliminary Plat being revised for consistency with this revised Concept Plat prior to the submission of the Final Plat.

5. Chesapeake Club, Area H-1, Lots 128-186 and a portion of Area H, MD Rte. 272 and Chesapeake Club Drive, Preliminary Plat, McCrone, Inc., Fifth District.

Motion made by Hair, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the Final Forest Conservation Plan and Landscape Plan being approved prior to Planning Commission review of the Final Plat, (4) water allocation being confirmed by the Town of North East prior to Final Plat review by the Planning Commission, (5) sewer allocation being confirmed by the Department of Public Works prior to final plat approval, (6) a Variance for lots on any private roads regarding frontage requirements being obtained from the Board of Appeals prior to the Planning Commission's review of the Final Plat, or Chesapeake Club Drive being accepted by the County prior to the Planning Commission's review of the Final Plat.

6. Dan Banks Company, Inc. (Lands of), Old Bayview Road, Concept Plat, American Engineering & Surveying, Inc., Fifth District.

WITHDRAWN.

7. Pelham Manor, Williams Road and Hutton Road, Concept Plat, Morris & Ritchie Associates, Inc., Second District.

Motion made by Smith, seconded by Hair, and unanimously carried to disapprove, with the recommendation that the Concept Plat be resubmitted once the Forest Stand Delineation has been approved.

8. Hardy Realty, Inc. (Lands of), MD Rte. 277 (Fletchwood Road), Concept Plat, Morris & Ritchie Associates, Inc., Fourth District.

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Motion made by Hair, seconded by Smith, and unanimously carried to disapprove, with the recommendation that the Concept Plat be resubmitted once the Forest Stand Delineation has been approved.

There were no further comments.

Meeting adjourned at 4:45 p.m.

NEXT MEETING: October 21, 2002 at 12:00 p.m. in the County Commissioners Board Room.

October 21, 2002, 12:00 p.m.

**PLANNING COMMISSION MINUTES
(Subdivisions)**

PRESENT: Walbeck, Rossetti, Coudon, Hair, Smith, Kilby, Sennstrom, Di Giacomo, Carter, Woodhull, Moore, Campbell and Graham.

ABSENT: Brown.

Minutes: Motion made by Coudon, seconded by Smith, and unanimously carried to approve the September 16, 2002 minutes, as mailed.

1. Fred Orr and Kevin Geraghty presented Pelham Manor, Williams Road and Hutton Road, Concept Plat, Morris & Ritchie Associates, Inc., Second District.

The applicants were duly sworn according to law and testimony followed. Mr. Orr stated this is a concept proposed on the Lands of Randy and Mary Hutton that was heard at the September Planning Commission meeting. At that time, it was disapproved due to an outstanding forest stand delineation approval. That approval was received on October 2nd. He advised that he has met with DPW to discuss any issues surrounding the entrances on Williams Road. This concept proposes bonus density with 98 lots on 296 acres. It has been revised since the September meeting with regard to extending the Bufferyard C on Williams Road to the east.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 98 lots on 296.04 acres, for a proposed density of 1/3.02.

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44.41 acres (or 15%) of common open space are proposed. The proposed large lot, lot 98, is 157.6 acres (or 53.24% of the total acreage). The combined open space proposed totals 68.24%, which exceeds the 60% threshold required for bonus density eligibility. This proposal satisfies the general open space provisions of the NAR zone.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160' as shown on the plat. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. If the wetlands depicted have been field-delineated, and if the wetlands are in an FRA, common open space, or the large lot, then, per policy adopted 1/16/96, no Jurisdictional Determination (JD) must be done. The wetlands must not be disturbed, otherwise a JD must be done prior to the Planning Commission's review of the Preliminary Plat.

The habitats of rare, threatened, and endangered species must be avoided.

No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along both road frontages. However, a Bufferyard C along Lot 98's road frontages would not help preserve this area's rural character. Rather, staff recommends that the Bufferyard C along Lot 98's road frontages be waived in favor of a modified Bufferyard A (10' wide w/o the 100' setback) along the rear lot lines of proposed Lots 6-18 and 21-23. A Bufferyard C would still be required along the rest of the road frontage, except for the wetlands and buffer as depicted on the plat. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

A stub road has been added to the Lands of Boinovych.

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The Forest Stand Delineation (FSD) has been approved. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat and a Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County's 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat.

Access to common open space between and beside lots must be marked with concrete monuments.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners' Association for maintenance of common open space and landscape islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated a stormwater management (SWM) plan, a street and storm drain plan, and a Mass and Final Grading plan must be approved by DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and /or occupancy of any of the sites shown hereon.)

The potential for inclusion of dry hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.

With the addition of an estimated 980 trips per day, the applicant may be required to upgrade Williams Road to a Minor Collector Road Standard between the development and U. S. Route 213. DPW and the engineer have initiated an investigation of the existing road condition and traffic counts are being collected by DPW to aid in this.

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All lots must front minor roads wherever possible and denied access should be denoted accordingly. Where substantiated as necessary, lots may access major collector roads; however, additional pavement cross section or other measures such as driveway turnarounds may be required by DPW to provide for safe egress from driveways. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

The stub street between Lots 52 and 53 should be paved to the PCs of the intersection and the remainder of the future right-of-way should be dedicated to Mr. Boinovych.

All driveways must be paved at least to the right of way.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

Ms. Rossetti questioned the bufferyard requirement between Lots 1 and 18. Mr. Di Giacomo indicated the location of the bufferyard on the plat. From the road, people would see the farm and a tree line.

Nick Barnes was duly sworn according to law and testified as follows. He asked if the rain spouts to the homes will be put underground to a dry well? Mr. Woodhull stated that Cecil County does not have that requirement. Storm drains would run across the lawns. Mr. Carter advised that the new stormwater management regulations encourage disconnection of rooftop runoff as opposed to piping into a stormwater collection system. The intent of that is to establish better stormwater quality. The grading plan for each individual lot addresses that so there is limited erosion of lawns. Mr. Barnes stated that in Anne Arundel County the Health Department had to bleach out the stormwater ponds because of the West Nile Virus. Mr. Carter stated that the new stormwater regulations provide for opportunities to minimize the need for stormwater management ponds.

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Tim Murphy was duly sworn according to law and testified as follows. He asked if the average lot size is 3.02 acres? Mr. Di Giacomo explained that the density is one unit per 3.02 acres. The lot size is different than the density. The average lot size is a little over $\frac{3}{4}$ acre.

Mr. Murphy asked if Williams Road being upgraded to a minor collector road is a requirement or a suggestion? Mr. Carter advised that a study is being done to determine if that is warranted. That study should be completed prior to this subdivision coming back to the Planning Commission for preliminary plat review.

Mr. Murphy asked if the current plan includes decel and accel lanes into and out of the development? Mr. Carter stated there are preliminary ideas indicating that the developer will have to provide entrance lanes. Mr. Murphy stated that Williams Road is narrow with no shoulders and is a thoroughfare from Locust Point south to Delaware. The traffic studies have missed the summer run that would add twice the volume. He suggested current studies from September and October will reflect only half the traffic volume for Friday, Saturday, Sunday, and Monday.

Mr. Murphy asked if the buffer will be along Williams Road? Mr. Walbeck advised that there are two buffers. Mr. Orr stated the Bufferyard C is between the County road and this subdivision from the left side to the proposed entrance across from Brookview Loop. There is a planted bufferyard proposed from the left of Brookview Loop and the proposed first County road entrance along the entire length of Williams Road almost to the existing culvert that crosses under Williams Road just west of the existing farm lane. A ten-foot wide Bufferyard A, which is a row of white pine trees, is proposed along the rear of Lots 6-18, part of the rear of Lot 19, and the rear of Lots 22 and 23.

Mr. Murphy questioned the light green on applicant's color-displayed plat. Mr. Orr indicated one area of light green as open space. The light green in the upper left corner of the plat is intended to part of the farmstead. Mr. Murphy questioned the parcel to the right. Mr. Orr stated that is the remaining forested area.

Mr. Murphy asked if the access lines up with Brookview Loop? Mr. Orr stated no. It is several hundred feet to the east of the second access.

Mr. Murphy stated that for safety reasons, there should be decel and accel lanes to the subdivision, as well as shoulders.

Michael Landon was duly sworn according to law and testimony followed. He questioned the light green area on the displayed plat. Mr. Orr advised that will be common open space.

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Mr. Landon asked what the average cost of the homes will be? Mr. Geraghty stated they will be in the mid \$200,000 and up.

2. Fred Orr presented Hardy Realty, Inc. (Lands of), MD Rte. 277 (Fletchwood Road), Concept Plat, Morris & Ritchie Associates, Inc., Fourth District.

Mr. Orr was previously sworn according to law. He stated this is a concept that was presented at the September Planning Commission meeting. He requested a waiver of the perennial stream buffer requirements. There was an unapproved forest stand delineation at last month's Planning Commission meeting. That was subsequently approved on 10/02/02. They have not received approval from SHA on the right-in and right-out as a second means of access. They realize that needs to be resolved prior to proceeding to the preliminary plat stage.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is RM. This Concept Plat proposes 200 town homes and 128 condominiums. The 328 proposed dwelling units on 44.35 acres, yields a proposed density of 7.4/1. The 200 townhouses are proposed on 24.56 acres, for a density of 8.14/1. The 128 condo units are proposed on 19.79 acres, yielding a density of 6.5/1. The RM zone permits a maximum density of 12 du / 1 acre for townhouses and 16/1 for apartments or condos, with community facilities.

A change since Sept. TAC review comments is that an additional, right-in, right-out entrance has been proposed on Fletchwood Road. Although §7.2.12 (e) (4) of the Subdivision Regulations prohibits entrances onto state roads closer than 750', because of the right-in, right-out design and the desirability of having a second entrance, staff recommends that the Planning Commission waive the restriction. However, this morning, SHA faxed a letter stating that they will not permit that entrance. Staff recommends, therefore, that any approval be conditioned upon the Traffic Impact Study's scope of work including a need assessment of and possibly feasibility study for an alternative additional point of access. Only one entrance for 328 units is problematic.

Since a portion of this project is a condominium project, that portion will have a different review process than the normal subdivision process to be applied to the townhouse portion. The TAC and the Planning Commission will review the Concept Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums and clubhouse for TAC review and Planning Commission review and approval. Once the units and clubhouse are built, then the developer will apply for as built

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Final Plat review by the Planning Commission. If approved, then condominium plats may be recorded.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. There appear to be hydric soils (Hatboro silt loam and Othello silt loam) on either side of the stream, but only a 110' stream buffer has been shown.

Consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better. The applicant has formally requested a waiver of the buffer expansion.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

20% open space is required in the RM zone. 42% is proposed for the townhouse section. 57% is proposed for the condo section.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands. The open space acreage must be included on the Concept Plat submitted for Planning Commission review, and those thresholds must be provided on the Preliminary Plat submitted for TAC review.

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Consideration should be given to providing active recreational amenities in the areas of common open space.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on both sides of all internal roads.

A Traffic Impact Study (TIS) must be submitted prior to the submission of the Preliminary Plat for TAC review.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Consideration should be given to the installation of a dry hydrant on the proposed bridge structure over the West Branch.

The minimum distance between townhouse structures shall be 60' if the townhouse structures are face to face. No townhouse structure shall be closer than 20' to any interior roadway or closer than 15' to any off-street parking area excluding garages built into an individual townhouse unit. The maximum townhouse height is 35'. Apartment/condominium buildings shall be set back at least 20' from all parking areas and internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25' peripheral bufferyard is also a Bufferyard standard C. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

Some of the parking spaces are depicted partly on individual lots and partly on common open space. Those spaces should be located on one or the other, but not both. In addition, some parking spaces are depicted on 2 lots; that situation should also be avoided. §176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners Association.

