

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**23 January 2008**

**Present:** Joyce Bowlsbey; Guy Edwards; B. Patrick Doordan; Joe Janusz; Wyatt Wallace; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Ken Norris, Court Reporter.

**Absent:** Bill Mortimer; H. Clay McDowell (alternate).

**Call to Order:** Vice Chair Bowlsbey called the meeting to order at 12:00 p.m.

Vice Chair Bowlsbey made an announcement regarding the recording device in the Elk Room. She reminded the Planning Commission members and the public to speak directly into the microphones provided. Also, any public comment needs to be made from the podium provided.

Vice Chair Bowlsbey announced that # 7, Louise, on the agenda was withdrawn and # 4, Larson's Reserve, have been moved to # 1 on the agenda.

**1. Larson's Reserve, Lots 1-19, Carters Mill Road, Final Plat, Frederick Ward Associates, Third Election District.**

Ed Steer, Frederick Ward Associates, appeared and presented an overview of the project. Mr. Steer asked that this project be tabled due to the number of issues that are still in the process of being worked out with the various county departments. Mr. Steer believes the plan is technically together but there are some items that still need to be addressed. A revised plat should be available in a couple of days. Mr. Steer stated the plat presented to the Planning Commission cannot be reviewed as it is.

Mr. Di Giacomo said the staff's only concern is getting a revised plat for distribution for the Planning Commission. Mr. Steer said he could have them to the Office of Planning and Zoning within a few days. Mr. Di Giacomo said it will need to be in prior to the deadline for the March meeting.

Mr. Janusz made a motion to table this project until the March Planning Commission meeting. The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**Approval of the minutes:** A motion for approval of the minutes was made by Mr. Doordan. The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**2. Bayview Station, Lots 1-7, Theodore Road, Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Whiteman Land Surveying, appeared and presented an overview of the project. Mr. Whiteman said to the best of his knowledge, the outstanding issues with the Health Department and DPW have been handled. Mr. Whiteman is not aware of any other outstanding issues regarding this

project at this time. Mr. Whiteman explained that this submission is for the Final Plat approval. He has also submitted for the Preliminary Plat extension because if Final Approval is not given, this project must receive Preliminary Plat approval to keep its status. If Final approval is given, Mr. Whiteman will be withdrawing the Preliminary Plat extension.

Mr. Di Giacomo, P & Z, read the comments of the department:

This proposal is in compliance with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR<sup>1</sup>

Density: The Concept Plat<sup>2</sup> was approved at a density of 1/3.37 on 9/15/03, conditioned on:

- 1) The Pleasantview Drive road name being approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat;
- 2) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 4) The Bufferyard A and 100' setback being shown on the Preliminary Plat along the rear lots lines of proposed Lots 4, 5 and 6;
- 5) The details of the PFCP and the Preliminary Plat matching up;
- 6) All well locations for all proposed lots being shown on the Preliminary Plat;
- 7) The proposed Lot 7 dwelling location being shifted because of the conflict with a black oak specimen tree; and
- 8) The developer and the Department of Public Works reconciling a mutually agreeable entrance location for Lots 1-6.

The Prelim. Plat, proposing 7 lots on 23.62 acres,<sup>3</sup> was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The details of the PFCP and the Preliminary Plat matching up;
- 4) The maps accompanying the JD letter being supplied to OPZ for inclusion into the project file;
- 5) The proposed dwelling location for Lot 7 being moved because of the content specimen tree ; and
- 6) No sidewalks being required.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval.

Therefore, extensions of the 7/19/04 Preliminary Plat approval were granted on 3/20/06 and 2/20/07, the latter of which will expire on 2/20/08 unless either a Final Plat is approved and recorded or the Preliminary Plat's validity is extended in the interim.

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

No common open space is required for only 7 lots, although creating common open space in which to locate any stormwater management areas may be desirable.<sup>4</sup>

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<sup>1</sup> The SR zone permits a maximum base density of 1 du/ 1 ac.

<sup>2</sup> The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

<sup>3</sup> The density was 1/3.37.

Easements for access across the AT&T easement must be formalized between the developer and AT&T. What steps have been taken in that regard? Mr. Whiteman said the engineer, James Ryan has submitted the plans and a request for that formalized agreement.

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

Sidewalks are typically recommended on one side of internal subdivision roads in the SR zone. As a rule, however, sidewalks are usually not recommended for mini-roads. In addition, given the adjacent NAR properties, no sidewalks were recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd.

Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lots 4, 5 and 6.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 5/15/03; the PFCP was approved on 7/19/04.

The FCP and Landscape Plan were approved on 12/12/07.

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, with the metes and bounds description of the FRA being shown on the Record Plat.

The road name "Pleasantview Drive" has been approved.

Proposed Lots 1 & 6 must be denied direct access onto Theodore Road, and proposed Lots 1-6 must all access Theodore Road via only the proposed mini-road. The notes dealing with lot access will suffice.

A mini-road maintenance association for maintenance of the proposed mini-road must be established prior to recordation, with the owners of proposed Lots 1-6 becoming members.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowsbey asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, with conditions:

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<sup>4</sup> If so, then a Homeowners' Association for maintenance of common open space must also be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) A mini-road maintenance association for maintenance of the proposed mini-road being established prior to recordation, with the owners of proposed Lots 1-6 becoming members;
- 6) The Record Plat's noting that Lots 1 & 6 must be denied direct access onto Theodore Road, and proposed Lots 1-6 must all access Theodore Road via only the proposed mini-road; and
- 7) The access easement across the AT&T easement has been formalized (any documents requiring recordation being recorded) between the developer and AT&T prior to the recordation of the Record Plat.

Mr. Whiteman said that he has met with Mr. von Staden from the Health Department a couple of times regarding this project. Mr. Whiteman believes that the plat was in compliance with the Health Department requests. Mr. Whiteman said he will meet with Mr. von Staden again regarding the comments made by the Health Department.