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The Forest Stand Delineation (FSD) has been approved. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat.

Access to common open space between lots must be marked with concrete monuments. Additional open space access between structures should be considered in the townhouse portion. As designed, most owners would take a long and circuitous path to their back yards. To move lawn mowers or grilles to the rear yards, for example, this is an awkward design.

In the townhouse portion, a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All condominium owners must become members of the condominium association(s) for maintenance of the buildings, parking areas, private roads, landscaping, clubhouse, and common elements. The condo instruments for these condominiums must be accepted by the Maryland Secretary of State prior to recordation.

The Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and townhouses offered for sale. Verification of water and sewer allocation must be received for the condominium units and clubhouse prior to the issuance of building permits. Verification of water and sewer allocation must be received for the townhouse portion prior to the Planning Commission's review of the Final Plat.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a storm water management plan, a street and storm drain plan, a Mass and Final Grading Plan, a sanitary sewer plan, and a water system plan. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and /or occupancy of any of the sites shown hereon.)

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The Water and Sewer Standards require hydrants at each intersection (including Fletchwood Road) and along the internal streets at separation distances of no more than 600 feet. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure, must be demonstrated through a comprehensive network model. Looped water mains must be designed to ensure adequate fire flow and pressure throughout the development.

A second entrance should be provided or a connection with Persimmon Lane should be provided.

The 30' right-of-way for Cornus Circle and the 38' ROW for Azalea Lane in the condominium section must be shown.

A Road Code Variance request is currently under review by DPW.

Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

He asked what the allowable occupancy of the clubhouse will be (vis a vis the Fire Marshall)? There does not appear to be adequate parking and guests will park illegally along the County road. An additional 12-15 parking spaces should be added to the west side of Azalea Lane. This overflow parking can be done with grass-pavers or other methods to reduce imperviousness and help address SWM requirements.

The proposed Azalea Circle and the associated lots are immediately adjacent to the flood plain line, which has been graphically shown from the FEMA maps. In reality, the flood plain follows some (probably as yet undefined) topographic contour. Because the road and/or some of the lots could potentially be within the floodplain, an engineering analysis must be completed to delineate it. A particular concern is that Azalea Lane could be under water during a significant flood and those rear condo owners would be stranded in or out; it could pose emergency response concerns.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

A request for water allocation must be submitted to DPW.

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No wastewater allocation exists for this development at this time. The Meadowview Wastewater Treatment Plant has no unallocated capacity at this time. As such, no new connections may be made until system capacity is expanded.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets, storm drains, water lines and sanitary sewer.

Mr. Coudon asked if a second entrance can't be accomplished, can Persimmon Lane and Azalea Circle be connected? Mr. Orr stated there is a ten-foot wide property shown between the Persimmon Lane right-of-way and the Hardy Realty property. There is no fee simple access point connecting into Persimmon Lane. There are some alternatives whereby an emergency access only entrance would be provided off the State road that would be gated for emergency vehicles only. Mr. Coudon asked if the applicant has explored that connection with the owner? Mr. Orr stated no because it is not clear who owns that ten-foot strip. It is not owned by Cecil County.

Ms. Hair expressed concerns with water in the area. The whole area used to be wet. There has been a little done to alleviate the problem, but she feels they should be careful about putting any houses on the property, and especially in the area designated for condos. Mr. Orr stated they will have to do borings to check the ground water level and how it impacts construction. They may have to do some special construction techniques to secure a good road base and a good foundation base for the buildings. Ms. Hair thinks this is a very aggressive development for this area.

Ms. Rossetti questioned the 160-foot buffer. Mr. Orr indicated the expanded buffer on the plat. Ms. Rossetti asked why a waiver is needed? Mr. Orr indicated a small area on Azalea Circle and an area on Cornice Circle that will require a waiver. Ms. Rossetti stated there is a problem with expansion and contraction of hydric soils, which leads to cracks in foundations and buildings. Mr. Orr indicated the actual delineated non-tidal wetland line, which is subject to seasonally high ground water. Ms. Rossetti stated the waiver is not required for the crossing. Mr. Orr stated the waiver does cover the crossing, too. Mr. Sennstrom stated that a major subdivision in the Development District can ask for a relaxation of the buffer from the Planning Commission. Road crossings can go through the 110-foot buffer provided disturbance is minimized. Ms. Rossetti asked if denying the buffer waiver would affect the ability to create a road crossing? Mr. Sennstrom stated the road going through the perennial stream buffer is a separate issue that the Planning Commission should address separately from the buffer expansion issue. Mr. Orr requested a waiver in order to install Azalea Lane crossing, and also for the 160-foot expansion. Mr. Sennstrom stated that Azalea Lane can go through the perennial stream buffer, whether it is the regular buffer or the expanded buffer, provided disturbance is minimized. A waiver is not required to allow the road to go through it.

3. Donnie Sutton presented Crabbe, Gaither L. (Lands of), Rock Run Road, Preliminary-Final Plat, McCrone, Inc., Seventh District.

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Mr. Sutton was duly sworn according to law and testimony followed. He stated this plat represents the reconfiguration of two existing parcels (two minor subdivisions) to create Lots 1 and 2 and also to create a new lot (Lot 3) for Mr. Crabbe's nephew. Lots 1 and 2 will continue to have a shared access. They both have existing homes. Lot 3 will have a new driveway.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary-Final Plat proposes 3 lots on 18.432 acres, for a proposed density of 1/6.144.

This Preliminary-Final Plat has been submitted pursuant to the provisions of §4.0.1 of the Cecil County Subdivision Regulations. Fewer than 10 lots are proposed on less than 25 acres.

No open space is required. No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard C is required along the Rock Run Road road frontages. The natural vegetative equivalent may be used to satisfy the Bufferyard requirement.

The Forest Stand Delineation (FSD) and Forest Conservation Plan (FCP) have been approved. No Landscape Plan (for the Bufferyard C requirement) was submitted since that applicant is asking for a waiver. Unless the Planning Commission grants the Bufferyard C waiver, a Landscape Plan must be approved, and a Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. The standard Forest Retention note must appear on the Record Plat.

Mr. Sutton requested a waiver of the Bufferyard C requirement along Rock Run Road.

Mr. Woodhull stated sight distance measurements are acceptable for the proposed driveway location on Lot 3.

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A SWM exemption (251-5C) has been approved by DPW.

The 30-foot road-widening note at the bottom of the page should be changed to include dedicated in fee simple to the **Board** of County Commissioners.

Ms. Rossetti asked why this subdivision has to come before the Planning Commission if it only has three lots? Mr. Di Giacomo stated that the minor subdivision potential has been exhausted. Mr. Sutton explained the minor subdivisions that have taken place on the property. Ms. Rossetti asked if this property was open space? Mr. Sutton stated no.

4. Donnie Sutton presented Roop Road Estates, Section 1, Lots 1-7, Roop Road, Final Plat, McCrone, Inc., Eighth District.

Mr. Sutton was previously sworn according to law. He stated this is a final subdivision plat for Roop Road Estates, Section 1. It shows Lots 1-7. Lots 1-5 show drastic changes from preliminary plat due to the road design and stormwater management design. It better serves the property for the increase in elevation. Lot 1 will be eliminated off this plat and will be submitted next month as a preliminary-final. The revisions have eliminated two panhandle lots. A stormwater management area has been added. There will be 100-foot agricultural buffer in the back along Lots 3 and 4, which will be shown as a Bufferyard A on the final plat.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR. This parcel was included as Parcel 3A on the Final Plat for the John M. Connelly Farm, approved by the Planning Commission on 1/19/82, at which time the overall density of the entire 790-acre tract was set at 3 acres per unit. That density approval is still valid. Therefore, the NAR zone's base density of 1 du/ 5 ac, and bonus density eligibility density of 1/3, are both moot.

The Concept Plat was approved on 7/16/01, conditioned on:

- 1) The suggested sensitive species surveys being done prior to Planning Commission review of the Preliminary Plat;
- 2) A boundary line survey for density calculation purposes being complete prior to Technical Advisory Committee review of the Preliminary Plat;

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- 3) The Preliminary Forest Conservation Plan being approved prior to Planning Commission review of the Preliminary Plat; and
- 4) The Bufferyard C requirement being waived to the extent necessary for adequate sight distance.

The Preliminary Plat, which proposed 29 lots plus remaining lands on 100.01 acres, for a proposed density of 1/3.33, was approved 10/14/01, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 4) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space and the cul-de-sac island with \$50 per recorded lot placed in escrow prior to recordation;
- 5) The owners of the lots accessing the mini road becoming members of the mini road maintenance association;
- 6) A landscape agreement, including bufferyards and street trees, being executed prior to recordation;
- 7) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the FRA being shown on the record plat; and
- 8) Minor subdivision # 866 being extinguished prior to Final Plat review by the Planning Commission.

Minor Sub #866 was approved (12/22/80) for 2 acres on part of the remaining lands between proposed Lots 7 and 8. This plat contains a note that the minor subdivision is to be extinguished; however, a condition of Preliminary Plat approval was for Minor Sub #866 to be extinguished prior to Final Plat review. If a purpose of this Final Plat is to extinguish Minor Sub #866, then that must be made clear in the title block. Appropriate add-on hooks must be shown.

Proposed Lot 1 was withdrawn from consideration as part of the Preliminary Plat by request of the applicant. Therefore, proposed Lot 1 does not have Preliminary Plat approval. In that regard, this Section 1 Final Plat is not consistent with the approved Preliminary Plat. Proposed Lot 1 could be resubmitted as either a Preliminary or Preliminary-Final Plat.

In addition, the approved Preliminary Plat included a Bufferyard A on proposed Lots 6 and 7. There is a 100 agricultural setback depicted on those lots, but the Bufferyard A has not been shown, as required.

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Common open space must be labeled as such.

Note 14 should be modified to denote crosshatched denied access areas. Those areas must be depicted on the plat for proposed lots 6 and 7. Proposed Lot 1 should also show the crosshatched denied access area when it is resubmitted.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

The common open space requirements will be satisfied in future sections, consistent with the approved Preliminary Plat (17.5 %).

No landscaping of the development envelope is required in the NAR zone.

North Rise Lane was proposed as a mini-road on the approved Preliminary Plat. If it is to be a mini-road, that must be indicated on the plat, and a mini-road maintenance association must be established with the owners of all lots accessing it becoming members.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Roop Road.

Notice has been provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

The Forest Stand Delineation (FSD) has been approved. The Preliminary Forest Conservation Plan (PFCP) was approved 10/12/01. The Final Forest Conservation Plan (FCP) and Landscape Plan have been approved. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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Mr. Woodhull stated the stormwater management plan has been reviewed and only minor comments and administrative items remain outstanding.

The right-of-way for North Rise Lane must be closed off at Roop Road and identified as a private mini road on this plat. The street and storm drain plan has been reviewed and only minor comments and administrative items remain outstanding. North Rise Lane must be paved due to the slope.

Section 307.15 of the Road Code directs that Roop Road must be upgraded to a Minor Collector Standard at a distance of 100' either side of the point of intersection between Roop Road and North Rise Lane.

The Mass and Final Grading Plan has been reviewed and only minor issues remain outstanding. The note on the Final Plat indicating that the lots shown on this subdivision are subject to an approved Lot Grading plan must be modified to read: A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.

Ms. Rossetti questioned Lot 1. Mr. Sutton stated they are seeking final plat approval for Lots 2-7. They originally thought they had to do wet season percs on Lot 1. The septic area has since been moved out of the wet seasonal testing area and additional testing has been done. Lot 1 has never been reviewed by the Planning Commission as a preliminary plat.

Mr. Sennstrom asked if the cul-de-sac is intended to be a mini road? Mr. Sutton answered in the affirmative.

5. Donnie Sutton presented Susquehanna, Section 3, Lots 38-41 & 76, Liberty Grove Road, Preliminary-Final Plat, McCrone, Inc., Seventh District.

Mr. Sutton was previously sworn and testimony followed. He stated this is a preliminary-final plat on the last section of Susquehanna. It is a reconfiguration from the design that was done as a preliminary plat for the upper section. Lot 76 was originally shown as a stormwater management area. DPW has advised that it is not necessary for a stormwater management pond to be built, therefore the open space areas were reconfigured to allow connectivity to the proposed open space of Susquehanna View. That allowed Lot 76 to be created.

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Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat for Susquehanna was approved by the Planning Commission on 1/18/00 for 75 lots on 309.2 acres at a density of 1/4.1, conditioned on:

1. Additional common open space being provided in a centrally located area in the vicinity of lots 61 and 62 with a north and south access from Woodrow Lane and the other road,
2. Road improvements as recommended by the Department of Public Works being provided along Liberty Grove Road,
3. A jurisdictional determination being done by the Corps of Engineers prior to preliminary plat review by the Planning Commission,
4. Two stubs to the Lands of Bell being provided,
5. Deed restrictions prohibiting further subdivision to the large lot, Lot 5, being noted on the plat and recorded prior to recordation of the plat,
6. A name other than Susquehanna Hills being used,
7. Bufferyard C, outside the right-of-way, being provided along Liberty Grove Road and Canal Road,
8. A Bufferyard A being provided along the rear lot lines of Lots 24-38 to buffer adjacent agricultural uses,
9. A Preliminary Forest Conservation Plan being approved prior to preliminary plat review by the Planning Commission,
10. A Homeowners Association being established for maintenance of the common open space with \$50.00 per recorded lot being placed in escrow for improvements prior to recordation, and
11. Deed restrictions prohibiting further subdivision of Lot 79 being noted on the plat and recorded prior to recordation.

The Lot 5 Preliminary-Final Plat and the Lot 6 Preliminary-Final Plat were both approved with conditions on 4/17/00. The Lot 5 Record Plat was signed on 7/6/00, and the Lot 6 Record Plat was signed on 6/13/01.

The balance of the proposed Susquehanna subdivision was submitted as a Preliminary Plat and approved by the Planning Commission on 7/17/00, conditioned on:

- 1) Health Department requirements being met,

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- 2) Department of Public Works requirements being met,
- 3) The developer accepting the Department of Public Works requirements regarding Canal and Liberty Grove Road entrance and drainage improvements,
- 4) These lots becoming members of the Homeowners Association for maintenance of the common open space with \$50.⁰⁰ per recorded lot being placed in escrow for improvements prior to recordation,
- 5) The name McCormick Drive being approved by the 911 Emergency center prior to Final Plat review by the Planning Commission,
- 6) A Landscape Plan that addresses Bufferyard A and C requirements being approved prior to Final Plat review by the Planning Commission,
- 7) A Landscape Agreement for bufferyards and street trees being executed prior to recordation of the plat,
- 8) A Final Forest Conservation Plan being approved prior to Final Plat review by the Planning Commission,
- 9) Deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention area being shown on the record plat,
- 10) Bufferyard C requirements along Canal Road being waived,
- 11) The centrally located common open space requirement being waived in favor of additional common open space behind Lots 13-18,
- 12) All trash, abandoned vehicles, and collapsed buildings being cleared from the common open space prior to recordation,
- 13) Stormwater pond details, septic area details, and other discrepancies being resolved on the Final Plat, and the Forest Conservation Plan, prior to Final Plat review by the Planning Commission,
- 14) Areas of steep slopes on Lots 72 and &3 being depicted, or reconciled with information previously provided, and
- 15) Wetlands depicted on previous Forest Conservation Plans matching up with the final plat submitted for Planning Commission review, as well as the Final Forest Conservation Plan.

The Section 1 Final Plat was approved on 10/16/00, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) That the developer accept DPW requirements regarding Canal and Liberty Grove Roads bank, drainage, and entrance improvements;

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- 4) That the owners of these lots become members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 5) That a Landscape Agreement for bufferyards and street trees be executed prior to recordation;
- 6) That deed restrictions for long-term protection of the forest retention areas be recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat,
- 7) That all trash, abandoned vehicles, and collapsed buildings in areas designated as common open space be cleared prior to recordation,
- 8) That the areas of proposed lots 13-17, 19, 44, 51-54, 57-58, 61-63, 69-70, & 73-74 be expressed in square feet on the Record Plat, and
- 9) That Section 2 consist of approximately 37.65 acres of common open space, when it is submitted.

The Section 1 Record Plat (41 lots) was signed on 6/14/01. The Section 2 Final Plat, (24 lots) was approved on 8/19/02.

This Section 3 Preliminary-Final Plat proposes 5 lots on 36.24 acres, with 31.65 acres of common open space. This Preliminary-Final Plat, bringing the total number of lots to 72, is generally consistent with the approved Concept and Preliminary Plats.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

This proposal satisfies the common open space requirement. Approximately 31.65 acres of additional common open space were required for Section 3, and that amount has been included on this submission.

No landscaping of the development envelope is required in the NAR zone. The Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan (FCP), and Landscape Plan for street trees and bufferyards were approved 10/16/00. The FCP and Landscape Plan must be revised to reflect the new, proposed Lot 76 and the reconfiguration of proposed Lots 39 & 40. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Access to common open space between lots must be marked with concrete monuments.

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The owners of these lots must become members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation.

GAP has been issued.

The developers must express their acceptance of Canal and Liberty Grove Roads bank, drainage, and entrance improvements as required by DPW.

Mr. Woodhull stated a Lot Grading Plan for Lots 38-41 and 76 is under review at this time. The street design was approved previously under Section 2 of Susquehanna.

6. Mike Burcham and Tom Montgomery presented Bedrock, Lots 1-106, Bethel Church Road, Preliminary Plat, McCrone, Inc., Fifth District.

The applicants were duly sworn according to law and testimony followed. Mr. Burcham stated this is a preliminary plat for Bedrock located on the south side of Bethel Church Road. It is 75.6 acres with a maximum of 106 lots. The four lots on Bethel Church Road are labeled proposed minor subdivision lots. When the design was laid out, there appeared to be too much involved to do four lots as a minor subdivision and meet the Maryland State ordinance for stormwater management. DPW has since determined that there may be some negotiation or things in the ordinance that may allow them to work through that issue and do that as minor subdivision lots. If they don't work out as minor subdivision lots, then they will be part of the major subdivision. They are listed separately in the area table. A new phase has been added since TAC. Phase 1 is 40 lots, including the four minor subdivision lots, and all of Flintstone Drive. Phase 2 consists of 35 lots. There is potential for Phase 3 if public water ever becomes available. Without public water, those lots cannot be realized.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted.

PLANNING COMMISSION MINUTES 2002

The Concept Plat was approved with a density of 1/.725 on 5/20/02, conditioned on:

- 1) A Jurisdictional determination being completed prior to Planning Commission review of the Preliminary Plat;
- 2) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 3) A sensitive species survey being conducted prior Preliminary Plat review by the Planning Commission;
- 4) All conditions of approval by MDE being fulfilled; and
- 5) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat review by the Technical Advisory Committee.

This Preliminary Plat is generally consistent with the approved Concept Plat, but it is confusing because it combines the 36 major subdivision lots in Phase 1 with 4 minor subdivision lots. Lots 1-4 must be either part of this major subdivision proposal or not included at all. The title block should reflect the fact that only proposed lots 5-75 are under consideration.

According to the Area Table information, 102 lots are proposed on 75.6 acres, for a proposed density of 1/.741, or 1.35/acre. However, the area table includes 106 lots, so the density is 1/.713, or 1.402/acre. If the 4 lots in question are factored out, then the total acreage is 73.377. Based upon that figure and 102 major subdivision lots, the proposed density is 1/.719, or 1.39/acre.

After the minor subdivision application is submitted, once approved, the minor subdivision number must appear on all subsequent plats submitted in the major subdivision process. If a minor subdivision has not been approved for proposed Lots 1-4 prior to the submission of the Final Plat, then that area must be shown as remaining lands. Once the Final Plat is approved, proposed Lots 1-4 lose their minor subdivision eligibility. If they are subsequently proposed to be developed, then those lots must then be submitted as a Preliminary Plat for review by the TAC and review and approval by the Planning Commission.

We note that an issue for Phase 3 will be that this location is outside the water service agreement area between the County and the Town of North East.

The Master Water and Sewer Plan will need to be amended for sewer, showing this property as S-1. Therefore, the plat note stating that this subdivision is in conformance with the Ten-year Master Water and Sewer Plan is incorrect.

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The dwelling locations on proposed Lots 33 and 34 are partially located on steep slopes (as defined by §2.0 of the Subdivision Regulations). On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) being done was a condition of Concept Plat approval. A JD has been performed.

This proposal satisfies the common open space provisions of the SR zone for subdivisions of 10 or more lots. 15% common open space is required, 41.138 % is proposed most of it included in the proposed Phase I. That percentage figure is based upon all 106 lots which includes the 31 proposed lots in Section 3 and the 4 proposed minor subdivision lots in Section 1. The Common Open Space sensitive areas calculations have been included and are within the thresholds. Fee simple access to the active common open space area from the north has been included and any improvements should be included in the Public Works Agreement.

If proposed Lots 1-4 become part of the major subdivision, then those lot owners must become members of the Homeowners Association for maintenance of common open space, with \$50 for each of those recorded lots being placed in escrow for improvements prior to recordation.

The installation of protective fencing around the proposed stormwater management ponds in the areas of common open space should be considered.

A minimum of 20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of all internal roads in the SR zone.

There should be no direct access from any of the proposed lots onto Bethel Church Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Bethel Church Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. The Forest Stand Delineation (FSD) was approved 5/17/02. None of the 5 species mentioned in the Natural Heritage Letter were found during the conducted survey. However, 2 other rare species (Appalachian Quillwort and Sharp Leaved Goldenrod) were found in areas that will be protected, either in the FRA s or stream buffers.

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The Preliminary Forest Conservation Plan (PFCP) has been approved. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The road names have been approved by the County Emergency Management Agency. A TIS has been submitted, as was a condition of Concept Plat approval. The TIS found that the key intersections would continue to operate at acceptable levels of service, and it recommended improvements at the Bethel Church/Red Toad Roads intersection.

Access to common open space between lots must be marked with concrete monuments.

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management plan, a sanitary sewer plan, a mass and final grading plan, and a street and storm drain plan.