A motion for approval with conditions was made by Mr. Doordan.  
Motion died for lack of a second.

A motion to disapprove due to outstanding Health Department issues was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

Favor: Janusz, Wallace and Edwards.  
Opposed: Doordan

Motion for disapproval carried.

### **3. Bayview Station, Lots 1-7, Theodore Road, Preliminary Plat Extension, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Whiteman Land Surveying, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac.

The Concept Plat<sup>5</sup> was approved at a density of 1/3.37 on 9/15/03, conditioned on:

- 1) The Pleasantview Drive road name being approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat;

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<sup>5</sup> The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

- 2) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 4) The Bufferyard A and 100' setback being shown on the Preliminary Plat along the rear lots lines of proposed Lots 4, 5 and 6;
- 5) The details of the PFCP and the Preliminary Plat matching up;
- 6) All well locations for all proposed lots being shown on the Preliminary Plat;
- 7) The proposed Lot 7 dwelling location being shifted because of the conflict with a black oak specimen tree; and
- 8) The developer and the Department of Public Works reconciling a mutually agreeable entrance location for Lots 1-6.

The Preliminary Plat was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The details of the PFCP and the Preliminary Plat matching up;
- 4) The maps accompanying the JD letter being supplied to OPZ for inclusion into the project file;
- 5) The proposed dwelling location for Lot 7 being moved because of the content specimen tree ; and
- 6) No sidewalks being required.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval.

Therefore, extensions of the 7/19/04 Preliminary Plat approval were granted on 3/20/06 and 2/20/07, the latter of which will expire on 2/20/08 unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended in the interim.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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.

Another extension would continue the validity of the Preliminary Plat for one year from the date upon which the extension is granted -- 1/23/09.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. Therefore the Department has no objection to the granting of the requested extension.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowsbey asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The granting of a one year extension, to expire on 1/23/09.

A motion for the granting of a one year extension was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **4. Charlestown Crossing, US Rte. 40 & Rte. 7, Preliminary Plat Extension, PUD, Taylor Wiseman & Taylor, Inc., Fifth Election District.**

David Meiskin and Michael Vaughan appeared and presented an overview of the project. Mr. Meiskin said they have the application and the maps are pending review by the different professionals for final approval. They are hoping to submit Final Plat in early spring.

Mr. Di Giacomo, P & Z, read the comments of the department:

This project is in compliance with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal

Density: The SR zone permits a base density of 1 du/ 1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development.

Per §256 of the Zoning Ordinance, the PUD “Sketch Plat/Special Exception Application” was granted a Special Exception on 9/28/04 by the Board of Appeals<sup>6</sup> – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the “employment” area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;

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<sup>6</sup> Because a PUD is permitted in the SR zone only by Special Exception

- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots<sup>7</sup> at a density of 2.63/1, was approved<sup>8</sup> on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and

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<sup>7</sup> On 224.73 SR-zoned acres

<sup>8</sup> The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 4/18/05 Preliminary Plat approval was set to expire on 4/18/07, but a 1-year extension was granted on 3/19/07. Unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is again extended in the interim, said validity will expire on 3/19/08.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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.

An extension would prolong the validity of the Preliminary Plat for one year from the date upon which the extension is granted -- 1/23/09.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the granting of an extension to the preliminary plat. All comments made at the April 18, 2005 Planning Commission meeting still apply and will appear in the minutes but not be read at this time.

1. *Departmental comments from the March 21, 2005 Planning Commission's hearing of this preliminary plat remain valid and are hereby entered for inclusion in today's record.*
2. *A draft PWA has been submitted by the Developer covering the intended construction of public streets, storm drains and sanitary sewer, as well as a private water distribution system and private stormwater management facilities.*
3. *The Applicant will be responsible for improvements to Wells Camp Road to include mill and overlay from MD Route 40 to MD Route 7, coring and geo-technical analysis of the road at locations identified by this Department, sub-base repair where required, ditch line improvements along the entire road length, and centerline stripping. These improvements must be completed prior to any building permits being issued for Section VI.*
4. *The Department understands that the water supply for this development will be a private system with an onsite tower and/or tankage. Review comments have been prepared on this premise and would require revision for alternative water system proposals. Once well yields are developed for the site, the Department may request an additional well be drilled and well area established. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings. An MDE Permit is required for the private water system tankage/tower proposed. A copy of the approved permit must be provided to the CCDPW prior to Final Plat approval.*
5. *A SWM plan, Road & Storm Drain plan, Public Sanitary Sewer Collection and Pumping System/Force main plan, Water Distribution System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner(if sidewalks are required). The Lot*

*Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.*

*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

*Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*

*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

- 6. Any improvements associated with the neighborhood park and EMS facility shown must be addressed in the site stormwater management design and plan.*
- 7. If stormwater discharge is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 and Section 251-15.D of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans. Access to Stormwater Management Facilities should be in fee simple and stormwater ponds should have a constructed maintenance access.*
- 8. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.*
- 9. The 100-year flood plain must be plotted by elevation (rather than graphically from the FEMA maps) on the construction drawings. This requires an engineer's analysis.*
- 10. The Department has reviewed the Taylor Wiseman Taylor study for force main connections and does not concur with a direct connection to the Washington Street Pumping Station force main at this time. Further evaluation is needed prior to beginning final site engineering. The consulting engineer will be required to analyze the impact of the new flow on the upgrade work/design currently in process for the Washington Street Pumping Station and Force main.*
- 11. The Department requests that the proposed water system be stubbed out to U.S. Route 40 and MD Route 7 with a valved interconnect and temporary blow-off assembly or a fire hydrant [preferred].*
- 12. Any proposed sewer alignments outside road rights-of-way are required to have an access road along them. Access road construction may be gravel, 10" depth, with grass cover.*
- 13. Extend Claiborne Road West beyond Popes Creek Court and add a tee turn around. Popes Creek Court is the minor road and should intersect the collector road (Claiborne) at a stop condition. Claiborne alignment should continue past Popes Creek Court for future interconnection to the employment center.*
- 14. A clarification on street design pavement thickness requirements is offered as follows (the detail and extent of prior Departmental comment is superseded by this statement) Charlestown Crossing Boulevard must be built to a commercial "Major Collector" road standard (R-10), with a structural Number of 7.70, from U.S. Route 40 up to and including the traffic circle. Charlestown Crossing Boulevard from the northern traffic circle to MD Route 7 must be built to a residential "Minor Collector" road standard (R-7). Claiborne Road, east and west of the circle, must be commercial "Minor Collector" standard (R-9). Claiborne Road east, from the Hopewell Drive intersection to the intersection with Stewart Road, must be designed to a residential "Minor Collector" standard (R-7). The remainder of Claiborne Road east of Stewart Road is shown to be a residential 'Minor Road' standard (R-6). Traffic Circle Design must*

accommodate a WB-40 and City-BUS design vehicle within the paved width and a WB-67 truck & trailer (interstate) on the apron.

- 15.** *Additional off-street parking spaces should be provided for the three (3) townhouse unit (THU) sections of this development. We recommend 40-50 overflow spaces in the Hopewell Drive area. It is the Department's experience that guest/visitor parking capacity is not adequately addressed by the spaces provided at each individual THU. Is their adequate parking provided for the Clubhouse shown? We recommend that the Planning Commission make the additional parking, both shown and requested, a condition of approval.*
- 16.** *The DPW hereby accepts the proposed minor road right-of-way reductions indicated on the plat. Clear line of sight easements, as required by the Road Code, must be shown on the road construction drawings and final plats. However, the Claiborne Road cul-de-sac bulb must be built to Road Code Standard R-14 to allow for maintenance access to the pump station, as well as the SWM facilities, and the Dove Road cul-de-sac must be designed to accommodate a 42' turning radius rather than the 35' radius shown.*
- 17.** *All driveways must be paved at least to the right of way and those accessing Charlestown Crossing Boulevard, Dove Road, and the Minor Collector portion of Susquehannock Drive must be designed with on-lot turnaround capability. The Developer is responsible to complete all driveway paving within the road right-of-way at the time of surface course installation for the internal streets. This requirement includes vacant but platted lot driveways. All driveways exceeding 5% up-gradient-slope must be paved to the crest. If the development is phased this requirement will apply to each individual phase as it is completed. The Lot Grading Plan and Street Construction Drawings must include notes to this effect.*
- 18.** *The proposed internal road layout shown includes several wetlands crossings. A geo-technical investigation of the suitability of the sub-grade soils in these areas to meet Road Code standards for County owned roads is required.*
- 19.** *The stream crossing for Charlestown Crossing Boulevard will require an MDE permit and is to be designed to pass the 100-Year storm without roadway overtopping. Re-map the 100-year flood plain impacted by the road crossing as called for in Comment #6 and based upon the crossing engineer's hydraulic design.*
- 20.** *It appears that this crossing may involve a single span in excess of 100'. This may be beyond the capabilities of a bottomless pre-cast arch and, therefore, a bridge may be required. The road design must address this. Whatever product is used to cross the stream the Department requires borings to be taken, at the point of abutment locations, and indicating adequate bearing capacity exists. Design of the crossing should not proceed prior to preliminary agreement from the DPW on the crossing type.*
- 21.** *The Department recommends that the Planning Commission condition their approval of Phase One upon the Developer obtaining all stream crossing permits for this subdivision layout in phase one.*
- 22.** *The Department recommends that pedestrian access to the neighborhood park be provided from Popes Creek Court, Dove Court and, given the clubhouse location, from King Charles Court as well. Pedestrian access and park improvements to be included in a PWA.*
- 23.** *At least one access point into the neighborhood park must be designed and constructed to accommodate a 15,000 lb single unit loading, allowing for EMS/Ambulance as well as park maintenance equipment access.*
- 24.** *Any open space adequately sized and/or proposed for active recreation that abuts "Collector" roads should be provided with some form of decorative barrier to separate active open space and/or playgrounds and tot lots from travel ways. This also should be considered for any such open space provided on "Minor" roads near their intersection with "Collector" Roads. The Department requires that these 'barriers' be shown on the street construction drawings and included in the PWA's for each section/phase of development.*
- 25.** *An I&M Agreement is required for all SWM facilities.*

- 26.** Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA to cover the same.
- 27.** Public Works Agreements will be required for all public infrastructure shown. A PWA may be required for the private water system.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowsbey asked if anyone would like to speak in favor of this project. Jim Mullin, 1676 Glebe Road, stated that this project is located in the growth corridor. Mr. Mullin believes this project sets the bar for future developers that want to come to Cecil County. This type of project will not need any push back from the county or the community because of its design and layout. Mr. Mullin hopes the county grants the extension to this project.

Vice Chair Bowsbey asked if anyone would like to speak in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The granting of another one-year extension of Preliminary Plat approval, to expire on 1/23/09.

A motion for the granting of the extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**5. Aston Pointe, Phase 1, Lots 1-61, Appleton and Jackson Hall School Roads and MD Rte. 273, Final Plat, Morris & Ritchie Associates, Inc., Fourth Election District.**

Ex-Officio Demmler read a statement that she prepared regarding the Aston Pointe project. See minutes in the Office of Planning and Zoning. In the prepared statement, Mrs. Demmler asked for clarification from Mrs. Campbell of the regulations set forth on this project.

Mrs. Campbell said it is her understanding that this matter is on the agenda today because the applicant has been granted water allocation for Lots 1-61. The applicant's mandate is that the project have water and in fact now it does which alleviates him for the first 61 lots, from requiring MDE's approval. Due to the fact that these lots are not dealing with wells, that applicant has obtained water through the county source and has done so through an allocation from DPW.