The Traffic Impact Study (TIS) was received on 9/30/02 and the Department has begun review. Bethel Church Road is an overlaid tar and chip road in section with an approximate 18.5-foot paved width and no shoulders, which marginally meets the Minor Road standard. The Minor Road classification is designed to handle an ADT of less than 500. Recent traffic counts indicate an ADT of 700^{+/-} with no new development impacting Bethel Church Road. At an ADT of 700 the roadway width and section are marginal, at best, for supporting the current traffic loading. With the addition of this development, the ADT is expected to rise to 1760^{+/-} and would reach 2700^{+/-} when Bethel Springs and Stonebridge developments are completed. The Department considers Bethel Church Road inadequate for this traffic load. The developer will be responsible for off-site improvements to Bethel Church Road including obtaining the required Rights-of-Way. These improvements would consist of increasing the width of lanes, shoulders, and ROW to meet the classification of a Minor Collector Road (500-3000 ADT). The extent of this upgrade, at a minimum, would be from the westernmost intersection of Flintstone Drive and Bethel Church Road to the Bethel Church Road/Marysville Road intersection. The upgrade is limited to Bethel Church Road based on the expectation that the developer of the Chesapeake Ridge development upgrades Marysville and Lums Roads, as directed by DPW, at approximately the same time. The off-site work will be required prior to the 42nd house being built in the Bedrock development. DPW is well aware of the design difficulties associated with accomplishing this upgrade without undue burden upon existing residential home sites. As such, DPW will consider some modifications to the Minor Collector Road standards where necessary to meet site constraints.

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The Bethel Church Road denied access note must be changed to reflect the change in lot numbers fronting the road.

Lots 1-4 must have driveway turnarounds and they must be so shown on the final plat.

An oververtical or knoll exists in Bethel Church Road near proposed Lot 102 and may need to be addressed as an off-site improvement.

The sewer line run in the vicinity of Lots 4 & 5 should be located in the Bethel Church Road right-of-way, if possible.

DPW considers Flintstone Drive to meet the requirements for Minor Collector Road status. All lots must access Minor Roads wherever possible and denied access should be denoted accordingly. Where substantiated as necessary, lots may front Major Collector Roads; however, additional pavement cross section or other measures such as driveway turnarounds may be required by DPW to provide for safe egress from driveways. The driveways for Lots 75, 41, 40, & 5 must be shown at the southernmost side of the lots. The remaining road frontage of these lots must be denied access.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owners, as required by the Cecil County Road Code.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

Sanitary sewer proposed outside of the right-of-way shall be ductile iron. DPW will require justification for the seemingly long and circuitous route of the sewer from Barney Court and Fred Drive. The drainage easement along Lot 82 must be shown as 20-foot wide and boundary line shown.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

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Ms. Rossetti asked if the applicant is also seeking approval of Lots 1-4 as part of Phase 1? Mr. Burcham answered in the affirmative. They would like to have Lots 1-4 receive preliminary plat approval. Ultimately, they would prefer those lots to be a minor subdivision, but a four-lot minor subdivision would require a stormwater management pond. The major subdivision would also require a stormwater management pond. Ms. Rossetti asked if those four lots are approved as minor subdivision lots, then would they be factored into the final stormwater management? Mr. Burcham stated they would.

Discussion followed concerning stormwater management.

Ms. Rossetti asked if Phase 1 could be completed without any upgrade to Bethel Church Road? Mr. Carter stated that is correct. Ms. Rossetti stated Phase 1 will add 400 additional trips per day, which is already over the acceptable limit. Mr. Carter stated that DPW has to consider whether it would be better to upgrade the road in bits and pieces or whether it should be looked at comprehensively. DPW feels the infrastructure would be better if it is all done in one piece. Ms. Rossetti agreed with Mr. Carter but stated that maybe the road should be upgraded prior to Phase 1. The traffic will be twice what it should be on Bethel Church Road with the completion of Phase 1.

Ms. Hair asked where Lots 1-4 access? Mr. Burcham stated they have two shared driveways that access directly onto Bethel Church Road.

Mr. Walbeck asked if DPW has considered Bethel Church Road west to Red Toad Road? It seems to be a shorter distance and better terrain and less lots to deal with. He asked why DPW decided to come east to Marysville Road? Mr. Carter stated that DPW expects the gross majority of traffic from this development and the surrounding developments would more likely go east to the MD 272 corridor than it would west.

Ms. Hair questioned the price of homes. Mr. Burcham stated they would be three-to-four bedrooms and cost \$200,000.

7. Mike Burcham, John Mascari, Ann Jackson, and Don Jackson presented Warwick Orchards, Camp Meeting Ground Road, Concept Plat, McCrone, Inc., Seventh District.

Mr. Burcham was previously sworn according to law. Mr. Mascari, Ms. Jackson, and Mr. Jackson were duly sworn and testimony followed. Ms. Jackson read a statement pertaining to her and her family, as well as some

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information on the existing Woodlawn Mobile Home Park, and the need for lower-income retirement housing in Cecil County.

Mr. Burcham stated this parcel consists of 35.4 acres, which has three zones – BG, MH, and NAR. A mobile home park is proposed, consisting of 74 new sites and four existing sites from the original Woodlawn Manufactured Home Park, for a total of 78 sites. Core Lane has been moved west in order to not have the street directly across from the adjoining property owner's home. The right-of-way widths have been reduced, which creates less impervious surfaces. A Bufferyard D requirement has been included across the frontage of the BG portion of the property.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the current zoning is BG, MH and NAR. The MH, or Manufactured Home, District permits a maximum base density of 2 du/ 1 ac., or up to 6 du/ 1 ac. if a manufactured home park, as stipulated in § s 30 and 78 of the Cecil County Zoning Ordinance.

This Concept Plat proposes 74 manufactured home sites, open space, and roads on 24.85 MH-zoned acres. A portion of the Bufferyard D and open space are depicted in the NAR-zoned portion of the property.

The density of the current proposal is stated as 3.31/1. However, 74 sites on 24.85 acres yields a density of 2.98/1. There is the additional issue of including existing manufactured homes in the density calculation, which may account for the discrepancy.

Manufactured home parks are not permitted in the NAR zone.

This plat depicts portions of several manufactured homes in the Woodlawn Mobile Estates manufactured home park actually being located on this parcel. OPZ understands those are included in the density calculation.

The boundary line survey must be completed prior to submission of the Preliminary Plat for TAC review.

The locations of the privately owned community water and sewer systems facilities have not been shown.

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There is an additional and significant part of Parcel 12, consisting of MH and NAR acreage, to the west of Woodlawn Mobile Estates (Parcel 291). That acreage has not been depicted nor included in the density calculation because it exists on a separate deed parcel. However, there are several manufactured homes from the Woodlawn Mobile Estates partially located on this parcel of land. Therefore, they must be removed or be included in this density calculation.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

Any slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. A 25' buffer is required around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

The habitats of any rare, threatened, and endangered species must be avoided.

§78.8 stipulates that, Manufactured home parks shall be surrounded by bufferyards meeting the Bufferyard D standard as shown in Appendix B. A Bufferyard standard D is shown, including partial screening of the BG-zoned portion of the property.

A minimum of 15% of the total park area shall be devoted to open space and recreational area, not including roads and bufferyards. Using the acreage figured provided, at least 3.7 acres of open space is required. §78.4 stipulates that, Required open space shall not include roadways and bufferyards. Exclusive of the 1.72' bufferyard open space acres, 3.89 acres of open space have been proposed. That is adequate, but, pursuant to §78.4, all references to bufferyard open space must be deleted.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as non-tidal or tidal wetlands.

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The proposed clubhouse facility is an accessory use to the proposed manufactured home park. Therefore, a major site plan submittal will not be required. Rather, the applicant may show the details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, on subsequent Preliminary and Final Plats. Or, the applicant may wish to submit a separate site plan application pursuant to the provisions of §291 and Appendix A of the Zoning Ordinance. The issuance of a building permit for the clubhouse will be contingent upon either recordation or site plan approval.

20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

Sidewalks are recommended on at least one side of all internal roads.

The Forest Stand Delineation (FSD) was approved 10/16/02. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations must appear on the Record Plat stating that such services shall be made available to all sites. Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites. The proposed sites must be served by water & sewer systems approved by the Health Department. Those private systems shall be consistent with §78.1. That must be reflected on the Preliminary Plat submitted for review by the Technical Advisory Committee.

Each manufactured home site shall measure not less than 4000 ft² in area. All the sites depicted are in excess of 4000 ft².

Minimum setbacks on all manufactured home sites shall be 15 front and rear, 10 on each side, as has been depicted in the Typical Lot Layout graphic.

The internal road names have been approved. Roadways in manufactured home parks are private roads.

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Each manufactured home site shall be provided with 2 off-street parking spaces.

For subdivisions proposed on property contiguous to operating farms, notice shall be provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

All the requirements of § s 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be satisfied, including roadway geometry.

Mr. Woodhull stated a stormwater management plan, a street and storm drain plan, a sanitary sewer & water plan, and a Mass and Final Grading plan must be approved by DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and /or occupancy of any of the sites shown hereon.)

This Department considers the second access provided as essential.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. Careful analysis of the proposed SWM area between Lots 9 & 10 will be required due to its proximity to the house on the James M. & Marcia Dickerson property.

The potential for inclusion of dry Hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.

The private water well and sanitary sewer treatment facilities must be indicated on the final plat. Water and sewer facilities will require permits from MDE. Due to the possibility of Cecil County having to take over the operation of these private utilities, the Department requires that the existing lagoon wastewater treatment plant and the water plant designs be submitted for review.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

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Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the entrance should be marked on Camp Meeting Ground Road to facilitate review and verification of the sight distances provided. Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense.

The internal road design must meet County Road Code Standards as to pavement design for depth. The paved widths, identified as Collector and Local Access, in Section 6.6.6 (b) of the County Subdivision Regulations are acceptable to this Department. Adequate drainage must also be provided. The internal roads are proposed as private. As such, a statement clearly outlining the responsibilities of the park owner in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Park owner shall retain title to the road and all maintenance responsibilities.)

Adequate off street parking must be provided for the clubhouse.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities a Public Works Agreement will be required for internal streets and storm drains.

Ms. Hair asked if the manufactured home park would be restricted to 55 and older? Ms. Jackson answered in the affirmative, however there is a stipulation that if the owner is incapacitated, they can have someone come in to take care of them. Ms. Hair asked if grandchildren would be allowed to live with the residents? Ms. Jackson stated no. Ms. Rossetti stated this property is physically adjacent to a manufactured home park with children. She asked how the two will be separated? Ms. Jackson stated there will be a planted buffer between the two parks. Mr. Mascari stated there are also separate entrances.

Ms. Rossetti asked where the sewage treatment facilities are? Mr. Burcham stated it is the lagoon across the street. Ms. Rossetti asked if the sewage lagoon will be sufficient? Mr. Mascari stated they have been

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analyzing the existing facility and working with MDE to propose required upgrades to that facility to handle the additional use. Ms. Rossetti stated there appeared to be an additional septic system downstream. Mr. Moore stated the lagoon has not had an overflow for two years, because of the drought. Those trenches are not designed to take care of an additional 75 units, therefore it will have to be upgraded through MDE.

Ms. Hair asked if the applicants place the homes or do the residents bring their own? Ms. Jackson advised that they will have some on site or the residents can buy a different home from them. The residents will own their homes.

Ms. Rossetti asked where the wells are located? Mr. Jackson stated there are five wells. Two are in the original park, which borders Jackson Park Road, but not shown on this plat. Four of the wells will supply the Phase 2 community. He indicated on the plat where the current water system is for Phase 2. There are four wells within that vicinity. Ms. Rossetti asked if there will be wells on this property? Mr. Jackson stated that has not been determined at this point. Ms. Rossetti asked if the current GAP can handle this additional park? Ms. Jackson stated the GAP is currently four or five times what they need, therefore it could handle the additional units.