Mr. Sennstrom stated a Final plat cannot be approved by the Planning Commission unless the lots have water or sewer service for the proposed lots, whether they are on sight through well and septic systems or a community system. In this case the applicant has obtained a sewer allocation from DPW. Therefore, the condition for the water and the sewer to serve the lots has been satisfied.

Mrs. Campbell said any developer can come before the Commission requesting that their development be approved. That developer can initiate the process by indicating that he/she wants to proceed by using private wells but there is nothing to prohibit a developer from changing that plan, for example, if public water was made available. That is true for any plat that would come before this board. The mandate that the county is required to ensure is that water is available from some source either private wells or a municipal source. That is what has happened with this project.

Bill Stritzinger, Aston Development Group, Rick Bechtel, Esq., and Fred Sheckells, MRA, appeared and presented an overview of the project.

Mr. Wallace stated that the Planning Commission received a plat for this project a couple of weeks ago that they have reviewed. This morning, the Commission was given a revised plat this morning. Mr. Wallace asked Mr. Di Giacomo how that should be handled. Mr. Di Giacomo explained §4.2.13 which relates to the said question regarding the acceptance of the revised plat. Mr. Di Giacomo stated it is up to the Commission's discretion which plat to consider at today's meeting. Vice Chair Bowsbey asked if the Commission would like to discuss this issue. Mr. Wallace said yes.

Mr. Bechtel clarified the submission of the second plat.

Mr. Janusz asked Mr. Di Giacomo at what time did the public have access to the revised plat. Mr. Di Giacomo said anytime after January 8, 2008, which was the date the plats were submitted to the Office of Planning and Zoning.

Mrs. Bowsbey asked Mr. Wallace, based on what he has now heard, does he want to review the revised or originally submitted plat. Mr. Di Giacomo said OPZ handled the second submission because the revisions that were made were minor. Mr. Wallace said he was satisfied. Mr. Di Giacomo said the one that was received subsequently, in terms of substantive information is identical to the new one. There is nothing on the new plat that the Commission has not seen on the old one, other than the typo. Mr. Wallace said he was satisfied, but, in general, he would like to see plans be presented that are final and not changed last minute regardless of the situation. He feels it makes the Planning Commission more prepared to review the plans presented.

Mr. Stritzinger gave a hand out of his comments to the members of the Planning Commission. See file in Office of Planning and Zoning. Mr. Stritzinger gave an overview of the handout.

Mr. Sheckells clarified that Phase 1 consists of 61 lots and the water that was allocated on behalf of Phase 1 was 13,420 per day.

Mr. Bechtel, made comment to DPW's granting of the water and sewer allocation. He submitted to the Commission that it is not the Planning Commission's responsibility at this forum to question whether the issuing of the allocation was proper. Those allocations have been issued by DPW. The area on the Phase 1 plats have been approved for water and sewer allocation. Mr. Bechtel stated that if any of the Planning Commission members were considering denying this project on the bases that the GAP has not been finalized, he reminded the members that they cannot do that.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project was in compliance with §3.9.1, regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR<sup>9</sup> & BG<sup>10</sup>

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<sup>9</sup> The SR zone permits a density of 2 du/ 1 ac. with community facilities.

<sup>10</sup> If any part of the proposed Shadow Creek Lane is in the BG-zoned section of the property, then the BG zoning classification must be noted on the plat.

Density: The Concept Plat, proposing 302 lots on 390.04 acres, was approved on 4/19/04, conditioned on:

- 1) The road names being approved prior to Preliminary Plat approval;
- 2) The estimated staging of construction being shown of the Preliminary Plat submitted for TAC review;
- 3) The PFCP's being approved prior to Preliminary Plat approval;
- 4) The sensitive areas thresholds in the common open space information being provided on the Preliminary Plat prior to TAC review;
- 5) A Sensitive Species Survey being completed prior to the TAC's review of the Preliminary Plat;
- 6) A Traffic Impact Study (TIS) being completed prior to the TAC's review of the Preliminary Plat;
- 7) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 8) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat approval; and
- 9) A bufferyard and setback modification being granted for the existing structure on proposed Lot 301.

On 5/20/04, the Planning Commission subsequently approved a revision to the Concept Plat that eliminated roadway connectivity to Locharron Drive in the Highlands.

On 10/18/04, the Planning Commission rescinded the requirement (condition #5 of Concept Plat approval) for a sensitive species survey for the midland sedge, as that species was declassified as rare, threatened, or endangered.

The Preliminary Plat, also proposing 302 lots, was approved on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The required bufferyards between zones being required on the Landscape Plans associated with any Site Plans submitted for the BG-zoned portion;
- 4) Non-motorized access to the BG portion being included with any future Site Plans;
- 5) The Site Plan the proposed golf course maintenance facility being approved prior to Final Plat review by the Planning Commission;
- 6) The Site Plan the proposed golf course clubhouse facility being approved prior to Final Plat review by the Planning Commission;
- 7) The details of the safety management issue associated with the 12<sup>th</sup> hole being included by note or graphically on the plat prior to Final Plat review by the Planning Commission;
- 8) The Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;
- 9) Documentation of the groundwater appropriation permit and verification of the capability of the proposed water system to serve all proposed lots being received from MDE and DPW prior to Final Plat review by the Planning Commission;
- 10) Plans for the proposed water tank being approved by DPW prior to Final Plat review by the Planning Commission;
- 11) The identity of the waste water treatment plant again being included on the Final and Record Plats;
- 12) The name of the water company providing the water also being included on the Final and Record Plats, if it is a private company;
- 13) Written verification of sewer capacity being received prior to the Planning Commission's review of the Final Plat;

- 14) The implementation of the traffic improvement recommendations of DelDOT, DPW, and SHA being a condition of Preliminary Plat approval;
- 15) The identity of the gas line owner being provided on the Final and Record Plats;
- 16) Confirmation being received from the gas line company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement;
- 17) All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review, and all documents requiring recordation being recorded prior to the recordation of the Record Plat;
- 18) The final Forest Conservation Plan (FCP) and the Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 19) All details, including reforestation areas, match up between the Final Plat and the FCP;
- 20) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 21) Note # 11 being modified on the plat to reflect that 59.17 acres of common open space are required prior to the Planning Commission's review of the Final Plat;
- 22) The common open space sensitive area calculation being modified consistent with the modification to Note # 11 prior to the Planning Commission's review of the Final Plat;
- 23) The contiguous operating farm notice being provided on the Final and Record Plats; and
- 24) A vegetative or agricultural buffer being considered for the area adjacent to the Blackwell property, if appropriate, as part of the Landscape Plan.