Oakley Sumpter, 35 Orchard Drive, Port Deposit, testified in favor of the subdivision. He was duly sworn according to law and testimony followed. He advised that when he retired in 1998, and after his wife passed away, he moved to the Woodlawn Mobile Home Park. He stated it is a very nice environment, and a very well run park. It is a safe place to live. The park manager looks after his place when he travels. Seven of his eight neighbors are retired singles. He feels this would be an asset for the senior citizens in the County.

Nick Barnes testified in opposition to the subdivision. He was previously sworn according to law and testimony followed. He stated that the trouble with drilled wells in this subdivision is there are no individual meters. It works on the honor system. You don't know how much water is being taken out of the ground. Also, the lagoons should be covered to avoid the West Nile Virus. Further, the County should address the truck traffic on MD Rte. 275. The speed limit is too fast and red lights are needed. Guardrails are missing. There have been a number of bad accidents on that road. He asked what guarantee will be given that children would be restricted from living in the park? Mr. Walbeck stated that it would be in the deed restrictions.

Mr. Barnes further stated that the gravel pit has been drawing water heavily. He asked if there is a law that says lot fees can only be \$100 per month? Mr. Sennstrom stated that would be a private matter between the park management and the occupants. Ms. Campbell advised that that is not a matter for the Planning Commission.

Carol Fadeley testified in opposition to the subdivision. She was duly sworn according to law and testimony followed. She submitted a petition signed by concerned citizens, marked Exhibit 1 and in the file for reference. She advised that this property is across from her home, which she has lived in since 1969. There

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are several other spaces in the existing manufactured home park. She is concerned about the water supply in the County. No matter what the age, people still use water. She stated that she and her daughter have both had to dig new wells. They have also had to carry water to the trailers in the park. The park had to dig one of their wells deeper and also drill a new well. Mrs. Hillyer, who lives on Jackson Park Road, has had to have a new well dug. She doesn't believe the sewage lagoon can handle 75 more homes. There is a foul odor from the lagoon, especially in the summer. There have been multiple accidents at the intersection of Camp Meeting Ground Road and Firetower Road. The applicant has advised that there will be a buffer between the homes and the road, but there will only be 25 feet from the road to the homes. She is concerned about whose property would be taken if they have to widen the road. If the road does need to be widened, then Sherrard's property should be used for that.

Jeanette Hillyer, 14 Jackson Park Road, testified in opposition to the subdivision. She was duly sworn according to law and testimony followed. She thinks that all adjoining property owners should be notified of subdivisions. Her and her neighbors main concern is water and sewage. The water on her farm, which is directly across from the existing trailer park, is gone. The ponds and streams that feed Mill Creek, and the well. They are all in the same aquifer and it will take years for the water to come back. Cecil Sand and Gravel had to stop operations for two weeks because of low water. Also, the Principio plant is in the same situation. Several wells in her neighborhood have gone dry and the trailer park had to dig new wells in the past month. The County roads are very narrow. In the past, trailers have gone through her yard to get into the park. Subsequently, she gave six feet of her property to the County to maintain in order for the trailers to get around. In the past, sewage has always ran from the park through the low spots next to Mr. Foster's house onto her farm. There is tremendous water run off from the site and they have lost five acres of farming ground. When trailers are moved out of the first row, they used to turn them around in her cropland. Many wild parties take place in the park. Garbage and yard debris are dumped on her property. In the past, animals have run loose and there is nowhere for children to play. There have not been any trees planted on the property. She is concerned that the new park will not be taken care of any better than the existing park. She asked how part of the property be zoned NAR and other parts be zoned BG and MH? The roads cannot handle any more traffic. She doesn't feel the sewage sludge should be spread on the field. She thinks the owners should take care of the existing trailer park and improve it, rather than build a new one. There are ten trailer parks in a one to three mile radius. There is a very large senior trailer park in the North East area that can accommodate the senior citizens of Cecil County.

Gerald Van Hart testified in opposition to the subdivision. He was duly sworn according to law and testimony followed. He submitted a letter, which he did not read, marked Exhibit 2 and in the file for reference.

Ms. Rossetti asked if sludge spreading is conceivable for this project, and is it legal in Cecil County? Mr. Moore stated there are sludge permits in Cecil County that take care of several plants. He advised that he will check if there is a permit for this area.

Ms. Rossetti asked if the Health Department keeps records of replacement wells? Mr. Moore answered in the affirmative. Ms. Rossetti asked how many replacement wells have been drilled in this particular area? Mr. Moore stated he would have to check and let the Commission know. A high percentage of the wells that went dry during this drought were the old shallow dug wells. There were some shallow drilled wells that had to be

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drilled deeper.

GENERAL DISCUSSION:

Mr. Walbeck stated that he has been approached by some citizens concerning the Planning Commission meeting scheduled for 10/22/02, re: Comprehensive Plan review. Some citizens would like to have a dialogue with the Planning Commission. His initial concern was who would speak for the Planning Commission? Mrs. Hair thinks the Planning Commission should take suggestions from the public. Mr. Coudon stated that the Planning Commission hasn't met as a group and determined exactly what they will recommend, therefore it is premature to have a dialogue with the public. Mrs. Kilby stated there should be a Planning Commission meeting in the future in order to have public discussions.

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Item B. Decisions.

1. Pelham Manor, Williams Road and Hutton Road, Concept Plat, MORRIS & RITCHIE, INC. Second District.

Motion made by Coudon, seconded by Smith, and unanimously carried to approve, conditioned on: (1) the Bufferyard C requirement for proposed Lot 98 being waived in favor of a modified Bufferyard A (10-foot wide without the 100-foot setback) along the rear lot lines of proposed Lots 6-18 and 21-23, (2) a boundary line survey being completed prior to submission of the preliminary plat, and (3) the internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the preliminary plat.

2. Hardy Realty, Inc. (Lands of), MD Rte. 277 (Fletchwood Road), Concept Plat, MORRIS & RITCHIE, INC., Fourth District.

Motion made by Smith, seconded by Coudon, to approve, conditioned on: (1) a Traffic Impact Study being completed prior to the Technical Advisory Committee's review of the preliminary plat, (2) the Traffic Impact Study's scope of work including a needs assessment of, and possible feasibility study for, an alternative additional point of access, (3) a Jurisdictional Determination being done prior to the Planning Commission's review of the preliminary plat, (4) the internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the preliminary plat, (5) the open space sensitive area acreages being provided prior to the Technical Advisory Committee's review of the preliminary plat, and (6) waiver of the stream buffer expansion in the Development District.

Motion made by Rossetti, seconded by Smith, and unanimously carried to amend Condition #6 to read: the stream buffer expansion in the Development District being waived, contingent upon satisfactory quantitative demonstration of water protection equivalent to the requirements of the Zoning Ordinance.

Motion to approve, with amended conditions, unanimously carried.

3. Crabbe, Gaither L. (Lands of), Rock Run Road, Preliminary-Final Plat, McCRONE, INC., Seventh District.

Motion made by Smith, seconded by Rossetti, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the forest retention areas being shown on the record plat, and (4) Bufferyard C requirements being waived.

4. Roop Road Estates, Section 1, Lots 1-7, Roop Road, Final Plat, MCCRONE, INC., Eighth District.

Motion made by Hair, seconded by Coudon, and unanimously carried to approve, conditioned on: (1) proposed Lot 1 not being part of this approval, (2) Health Department requirements being met, (3) Department of Public Works requirements being met, (4) the owners of these lots becoming members of the Homeowners Association for maintenance of common open space and the cul-de-sac island with \$50 per recorded lot being placed in escrow prior to recordation, (5) the owners of the lots accessing the mini road becoming members of the Mini Road Maintenance Association, (6) a Landscape Agreement, including bufferyards and street trees, being executed prior to recordation, (7) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat, (8) the record plat title block indicating that Minor Subdivision #866 is extinguished, (9) the record plat showing all open space as common open space, (10) the record plat showing the Bufferyard A on proposed Lots 6 and 7, (11) appropriate add-on hooks being added on the record plat, (12) the record plat revising Note 14 to denote denied access area, and (13) North Rise Lane being shown as a mini road.

5. Susquehanna, Section 3, Lots 38-41 & 76, Liberty Grove Road, Preliminary-Final Plat, MCCRONE, INC., Seventh District.

Motion made by Smith, seconded by Hair, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the developer accepting Department of Public Works requirements regarding Canal and Liberty Grove Roads bank, drainage, and entrance improvements, (4) the owners of these lots becoming members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation, (5) the Final Forest Conservation Plan and the Landscape Plan being revised prior to recordation to be consistent with the new lot and lot configurations, (6) a Landscape Agreement for the street trees and any bufferyards being executed prior to recordation, and (7) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat.

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6. Bedrock, Lots 1-106, Bethel Church Road, Preliminary Plat, MCCRONE, INC., Fifth District.

Motion made by Coudon, seconded by Smith to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) a Homeowners Association being established for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation and all lot owners becoming members, (4) the Master Water & Sewer Plan being amended for sewer, showing this property as S-1, prior to final plat review, (5) the title block being amended to include only those lots actually being reviewed, prior to review of the final plat, (6) the Final Forest Conservation Plan and Landscape Plan being completed prior to review of the final plat, (7) deed restrictions for the long-term protection of the forest retention/afforestation areas being recorded and noted on the plat prior to recordation, and the metes and bounds description of the forest retention areas being shown on the record plat, (8) the common open space recreational improvements being included in the Public Works Agreement, and (9) sidewalks being provided on one side of all internal roads.

Motion made by Rossetti, seconded by Hair, to amend the conditions by adding Condition #10 to read: upgrade of Bethel Church Road being undertaken before Phase 1 is initiated . Rossetti and Hair in favor of amending conditions. Smith, Coudon, and Walbeck opposed to amending conditions. Amending conditions denied.

Motion to approve with original conditions carried. Smith, Coudon, and Hair in favor. Rossetti opposed.

7. Warwick Orchards, Camp Meeting Ground Road, Concept Plat, MCCRONE, INC., Seventh District.

Motion made by Smith, seconded by Hair, to approve, conditioned on: (1) all references to bufferyard open space being deleted, (2) the details of the privately-owned community water and sewer systems being depicted on the preliminary plat submitted for Technical Advisory Committee review, (3) the adjacent agricultural use note being provided on the preliminary plat submitted for Technical Advisory Committee review, (4) density calculations being clarified on the preliminary plat submitted for Technical Advisory Committee review, and (5) all zoning violations on the property being corrected prior to the Planning Commission's review of the preliminary plat.

Motion made by Rossetti to amend conditions by adding Condition #6 to read: an aquifer test being required if additional wells have to be drilled to serve this property . Motion dies for lack of a second.

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Motion to approve with original conditions carried. Smith, Coudon, and Hair in favor. Rossetti opposed.

There were no further comments.

Meeting adjourned at 3:30 p.m.

NEXT MEETING: November 18, 2002 at 12:00 p.m. in the County Commissioners Board Room, 107 North Street, Elkton, Maryland.

Deborah J. Graham

Administrative Assistant

November 18, 2002, 12:00 p.m.

**PLANNING COMMISSION MINUTES
(Subdivisions)**

PRESENT: Walbeck, Rossetti, Coudon, Hair, Smith, Brown, Kilby, Sennstrom, Di Giacomo, Carter, Woodhull, Moore, Campbell and Graham.

ABSENT: none.

Minutes: Motion made by Hair, seconded by Brown, and unanimously carried to approve the October 21, 2002 minutes, as mailed.

1. Mike Burcham presented Iron Hill LLC, Lands of, MD Route 279, Final Re-subdivision of Lot 1A, McCrone Inc., Third Election District.