The Master Water and Sewer Plan has been amended for this site.<sup>11</sup>

One-year extensions of Preliminary Plat approval were granted on 1/16/07 and 11/19/07 – thus extending the Preliminary Plat's validity until 11/19/08.

With regard to the conditions of Preliminary Plat approval:

- The 1<sup>st</sup> & 2<sup>nd</sup> are reported on by the Health Department and DPW, respectively.
- The 3<sup>rd</sup> & 4<sup>th</sup> shall be satisfied prior to the approval of the future Site Plan(s) for the commercial parcel.
- The 5<sup>th</sup>, 6<sup>th</sup>, & 7<sup>th</sup> relate either to (1) the Newark Country Club Site Plan that was routed on a separate, parallel approval path via Minor Subdivisions # 3638<sup>12</sup> & # 3662<sup>13</sup> or (2) other, future Phases of the residential component.
- The 8<sup>th</sup> condition has been satisfied: the site is now classified S-2 & W-2.
- The 9<sup>th</sup> has been satisfied by the verification of water allocation by DPW.<sup>14</sup>
- The 10<sup>th</sup> & 11<sup>th</sup> have been satisfied.
- The 12<sup>th</sup> is moot because a private water company is not involved.
- The 13<sup>th</sup> condition has been satisfied.<sup>15</sup>
- The 14<sup>th</sup> has been satisfied.<sup>16</sup>

~~<sup>11</sup> Verification of the groundwater appropriation permit was to have been received prior to the Planning Commission's review of the Final Plat. Verification of the capability of the proposed water system to serve all proposed lots must be received from MDE prior to Final Plat review by the Planning Commission.~~

~~Documentation of all approvals for the water system and the operator required by the Public Service Commission and MDE must be submitted prior to Final Plat review. Plans for the proposed water tank must be approved by DPW prior to Final Plat review. Verification of water allocation and sewer allocation must be received prior to the Planning Commission's review of the Final Plat.~~

<sup>12</sup> Approved 10/04/06.

<sup>13</sup> Approved 1/31/07.

<sup>14</sup> The 9<sup>th</sup> condition cited the approval of the GAP by MDE because, per §4.2.13 (u) and §5.2, there must be provision for water for Final Plat approval. With the water allocation, the approval of the GAP is moot insofar as the possible approval of this Phase of the proposal is concerned.

<sup>15</sup> Therefore, this Final Plat meets the requirements of §5.2 of the Subdivision Regulations.

<sup>16</sup> In fact, there have been numerous implementation coordination meetings among the developer, the County and SHA.

- The 15<sup>th</sup>, 16<sup>th</sup> & 17<sup>th</sup> are technically moot because the gas pipeline does not pass through this Phase's acreage.
- The FCP/Landscape Plan has been approved, so the 18<sup>th</sup> & 19<sup>th</sup> have been satisfied.
- The 21<sup>st</sup> and 22<sup>nd</sup> dealt with common open space, and, as only 0.899 acres of common open space are proposed with Phase One, the condition will remain in force for future Phases. In addition, staff recommends that possible approval of Phase One be conditioned on the outstanding balance of 58.271 acres of common open space being provided in future Phases.
- The 23<sup>rd</sup> has been satisfied with General Note # 4.
- The 24<sup>th</sup> has also been satisfied.

The Final Plat is generally consistent with the approved Concept and Preliminary Plats, but, as submitted, it had four minor problems:

- 1) It had not been signed and sealed, as required by §4.2.13 (a) 5.
- 2) The nomenclature for the "10' landscape easement" needed be changed to "10' street tree planting easement."
- 3) It did not contain a note satisfying §4.2.13 (u) requirement.
- 4) It incorrectly cited the Zoning District as SAR rather than SR.

Subsequently, another plat, correcting those problems, was submitted on 1/8/08 and distributed by staff today.

If any part of the proposed Shadow Creek Lane is in the BG-zoned section of the property, then the BG zoning classification must be noted on the plat.

Since the Location Map has a different orientation than the Plat, it should have its own north arrow so as not to be confusing on the Record Plat.

How will the SWM I&M Easement on proposed Lot 1 affect its dwelling location and access? Mr. Sheckells said it won't. The house will be located in between the 30' front yard setback.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

Access to common open space between lots must be marked with concrete monuments. An additional 58.271 acres of common open space are required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat approval must then be addressed.

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements 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 Master Water and Sewer Plan.

The Record Plat shall contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Documentation of all necessary easement agreements with the gas line company will be required prior to the Planning Commission's review of appropriate Final Plats. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

Mr. Woodhull, DPW, read the comments of the department:

Sanitary sewer allocation for the proposed Aston Pointe subdivision was granted on March 8, 2007 for 300 Equivalent Living Units (ELU). This equates to 300 dwellings (1ELU/1 dwelling) which covers the 61 dwellings proposed here. The Cecil County Board of County Commissioners granted water allocation from the Meadowview Water system for the 61 lots proposed.

The SWM, Water Distribution, Sewer Service and Road & Storm Drain plans are technically complete for the lots proposed. The design plans for the water supply line connecting this subdivision to the existing Meadowview water distribution system, bridge designs, and all outstanding administrative issues must be approved by the Department of Public Works before the Department will sign the record plat. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowsbey asked if anyone would like to speak in favor or in opposition of this project.

Mr. Janusz asked if Planning Commission members comment could be taken first.

Vice Chair Bowsbey obliged.

Mr. Janusz asked for clarification to condition #9 of the Preliminary Plat approval (“Documentation of the groundwater appropriation permit and verification of the capability of the proposed water system to serve all proposed lots being received from MDE and DPW prior to Final Plat review by the Planning Commission”). Mr. Janusz asked if comments were received from MDE. Mr. Di Giacomo referenced footnote # 6. 9<sup>th</sup> condition cited the approval of the GAP by MDE because, per §4.2.13 (u) and §5.2, there must be provision for water for Final Plat approval. With the water allocation, the approval of the GAP is moot insofar as the possible approval of this Phase of the proposal is concerned.

Mr. Janusz asked Mr. Di Giacomo if he felt the applicant should come back to the Planning Commission and formally asked for a waiver of the said condition. Mr. Di Giacomo said he would not recommend a waiver of that condition because the condition states there needs to be water, one way or another, for final plat approval. Mr. Wallace asked about the Phase process and what has to happen for more units to come in for final. Mr. Di Giacomo said he does not want to speculate. He thinks at some point in the future, we are going to get some clarification on what will happen with the GAP. One way or another, for the additional lots to be approved by the Planning Commission, there must be water. Mr. Di Giacomo stated he does not know how that water will be obtained. Discussion ensued regarding the water allocation for the additional lots.

Ex-Officio Demmler said it was her understanding that if this project received Final approval today, it would be for the entire project not just Phase 1. Mrs. Demmler asked if each phase would have to come back through for final approval. Mr. Whittie said if the applicant wishes to proceed with additional lots, they will have to come back in front of this board with another subdivision plat for the additional lots. At that time, they will have to have water and sewer allocation for the additional lots.

Mr. Edwards asked if, in each case, would the applicant have to have a separate solution for the water. Mr. Whittie said when the applicant come back with additional lots, they will have to have their GAP and their well system approved. Those lots will then be provided by the onsite well

system that the county will own. Mr. Edwards asked if that means, by then, MDE would have made its final decision. Mr. Whittie said yes, MDE would have by then approved the allocation. Discussion ensued regarding the GAP and future allocations.

Vice Chair Bowsbey asked if anyone would like to speak in favor of this project. James Lacey, 18 Ulmer Court, Elkton spoke in favor. Mr. Lacey believes ADG has made a lot of progress with this project and has played by the rules. He believes this subdivision will be a very good thing for the county and hopes that the commission votes in a positive way for this project.

Vice Chair Bowsbey asked if anyone would like to speak in opposition of this project. The following individuals spoke:

Mr. Nelson, Esq., appeared as a representative for ARCA and gave an overview of the lawsuits that have come from this project. He stated that Mr. Stritzinger left out of his overview that the Maryland Court of Appeals granted ARCA's petition and will be hearing an argument on that issue on March 6, 2008. A ruling is anticipated in late Spring 2008. Mr. Nelson respectfully suggested that this commission does not have the authority to consider the revised Final Plat when the revisions are filed after the deadline created by the schedule. He believes his client should have the right to review the revised plat and provide their comments. Mr. Nelson also stated when the Preliminary Plat was approved there were conditions set forth. Mr. Nelson's clients disagree with the staff regarding whether the conditions have been met.

Owen Thorne, 20 Hillwood Road, Elkton, MD, provided a handout to the Planning Commission members, staff and Ex-Officio.

Carol Wohner, 218 Cat Swamp Road, Elkton, MD, gave a review of the conditions of the Preliminary Plat approval that she believes remain unsatisfied. Ms. Wohner believes 13 of the 28 conditions have not been satisfied at submission of this plat. The conditions in question are: 9, 8, 3, 4, 5, 6, 7, 15, 16, 17, 10 and 12. Ms. Wohner also offered a correction to a statement that Mr. Stritzinger made regarding the wells in the area being 600'; Ms. Wohner owns 2 pieces of property on Cat Swamp Road. When she built her home, her well were 437'; her property in the front, the well went dry. She had to re-drill another well 610' to get water.

Eva Walker, 644 Jackson Hall School Road, spoke regarding the deficiencies and problems with the submitted plat. Ms. Walker stated that she disagrees with the staff's opinion that all conditions of the Preliminary Plat have been met or do not have to be met before the Planning Commission receives or approves this plat. Ms. Walker gave an overview of § 4.2 of the Subdivision Regulations and how she feels those regulations are not being followed. Specific examples were stated regarding the original December 20, 2007 submitted Aston Point, Phase 1 Final Plat. Ms. Walker also spoke regarding her own well. She stated she has a shallow well and she fears that once they start dragging out the water, she will have to spend a lot of money to drill a well. Ms. Walker feels that she has no rights as far as saying things and the only people that do have rights are the developers.

Ron Hamlen, 9 Locharron Drive, Elkton, MD gave an overview of the violations of the Zoning Ordinance and the Subdivision Regulations that they feel have occurred.

John Williams, 2 Woodbine Circle, Elkton, MD gave an overview of what they believe are problems with condition # 8 of the Aston Pointe Preliminary Plat approval. Mr. Williams believes that not all of the conditions of the Preliminary Plat approval have been satisfied.

Owen Thorne, 20 Hillwood Road, Elkton, MD gave an overview of what ARCA believes are problems with condition #9 of the Aston Pointe Preliminary Plat approval.