The applicant was duly sworn according to law and testimony followed. Mr. Burcham stated this is Lot 1A, part of the former Kenneth O. Lester subdivision of four lots, where the Performance Foods Group is located on MD Rte. 279. They are proposing to subdivide two separate lots. Lot 1B contains the 7-11 convenience store. This subdivision is to convey that parcel off and the remainder would be Lot 1C.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is BI. Four lots were originally created on 41.81 acres. Proposed Lot 1-B is the site of the new 7-Eleven convenience store. The original subdivision was approved by the Planning Commission on 4/16/01, and the Record Plat was signed on 8/28/01.

Wetlands are depicted within the Forest Retention Area on proposed Lot 1-C. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to site plan approvals. In this case, the Forest Conservation Plan would also have to be amended because of the location of the wetlands

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within the Forest Retention Area. Jurisdictional Determinations (JD) must be done prior to the any site plan approval.

Landscaping of at least 25% of the development envelope shall be required for new development requiring a site plan. Rows of street trees are required, outside the right-of-way, along the Performance Drive road frontage. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street or bufferyard trees shall be planted within 20 feet of sewer laterals and cleanouts. Bufferyard standard D is required along the road frontages of MD 279. No storage or parking may occur in required bufferyards. The Bufferyard details shall be incorporated into the Landscape Plan submitted with any future site plan. The Landscape Plan must be approved, and the Landscape Agreement executed, prior to any site plan approval. The Forest Stand Delineation (FSD) was approved 10/01/99. The Forest Conservation Plan (FCP) was approved 10/01/99.

Deed restrictions specifically recognizing the new lots for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Direct access onto MD 279 is denied, as noted on the plat.

Mr. Woodhull stated Water & Waste Water allocation for a maximum design of 219 gallons per day (One Equivalent Living Unit) was granted in DPW's 10/17/02 letter to Mr. Edwin B. Fockler, III. Confirmation that SWM is provided for Lot 1-C is required at the time of site plan submittal.

Mr. Smith asked if that allocation is typical for one lot? Mr. Carter stated that depending on the configuration of the convenience store, it could be. There is sufficient allocation for the current store. It was asked if this allocation would preclude a restaurant-type facility? Mr. Di Giacomo stated it would have to have site plan approval for a restaurant, which would require DPW approval. Mr. Walbeck stated that one equivalent living unit approval would be sufficient for the lot as long as there is minimum development on that lot. If the site plan shows that there would be a larger number of sewage units, then they would have to come back for a larger allocation.

2. Donny Sutton presented Richard Rettig, Lands of, Lot 6, Old Telegraph Road, Preliminary Final Plat, McCrone Inc., Second Election District.

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Mr. Sutton was duly sworn according to law and testimony followed. He stated that Mr. Rettig currently owns 79+ acres on Old Telegraph Road. He currently has two dwellings on the property. He desires, at some point in the future, to sell off the remaining lands and move into the smaller house. Adjustments have been made to the access off Old Telegraph Road for Lot 6, as requested at TAC. Lot 6 will access between Lots 4 and 5, and the driveway to the small house will be augmented. There is currently a combined access between Mr. Tortalani and Mr. Rettig, and that language will be placed in the updated deed for Mr. Rettig. There is an existing well to the south side of the existing paved, close to cap pin set #3. That has actually been abandoned. Mr. Rettig is using the well on the southwest corner of the barn. Parcel 39, which is the .17-acre parcel on the southeast corner of the remaining lands, was set up as a separate tax item by the State. There is an add-on to combine that into Lot 6.

Mr. Sennstrom asked if the applicant would be requesting a front setback modification for the existing dwelling on Lot 6? Mr. Sutton stated that dwelling has been in existence for a number of years, however for clarity, he officially requested a setback modification. He also requested a modification of the Bufferyard C requirement since this is an existing home.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated Zoning: SAR, RCA, & LDA

A 3.332-acre area including recorded Lots 3, 4, 5, and a small amount of road frontage for the remaining lands was the subject of a Special Growth Allocation application from RCA to LDA. The Board of County Commissioners voted to grant the request on 3/21/95.

The original Final Plat was approved on 5/15/95. It consisted of Lots 3, 4, 5, and remaining lands (including 9.5 acres of private wetlands) on 88.738 acres, yielding a density of 1/ 22.184. The Record Plat was signed on 10/26/95. The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density is not an issue in this case. This Preliminary-Final Plat proposes 1 new lot, Lot 6, which, combined with Lots 3, 4, 5, and remaining lands, yields a new density of 1/17.7.

The Record Plat must delineate that portion of proposed Lot 6 that has been designated LDA, and it must cite that case number, 94-21, of the Special Growth Allocation rezoning.

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No additional dwellings are being proposed. One additional lot is being proposed for an existing dwelling in the RCA portion, but there is to be no actual new development. In the RCA zone, a density of only 1/20 is permitted. One additional lot in the RCA zone would be within the 1/20 permitted density.

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A 110 tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments. No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

No more than 15% of the surface area can be converted to impervious surface in the LDA and RCA zones.

No more than 20% of the forest or developed woodland may be removed.

No open space is required.

No landscaping of the development envelope is required in the SAR zone.

However, Bufferyard Standard C is required, outside the right-of-way, along the Old Telegraph Road road frontage.

No Landscape Plan has been submitted, as the applicant is requesting a waiver of the Bufferyard C requirement. If the Planning Commission does not grant a waiver of the Bufferyard C requirement, then a Landscape Agreement, based upon an approved Landscape Plan, will need to be executed prior to recordation.

An environmental assessment has been received and reviewed. No issues of concern were identified.

The Critical Area portion of this proposal is exempt under §3.2B. The balance is exempt under §3.2N.

Mr. Woodhull stated DPW understands that this subdivision is for the purpose of land transfer only. As such it would qualify for a 251- 5 C. exemption. A formal request for this exemption must be submitted to DPW for approval. Any development of these lots will require a SWM plan submittal.

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The rights, privileges, and responsibilities for the common drive for Lot 6, remaining lands of Rettig and Lands of Tortalani must be identified by deed. This must be verified to DPW.

Ms. Rossetti asked if Lots 3, 4, and 5 require a Bufferyard C? Mr. Di Giacomo stated those lots have already been approved. They did require a Bufferyard C, and that requirement has been satisfied. Those lots are not under consideration today. Mr. Sutton stated that at the time those lots were approved, there was no availability of a waiver. There are some street trees there, but they don't qualify as a Bufferyard C. Those lots are for Mr. Rettig's children. The bufferyard on those lots has been installed.

3. Donny Sutton presented **Roop Road Estates, Lot 1, Roop Road, Preliminary - Final Plat, McCrone Inc., Eighth Election District.**

Mr. Sutton was previously sworn and testimony followed. He stated this is a preliminary-final plat for Lot 1, which was part of a plat reviewed last month. The adjustments requested at that time have been made.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR. The parcel of which proposed Lot 1 is a part was included as Parcel 3A on the Final Plat for the John M. Connelly Farm, approved by the Planning Commission on 1/19/82, at which time the overall density of the entire 790-acre tract was set at 3 acres per unit. That density approval is still valid, and was the standard for approval of the Concept Plat, which included proposed Lot 1.

The Concept Plat was approved on 7/16/01, conditioned on:

- 1) The suggested sensitive species surveys being done prior to Planning Commission review of the Preliminary Plat;
- 2) A boundary line survey for density calculation purposes being complete prior to Technical Advisory Committee review of the Preliminary Plat;
- 3) The Preliminary Forest Conservation Plan being approved prior to Planning Commission review of the Preliminary Plat; and
- 4) The Bufferyard C requirement being waived to the extent necessary for adequate sight distance.

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The Preliminary Plat, which proposed 29 lots plus remaining lands on 100.01 acres, for a proposed density of 1/3.33, was approved 10/14/01, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 4) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space and the cul-de-sac island with \$50 per recorded lot placed in escrow prior to recordation;
- 5) The owners of the lots accessing the mini road becoming members of the mini road maintenance association;
- 6) A landscape agreement, including bufferyards and street trees, being executed prior to recordation;
- 7) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the FRA being shown on the record plat; and
- 8) Minor subdivision # 866 being extinguished prior to Final Plat review by the Planning Commission.

Proposed Lot 1 was withdrawn from consideration as part of the Preliminary Plat by request of the applicant. Therefore, proposed Lot 1 was excluded from consideration of the Section 1 Final Plat submission by the Planning Commission last month.

This Preliminary-Final Plat is generally consistent with the approved Concept Plat.

The common open space requirements will be satisfied in other sections, consistent with the approved Preliminary Plat (17.5 %).

No landscaping of the development envelope is required in the NAR zone. The Bufferyard C requirement was waived, per condition #4 of Concept Plat approval.

Note # 10 should add the words, unless otherwise shown on the Record Plat.

Notice has been provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I,

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§ 4 are being complied with.

The Forest Stand Delineation, Preliminary Forest Conservation Plan, Final Forest Conservation Plan and Landscape Plan have been approved. A Landscape Agreement must be executed prior to recordation.

The owners of Lot 1 must become a member of the Homeowners Association that must be established for maintenance of common open space, with \$50 per each recorded lot placed in escrow for improvements prior to recordation.

The owners of Lot 1 must also become a member of the North Rise Lane Mini-Road Maintenance Association that must be established for maintenance of the mini-road.

Mr. Woodhull stated stormwater management for this lot is addressed in the Stormwater Management Plan for Roop Road Estates, Section 1, Lots 1-7 that has been reviewed. Only administrative items remain outstanding.

The Mini Road Section R-9 must be changed to reflect R-1. The right-of-way width is correct, but the compact gravel should be 8 inches, not 6 inches. In essence, this is moot because North Rise Lane must be paved due to the slope. Section 3.07.15 of the Road Code directs that Roop Road must be upgraded to a Minor Collector Standard at a distance of 100' either side of the point of intersection between Roop Road and North Rise Lane.

The lot grading note on the plat must be changed to reflect the standard language provided at the November 6, 2002 Technical Advisory Committee meeting. That note should read, A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as-built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities and a Public Works Agreement will be required for internal streets and stormdrains.

4. Donny Sutton and Lee Younce presented **Leyland, Augustine Herman Highway, Concept Plat, McCrone Inc., Second Election District.**

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Mr. Younce was duly sworn according to law. Mr. Sutton was previously sworn. Mr. Sutton stated this was originally Lot 5 of Minor Subdivision #2490. Six farmettes are proposed. Neither maximum nor standard density is being sought. The density will be 1/11.7, with a mini road accessing MD Rte. 213. He requested the required Bufferyard C be waived and changed to a modified Bufferyard A. They would like to mirror the other side of MD Rte. 213, which consists of Leyland Cypress, maples, and white pines. Mr. Sutton submitted four photos of the subject property and the property across the highway, representing the types of planting along the highway, marked Exhibit 1 and in the file for reference.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is SAR, which permits a maximum base density of 1 du/ 8 ac. Bonus density eligibility is not being sought in this case. This Concept Plat proposes 6 lots on a private mini-road on 69.9 acres, for a proposed density of 1/11.65. This parcel is shown as lot # 5 on Minor Subdivision # 2490. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities. Any slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. It appears that the stream buffer needs to be expanded. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided.

No open space is required for subdivisions of fewer than 10 lots. However, a mini-road maintenance association must be formed to maintain the mini-road cul-de-sac. All lot owners must become members.

No landscaping of the development envelope is required in the SAR zone. Bufferyard Standard C is required, outside the right-of-way, along the MD 213 road frontages. In that location, Bufferyard Standard C may not

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be optimal to the maintaining of rural character. MD route 213 is a scenic highway.

Bufferyard Standard A is required along the southerly lot lines of lots 5 & 6 to buffer adjacent agricultural uses. Notice has been provided on the plat that an agricultural operation is being conducted on a contiguous property and that it is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed Leyland Drive mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The Forest Stand Delineation (FSD) was approved 11/15/02. The Natural Heritage Letter recommends that a survey be done for the Halberd-leaved Greenbrier (a State-endangered species). The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The mini-road name must be approved prior to Planning Commission's review of the Preliminary Plat and it must be labeled as a mini road.

Mr. Sutton stated that if all wetlands are within the Forest Conservation area, then a JD is not required. Mr. Di Giacomo concurred.

Mr. Sutton further stated that the boundary line survey was done when the minor subdivision was approved and that will be verified.

Mr. Woodhull stated a Stormwater Management Plan, a Street and Stormdrain Plan, and a Mass and Final Grading Plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.)

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The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The internal road is proposed as private. As such, a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities. The proposed Private Mini Road must meet the requirements set forth in Section 2.13 of the County Road Code.

An Inspection and Maintenance Agreement will be required for the stormwater management facilities and a Public Works Agreement will be required for the private mini road and storm drains.

Ms. Rossetti questioned the difference between a Bufferyard A and a Bufferyard C. Mr. Di Giacomo stated a Bufferyard A is typically a row of white pines. A Bufferyard C is shrubbery, understory trees, and canopy trees, in combination. Ms. Rossetti asked what the reason is for doing a modified Bufferyard A in lieu of a Bufferyard C? Mr. Sutton stated they want to keep the look consistent with the area.

Mr. Walbeck stated that MD Rte. 213 is designated as a scenic highway. He asked if the applicant has talked to the State about what they would recommend for a bufferyard? Mr. Sutton stated that to his knowledge, the State doesn't have any requirements. Mr. Walbeck stated that if this is a scenic highway, then it shouldn't end up looking like a tunnel. He suggested the applicant talk to the State and see what they prefer. Mr. Sutton explained that that is why they are requesting a modification of the Bufferyard A so the trees won't be as close as eight feet. He informed the Planning Commission that Mr. Herman Panacek installed trees on MD Rte. 282 on a proposed subdivision a number of years ago. The trees are approximately 50 feet apart and it still looks nice. He feels that leaving the board fence and putting in some shade trees would allow a scenic vista.

Jim Mullen appeared in opposition to the proposal. He was duly sworn according to law and testimony followed. He requested the plat be tabled until the next Planning Commission meeting. He feels there is a conflict of interest on the Board. The subject property is or was owned by Harry Brown, whose son sits on the Commission. He submitted a copy of Mr. Brown's deed, marked Exhibit 2 and in the file for reference. He again requested the plat be tabled until a substitute could be found for Mr. Brown. Mr. Walbeck clarified that Mr. Brown would recuse himself from the vote on this proposal. Further, the Planning Commission is well aware of the appearance of conflict of interest. Mr. Mullen expounded on the issue of public trust not

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being violated.

Mr. Mullen further stated that the property is located on MD Rte. 213, which is a National Scenic Highway. He asked what requirements are needed to assure designation is being maintained. He submitted a photo indicating that the highway is a scenic byway and the nature of the area, marked Exhibit 3, and in the file for reference. Also the sight distance is severely limited coming north. MD Rte. 213 is currently experiencing a lot of commercial truck traffic. He submitted a photo showing the sight distance coming north, marked Exhibit 4, a copy in the file for reference.

Mr. Mullen commented on the economic development of agriculture in this part of Cecil County. Several ag business owners have voluntarily placed their land in the State's MALPF Program and Rural Legacy Program to provide the infrastructure for agriculture. As suburban sprawl encroaches into the ag districts, it fragments the economic development and creates hardship and obstacles to productive agriculture. This is a perfect example since the subject property is located on the fringe of one of the largest blocks of infrastructure on the Eastern Shore.

Mr. Walbeck advised that SHA will have to sign off on sight distance before the entrance can be permitted at this location.

General Discussion

1. Educational Discussion at Cecil Community College

Mr. Walbeck informed the Planning Commission that there will be an educational workshop at the Community College, which the County Commissioners have been invited to attend. It will be an educational session for the new Commissioners and therefore, not open to the public.

2. Delmarva Conservation Corridor

Mr. Walbeck informed the Planning Commission that there will be upcoming forums designed to gather ideas into a *Delmarva Conservation Corridor* proposal, hosted by the MD Department of Agriculture. He gave the

locations, dates and times of the meetings.

3. Urban Growth Boundary Plan

Mr. Walbeck stated that the Urban Growth Boundary Plan was prepared in June 2000 and subsequently adopted. He envisions it having some impact on the Comprehensive Plan.

Mr. Sennstrom gave a presentation on the Urban Growth Boundary Plan (UGBP). He displayed a map contained in the UGBP. The UGBP was adopted approximately two years ago. He stated that the Comprehensive Plan became effective in December 1990. That Plan calls for development to occur in certain areas of the County and for certain areas to retain their agricultural enterprises and rural atmosphere. The higher density residential growth, the more intense industrial growth, and the commercial entities that the County would like to see attracted, are primarily envisioned by the Comprehensive Plan to occur in what is known as the designated growth area, which is comprised of the Development District and the Suburban District. It is contemplated that growth would occur in the Town Districts also. In order to have a truly effective Comprehensive Plan, the Development District, the Suburban District, and the Town Districts need to be able to attract that higher density residential growth and the more intense commercial and industrial entities. Over the life of the Plan, the County has had difficulty implementing the necessary infrastructure, primarily water and sewer, and to a lesser extent gas, that the industrial entities would like to have in the designated growth area. The former Board of County Commissioners attempted a very ambitious plan in 1994 to run a pipeline from the Susquehanna River from Perryville in a northeasterly direction through North East and eventually to Elkton to provide water to the central growth area. Additionally, they proposed an ambitious wastewater collection system that would have utilized the North East River advanced treatment plant as the primary treatment facility. For various reasons, that operation was scuttled. When the current Board of Commissioners came into office in 1998, they decided that approach may not be the best approach to follow due to the obstacles that were put in place and that perhaps it would be best if the County worked in cooperation with the municipalities of Elkton, North East, and Perryville, where there is concentrated population, municipal water systems in all of those towns, and municipal sewer systems in two of them, and County sewer in the third. The Towns systems could be augmented. That could be achieved in a fiscally constrained fashion and geographically constrained fashion. The County explored certain areas around municipalities in which the water and sewer services could be extended to properly implement the County's Comprehensive Plan. In an effort to make the Comprehensive Plan viable and protect the agricultural economy in the rural, an opportunity for alternative development to occur must be provided. The capacity and capability of all systems were explored and certain areas were identified. Mr. Sennstrom indicated on the map the areas where the Towns of Elkton, Perryville, and North East contemplate annexations. He also indicated the areas that have been transferred to Perryville and North East.

The Master Water and Sewer Plan needs to be updated to reflect the UGBP map. When that plan is adopted, it will allow the towns and the County to apply for permits to extend infrastructure out into those areas.

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Mr. Walbeck questioned the Master Water and Sewer Plan. Mr. Sennstrom advised that the Master Water & Sewer Plan was adopted in 1993. It is required to be updated every four years. A draft Plan was prepared in 1997 based on the pipeline project. Therefore the 1993 Plan has to be revised. In order to revise the plan, MDE and MDP have to be notified, as well as the County s surrounding jurisdictions. Then it goes before the Planning Commission for comment and review, and subsequently to the Board of County Commissioners for adoption. OPZ should receive something from the consultant in early 2003. The primary objectives are:

1. to get water and sewer infrastructure in areas where it is needed.
2. to define limited areas that will be served so too much is not opened up too quickly at too much of an expense.
3. to have orderly growth concentrated in a geographic area around the municipalities and extend out from those municipalities so systems are not competing.

When the Water and Sewer Plan is realized, it will provide total functionality and make the Comprehensive Plan truly the viable document it was envisioned to be twelve years ago.

Mr. Walbeck stated that the UGBP should be incorporated into the Comprehensive Plan.

Ms. Rossetti asked if this will generate rezonings? Mr. Sennstrom stated no.

Mr. Sutton asked how the UGBP will affect the concept plat review, i.e. Villages at North East? Mr. Sennstrom stated that property is just outside of the water service agreement area that was executed with the Town of North East. That would have to be amended if they wish to get service from the town. Mr. Sutton asked if applicants would have to apply for an amendment to the UGBP to be amended or just amend the Water and Sewer Plan? Mr. Sennstrom stated if it is in the Development District, then it is within the sanitary sewer sub-district. That would be reflected in the Water and Sewer Plan and it would be consistent with the County s goals and objectives.

Mr. Walbeck asked if there can be provisions for amendments to the UGBP to extend the boundaries? Mr. Sennstrom stated yes, that has already occurred between Perryville and North East.

4. Comprehensive Plan

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Discussion ensued concerning the Planning Commission meeting to review the Comprehensive Plan. It was decided to wait until the December Planning Commission meeting to set up the next review date.

Item B. Decisions.

1. Iron Hill LLC, Lands of, MD Route 279, Final Re-subdivision of Lot 1A, McCrone Inc., Third Election District.

Motion made by Coudon, seconded by Smith, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) a Landscape Plan being approved prior to Site Plan approval, (4) a Landscape Agreement, including bufferyards and street trees, being executed prior to Site Plan approval, (5) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the forest retention areas being shown on the record plat, and (6) any necessary non-tidal wetland impact permits being obtained prior to individual Site Plan approval.

2. Richard Rettig, Lands of, Lot 6, Old Telegraph Road, Preliminary Final Plat, McCrone Inc., Second Election District.

Motion made by Hair, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) a waiver of the Bufferyard C requirement being granted, (4) front setback modification being granted, and (5) all Critical Area Program requirements for the LDA and RCA zoned being strictly adhered to.

3. Roop Road Estates, Lot 1, Roop Road, Preliminary - Final Plat, McCrone Inc., Eighth Election District

Motion made by Hair, seconded by Brown, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) the owners of this lot becoming a member of the Homeowners Association that must be established for maintenance of common open, with \$50 for this recorded lot being placed in escrow prior to recordation, (4) the owners of this lot becoming a member of the mini road maintenance association that must be established for the maintenance of North Rise Lane, and (5) a Landscape Agreement, including street trees, being executed prior

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to recordation.

4. Leyland, Augustine Herman Highway, Concept Plat, McCrone Inc., Second Election District.

Motion made by Smith, seconded by Coudon, and carried to approve, conditioned on: (1) the name Leyland Drive being approved prior to the Planning Commission's review of the Preliminary Plat, (2) the survey for the Halberd-leaved Greenbrier not being required since no development is proposed outside that area of the property now under cultivation, and (3) any decision regarding any modification of the Bufferyard C requirement being deferred until the applicant has conferred with State Highway Administration to receive further guidance on what they would like along the scenic highway.

Brown abstained.

There were no further comments.

Meeting adjourned at 1:30 p.m.

NEXT MEETING: December 16, 2002 at 12:00 p.m. in the County Commissioners Board Room at 107 North Street, Elkton, MD.

December 16, 12:00 p.m.