Richard Boyce, 11 Harvest Lane, Elkton, MD, believes this plat has not met all of the mandatory requirements of the Preliminary Plat approval. Mr. Boyce believes that for the second time, ARCA has brought to the attention of this board that they feel that there has been neglect by OPZ to follow the directives of the regulations regarding Aston Pointe Plats. Mr. Boyce read a quote from the Maryland Special Court of Appeals regarding their opinion on the decision of this Planning Commission on whether a project that has been disapproved having to go before the TAC prior to the Planning Commission. Mr. Boyce believes the county departments, along with legal counsel have not followed mandatory regulations. Mr. Boyce added his disagreement with Mr. Di Giacomo's interpretation of the regulation relating to an applicant submitting a revised plat within 15 days. Lastly, Mr. Boyce spoke regarding the comments from DPW stating that no further water allocation would be given without a GAP. On November 15, DPW denied allocation for the Wohner Property and all of Aston Pointe sighting the need for a GAP. Then on December 19, DPW gave allocation for 61 houses but the applicant needs a GAP. Mr. Boyce asked if that means there will be a GAP for the rest of the lots or will the developer ask for another 60 lots and also get that.

Handouts given from the members of ARCA can be found in the Aston Pointe file in the Office of Planning and Zoning.

Ron Hartman, 164 Little Egypt Road, Elkton, MD, believes the comments and complaints stated by Mr. Stritzinger at today's meeting were irrelevant to today's decision. Most were presented from only his point of view. Mr. Hartman believes ARCA members have present the facts and not confused the issue.

Alice Arbuckle, 42 Matthew Bathon Court, Elkton, MD, stated that the Planning Commission members are the voice of the citizens of Cecil County. Ms. Arbuckle referenced Mr. Thorne's statements regarding condition # 9 not being met for this final plat. She believes the citizens, herself included, would like to see a public hearing process go forward that MDE advertises and is required as part of condition # 9. Ms. Arbuckle added that if the Planning Commission has gained new insight at today's meeting, consider it valuable. She stated it is very important that this project be heard in a public forum with citizen's comments.

Tom McWilliams, 245 Plum Point Road, Elkton, MD, asked that the Planning Commissioner take into consideration all of the comments made by everyone at today's meeting. Mr. McWilliams believes this is a very important is very important as it may set a precedence for other projects in the county.

Russell Holland, 20 E. Parkway, Elkton, MD, agrees that this application is in violation of the Planning Commissions own specific conditions. Mr. Holland believes this project should not receive final approval.

Diana Broomall, Colora, MD, encouraged the Planning Commission not to approve this final plat. She believes the requirements of the final plat approval have not been met, changes were not submitted by the deadline and regulations are not being followed. Ms. Broomall feels this project has plenty of time to be submitted correctly and the final approval decision should be postponed.

Jim Bitter, 23 Brinton Way, Elkton, MD, believes reasonable development in the character of the neighborhood is what is appropriate. He does not think he has heard enough from Mr. Stritzinger

yet to feel comfortable that that is what the neighborhood would have with Aston Pointe. Mr. Bitter believes a previous speaker, John Williams is very accurate with the comments he earlier presented. Mr. Bitter also disagrees with a James Lacey, who spoke in favor of this project, regarding Mr. Stritzinger playing by the rules.

Mr. Di Giacomo read the recommendation of the staff:

If the Commission accepts the modified plat subsequently submitted on 1/8/08, then the staff's recommendation is:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The submitted Phase One Record Plat being signed and sealed, as required by §4.2.13 (a) 5;
- 4) The nomenclature for the "10' landscape easement" being changed to "10' street tree planting easement" on the Record Plat;
- 5) The Record Plat's containing notes satisfying the requirements of §4.2.13 (t) and §4.2.13 (u);
- 6) The Record Plat's noting the correct zoning classification(s) of the property;
- 7) A Landscape Agreement being executed prior to recordation;
- 8) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 9) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.
- 10) An additional 58.271 acres of common open space being required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat approval carrying forward; and
- 11) All applicable conditions of Preliminary Plat approval being carried forward to apply to all future Phases.

A motion for approval was made by Mr. Doordan.

Motion died for lack of a second.

Mr. Janusz motioned to table this project until the March Planning Commission meeting to allow MDE time to comment, the pending legal case to be heard and to give the public time to review the revised plat.

Mr. Edwards asked to amend that motion by adding the request of having the staff answer questions that were set forth at today's meeting.

Mr. Wallace also wanted to see in writing a response to the comments that were brought up by the public and for the Planning Commission member to be able to review the responses.

Ms. Campbell reminded the commission that Mr. Janusz has to accept the amendments that were made to his motion. Mr. Janusz accepted the amendments.

The motion for tabling was seconded by Mr. Wallace.

Favor: Mr. Janusz, Mr. Wallace and Mr. Edwards.

Opposed: Mr. Doordan.

Motion for: Tabled until the March 17, 2008 Planning Commission meeting to allow for further MDE comment, the pending legal case to be heard, to give the public additional time to review the

revised plat and for staff to answer pending questions that were brought forth from the public for the Planning Commission and the public to review.

**6. Lands of H. Barry Montgomery, Lots 2B, 2C & 2D, Camp Meeting Ground and Principio Roads, Final Plat, McCrone, Inc., Seventh Election District.**

Mike Burcham, McCrone, and Barry Montgomery, owner appeared and presented an overview of the project. Mr. Montgomery stated there is a slight issue with the Health Department regarding the houses being moved closer to the front. That would put the well and the septic tank not with in the Health Department guidelines. Mr. Montgomery said they can move the wells 25' closer to the road to fix that problem. They spoke with Mr. von Staden from the Health Department. Mr. Montgomery stated that Mr. von Staden acknowledged that the applicant would fix the issue.

Mr. Wallace asked Mr. Montgomery to clarify which wells he was speaking of. Mr. Montgomery said it was the wells on 2C and 2D. Mr. Burcham said Lot 2B is satisfactory.

Mr. Doordan read the comments of the Health Department. See attached.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project was in compliance with §3.9.1 of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: Proposed Lots 2B, C & D would result from dividing Lot 2A, created along with Lot 5 of the H. Barry Montgomery Lots 2A & 5 major subdivision, which, in turn, were created by subdividing Lot 2 of Minor Subdivision # 3546.