PLANNING COMMISSION MINUTES (Subdivisions)

PRESENT: Walbeck, Rossetti, Coudon, Hair, Smith, Sennstrom, Di Giacomo, Carter, Woodhull, Moore, Campbell and Graham.

ABSENT: Brown and Kilby.

Minutes: Motion made by Coudon, seconded by Rossetti, and unanimously carried to approve the November 18, 2002 minutes, as mailed.

1. Donny Sutton presented Butler s Crossing, Section 3, Lots 11 & 12, Joe Meltz Road, Preliminary-Final Plat, First District.

The applicant was duly sworn according to law and testimony followed. Mr. Sutton stated this is a preliminary-final plat for Section 3 of Butler s Crossing. It is a continuation of Butler s Crossing on the east side of Joe Meltz Road. The concept plat was approved in May 2002. Open space will be set aside and a Homeowners Association will be established. The expanded stream buffers have been set aside for the open space.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the property is zoned SAR, which permits a maximum base density of 1 du/ 8 ac.

The Section 3 Concept Plat proposed 8 lots (numbered 11 through 18) plus remaining lands on 75.80 acres, for a proposed density of 1/8.42 for this section. It was approved on 5/20/02, conditioned on: the proposed mini-road s name being approved by the County s Emergency Management Agency prior to Planning Commission review of the Preliminary Plat which is a moot issue for these lots.

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This Preliminary-Final Plat represents just a portion of the approved Concept Plat, and it is consistent with it, except that the lot numbers have changed. Proposed Lots 11 & 12 correspond to the Concept Plat's proposed Lots 18 & 17, respectively.

The expanded, 160' perennial stream buffer and the 25' non-tidal wetland buffer are depicted on the plat. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

This proposal partly satisfies the common open space provisions of the SAR zone. The approved Concept Plat proposed 26.1 acres, and this Preliminary-Final Plat proposes 3.802 acres. If this Preliminary-Final Plat is approved, then that would leave a balance of 22.298 acres outstanding.

No landscaping of the development envelope is required in the SAR zone. There are no Bufferyard Standard C requirements, as Joe Meltz Road is functionally classified as a local road.

The Forest Stand Delineation has been approved. The forested area does contain FIDS habitat. A Forest Conservation Plan (FCP) has been approved. Deed restrictions (for proposed Lot 11) for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the forest retention area must be shown on the record plat. The standard forest retention note must appear on the Record Plat.

Per the conditions of approval for both Sections 1 and 2, a Homeowners' Association for maintenance of common open space must be established, with \$50 per recorded lot placed in escrow for improvements prior to recordation. The owners of these lots must become members of the Homeowners' Association.

Mr. Woodhull stated that all technical requirements of DPW have been met. Only minor comments remain outstanding. The final plat must include a note recognizing the applicability of the Lot Grading Plan, which should read: A Final Lot Grading Plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.

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2. Rock Run Estates, Section 3, Lots 26-44, Liberty Grove Road, Final Plat, McCrone, Inc., Seventh District.

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withdrawn.

3. Donny Sutton presented Rock Run Estates, Section 5, Lots 71-101, Liberty Grove Road, Final Plat, Seventh District.

Mr. Sutton stated this is the final subdivision plat for Section 5 of Rock Run. Section 3 was withdrawn. The preliminary plat for that section will be presented to TAC and Planning Commission next month. This Section 5 contains Lots 71-101. The plat inadvertently shows a perennial stream. That is a wetland area and has an intermittent stream and shows the proper buffers. There is a specimen tree between Lots 92 & 93 and the record plat will have an additional note to preserve that tree, per OPZ recommendation. The stream crossing for Nicholas Alexander Drive has been approved by the Army Corps of Engineers and MDE, in addition to the other stream crossing to the south in Section 3. Both were submitted at the same time. Some final conditions are being worked out with DPW to seek total approval of that.

Ms. Rossetti read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR. The Concept Plat was approved in February 1988 is still valid. The approved density is 1/ 2.1 with 16.3 acres of common open space and 106 lots on 222 acres.

Lots 1-6, Section 1 Final approval on 2-19-91. Lots 1-6 were recorded on 6-24-91, leaving 202.84 remaining acres.

The Final Plat for Section 2, lots 7-25, was approved on 4-17-95 and the record plats signed on 8-15-95. Section 2 included 10.61 acres of common open space, and left 156.99 remaining acres, which must include an additional 5.69 acres of common open space.

The Section 3 Preliminary Plat was conditionally approved by the Planning Commission on 3-20-00, for lots 26-44. That approval has expired.

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The Section 4 Lots 45-62 Final Plat was approved, and record plats signed 4/24/01.

The Section 5 Preliminary Plat was approved 5/21/01, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The owners of these lots becoming members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) The final Forest Conservation and Landscape Plans being approved prior to Final Plat review by the Planning Commission;
- 5) Notice being provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with;
- 6) The GAP being issued prior to Planning Commission review of the Final Plat; and
- 7) That a landscape agreement for bufferyards and street trees be executed prior to recordation.

This Final Plat is generally consistent with the approved Concept and Preliminary Plats. However, new perennial streams are shown on the Final Plat. Since these streams are not shown on the USGS quad maps, consistent with §174.1.a of the Cecil County Zoning Ordinance, those streams are not perennial streams. In addition, since the buffers are consistent with those required for an intermittent stream in a Forest Retention Area, it is evident that intermittent streams have been mislabeled as perennial. That error must be rectified on the Record Plat.

The remaining balance of 5.69 acres common open space is satisfied with 8.411 acres being proposed in Section 5.

Any residual forest conservation obligations from previous sections must be satisfied in Section 3.

Any access to common open space between or beside lots must be marked with concrete monuments. The owners of these lots must become members of the Homeowners Association for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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No landscaping of the development envelope is required in the NAR zone. Rows of street trees are required outside the right of way along both sides of all internal roads.

The Preliminary Forest Conservation Plan has been approved. The Final Forest Conservation Plan (FCP) and Landscape Plan for street trees were approved 12/13/02. A Landscape Agreement must be executed prior to recordation.

The Final FCP approval was conditioned on:

1) A revised FSD being submitted and approved for Sections 2 & 3 of Rock Run

Estates;

2) The critical root zone of the specimen tree on Lots 92 & 93 being shown on the major subdivision plat;

3) A note being placed on the major subdivision plat stating: There shall be no disturbance to the specimen tree located on Lots 92 & 93. The driveway for Lot 93 shall be placed outside the critical root zone of the specimen tree; and

4) The forest conservation requirements of Section 2 of Rock Run Estates being fully addressed in the Final Forest Conservation Plan for Section 3 of Rock Run Estates.

Notice has been provided on the plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The GAP has been issued for all 101 lots.

Mr. Woodhull stated all technical requirements of the Department of Public Works have been met. Only administrative items, which include the Public Works Agreement for Streets and Storm Drains, remain outstanding.

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The lot-grading note on the final plat must be changed to read, A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown hereon. A site construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and/or occupancy of any of the sites shown hereon.

The streets and storm drains shall be constructed in Section 5 and Section 3 at the same time.

The Public Works Agreement for Section 5 must include the street improvements for Section 3. The design package is for Sections 3 and 5 together and the Public Works Agreement is proposed together.

Mr. Coudon asked why Lot 94 has to be drilled before it can get a building permit? Mr. Sutton stated Lot 94 is tight for downslope well and the Health Department wants to make sure that s safe to drill. Also, the potential buyer for some of these lots wants to make sure he has groundwater available, therefore he is requiring the developer to drill wells in advance of buying.

Mr. Smith questioned Lot 92 s impact on the specimen tree. Mr. Di Giacomo stated that the tree and its critical root zone have to be avoided. There is evidently enough room to design around it. Mr. Sutton stated that grading plans for Lot 2 has the driveway on the northern side of the lot.

Ms. Rossetti asked if Section 3 were not approved, would there be any changes that would have to be made on this plat? Mr. Sutton stated this plat would stand alone. DPW issues would have to be dealt with. Section 3 preliminary plat will be presented as it was previously.

GENERAL DISCUSSION:

1. Debt Affordability Study

Mr. Walbeck had requested Craig Whiteford, Budget Manager to present an explanation of the debt affordability study. Mr. Sennstrom informed the Commission that Mr. Whiteford s schedule did not allow for him to be present today, however he would be happy to meet with Mr. Walbeck or any other Commission member.

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2. Comprehensive Plan County Departments

Mr. Sennstrom provided each member of the Planning Commission with a copy of the County Departments comments concerning their review of the Comprehensive Plan. Mr. Walbeck advised that not all County Departments have responded to the request to review the Comprehensive Plan. The only departments that have responded are OPZ and Economic Development. Mr. Walbeck suggested that the Planning Commission meet in January to review all departments input at that time.

3. Comprehensive Plan Other Organizations

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Mr. Walbeck advised that he understands that four organizations want to make a presentation to the Planning Commission (separately) on the Comprehensive Plan. They are agreeable to the five-minute limit on speaking. The organizations are: Cecil Land Trust, Partnership for Cecil County, the Infrastructure Committee of the Economic Development Commission, and Principio Watershed Association.

4. Partnership for Cecil County

Mr. Walbeck advised that Tony Di Giacomo, Principal Planner for the Office of Planning and Zoning will be speaking to the Partnership for Cecil County on the Comprehensive Plan and Zoning Ordinance on Wednesday, December 18, 2002 at 7:00 p.m.

5. Comprehensive Plan Recommendation to Commissioners

Mr. Walbeck proposed that the Planning Commission meet on Monday, January 13, 2002 at 7:00 p.m. to receive public input, followed by the Planning Commission reviewing all input received so far. He feels there should be another meeting subsequent to that date to make a recommendation, which he would like to be by very early February.

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1. Butler s Crossing, Section 3, Lots 11 & 12, Joe Meltz Road, Preliminary-Final Plat, McCrone, Inc., First District.

Motion made by Rossetti, seconded by Hair, and unanimously carried to approve, conditioned on: (1) Health Department requirements being met,

(2) Department of Public Works requirements being met, (3) the owners of these lots becoming members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation, (4) deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat and the metes and bounds description of the FRA must be shown on the record plat, and (5) the standard forest retention note being placed on the record plat.

2. Rock Run Estates, Section 3, Lots 26-44, Liberty Grove Road, Final Plat, McCrone, Inc., Seventh District.

WITHDRAWN.

3. Rock Run Estates, Section 5, Lots 71-101, Liberty Grove Road, Final Plat, McCrone, Inc., Seventh District.

Motion made by Smith, seconded by Coudon, and carried to approve, conditioned on: (1) Health Department requirements being met, (2) Department of Public Works requirements being met, (3) all intermittent streams being correctly labeled on the Record Plat, (4) the owners of these lots becoming members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation, (5) any Forest Conservation obligations remaining from previous sections being satisfied in Section 3, (6) the critical root zone of the specimen tree on proposed Lots 92 & 93 being shown on the major subdivision plat, (7) notice being provided on the Record Plat that an agricultural operation is being conducted on a contiguous property and said agricultural operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with, (8) a Landscape Agreement for street trees being executed prior to recordation, (9) deed restrictions for the long-term protection of the forest retention areas being recorded prior to recordation of the plat, and the metes and bounds description of the FRA being shown on the record plat, (10) the standard street tree and forest retention notes being included on the plat prior to recordation, and (11) Section 3 s approval being contingent upon strict adherence to the approved Concept Plat with respect to access and connectivity.

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There were no further comments.

Meeting adjourned: 1:40 p.m.

NEXT MEETING: January 21, 2002 at 12:00 p.m. at 107 North Street, Elkton, MD.