The H. Barry Montgomery Lots 2A & 5 Preliminary-Final Plat was approved on 11/21/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to recordation;
- 4) The Landscape Agreement being executed prior to recordation; and
- 5) Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of any FRA being shown on the record plat.

The Lots 2B – 2D Concept Plat, proposing 3 lots on 16.93 acres, for a proposed density of 1/5.64,<sup>17</sup> was approved on 9/21/06, with no conditions.

The Preliminary Plat, also proposing 3 lots on 16.93 acres, was also approved on 9/21/06, conditioned on:

- 1) Health Department Requirements being met;
- 2) DPW requirements being met; and
- 3) A revised FCP and Landscape Plan being approved prior to recordation.

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<sup>17</sup> At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>18</sup>

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 and intermittent streams present. Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the forest retention area, a JD need not be done. The approved FCP for Minor Subdivision # 3546 shows the wetlands to be in the FRA.

No common open space is required. No landscaping of the development envelope is required in the NAR zone. No sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Principio Road.

The FSD was approved on 11/1/04.

An FCP for Lots 1-4 was approved on 1/13/05, in conjunction with Minor Subdivision 3546. A revised FCP/Landscape Plan was approved on 6/21/06. Because the proposed lots were not shown, a revised FCP and Landscape Plan must be submitted. Technically, they cannot be approved because they are inconsistent with a recorded plat. Therefore, although they ordinarily must be approved prior to the Planning Commission's review of the Final Plat, in this case, they must be approved prior to recordation.

Any 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The contiguous operating farm notice has been provided as Note # 12.

The plat has been sealed but not signed.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Vice Chair Bowlsbey asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo gave the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department Requirements being met;
- 2) DPW requirements being met;

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<sup>18</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

- 3) A revised FCP and Landscape Plan being approved prior to recordation; and
- 4) Any Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 6) The Record Plat's being signed and sealed.

A motion for approval with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**7. Louise, Lots 1-11 & 49, Dr. Jack Road, Final Plat, McCrone, Inc., Seventh Election District.**

WITHDRAWN

A motion to adjourn the January Planning Commission meeting was made by Mr. Edwards.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

The January Planning Commission meeting adjourned at 2:45 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

20 February 2008

**Present:** Bill Mortimer; Guy Edwards; B. Patrick Doordan; Joe Janusz; Wyatt Wallace; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Susan Kambouris, Court Reporter.

**Absent:** Joyce Bowsbey; H. Clay McDowell (alternate).

**Call to Order:** Chairman Mortimer called the meeting to order at 12:01 p.m.

Chairman Mortimer made an announcement regarding the recording device in the Elk Room. He reminded the Planning Commission members and the public to speak directly into the microphones provided. Also, any public comment needs to be made from the podium provided.

Chairman Mortimer announced that # 8, Orchard Hill was withdrawn.

**Approval of the Minutes:** Mr. Doordan made a motion for approval. The motion was seconded by Mr. Edwards. All approve. Motion carried.

Chairman Mortimer stated that a proposal was submitted by the Aston Development Group. Chairman Mortimer asked Mr. Di Giacomo if that item should be discussed during the General Discussion portion of the meeting. Mr. Di Giacomo said that would be fine; all he has is what was contained in the minutes from the last meeting.

### **1. Chesapeake Cove, Lots 2-11, Oldfield Point Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Third Election District.**

James Keefer, Morris & Ritchie Associates, appeared and presented an overview of the project. The Concept Plat was approved on September 17, 2007. Mr. Keefer discussed the conditions set forth on this project at that approval. In respect to the fourth condition of the Concept approval, Mr. Keefer was under the impression that the said condition had been resolved. Two site meetings have been conducted with the Chesapeake Bay Critical Area Commission, representatives from Geo Technology Associates, Department of Planning and Zoning and the last meeting included a representative from MDE. The purpose of the meeting was to identify intermittent streams and their limits and then to create a related Critical Area Buffer off of those. That meeting has been held, the CA buffer has been revised. That will be submitted to the CAC, Planning and Zoning and MDE. Mr. Keefer asked that with those issues still outstanding, he asked that they table the vote on this project. Mr. Keefer would appreciate any comments on this plat.

Mr. Doordan asked if the erodible soils and the expanded buffers shown on the plat for Lot 5 are no longer pertained. Mr. Keefer said it is being revised. Mr. Doordan asked if Mr. Keefer was requesting this plat be tabled. Mr. Keefer said yes.

Chairman Mortimer stated that there are many long driveways in the proposal. Mr. Di Giacomo said there is a road and driveways that are long which are coming off of the road.

Mr. Di Giacomo, P&Z, read the comments of the department: This proposal was found in compliance with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat, proposing 10 lots (2-11) on 99.96 acres<sup>1</sup>, for a proposed density of 1/9.99, was approved on 9/17/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Variance for the driveway on proposed Lot 5 being obtained prior to the Planning Commission's review of the Preliminary Plat; and
- 4) The wetlands/tributary stream issue being resolved prior to the TAC's review of the Preliminary Plat.

The boundary line survey has been completed.

Staff will recommend that this plat be considered to be tabled because 2 issues are unresolved:

- 1) Some areas depicted as wetlands, may actually be tributary intermittent streams – which would entail significantly increasing the buffers<sup>2</sup>. Consequently, a 2<sup>nd</sup> field visit was conducted on 2/8/08 with an expert from MDE, but his determination has not yet been received.
- 2) The CBCAC has issues with the FIDS survey, and their anticipated additional feedback has not yet been received.

The applicant appears to have acted reasonably in assuming that these issues would be resolved when they submitted their Preliminary Plats, and, as these issues are unresolved, neither a recommendation of approval nor disapproval would be appropriate.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The JD's being completed prior to Preliminary Plat review by the Planning Commission was a condition of Concept Plat approval. However, JD's now are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission.<sup>3</sup> If required, a JD is required to be completed prior to recordation.

The Concept Plat's depicted protective zones around 2 Bald Eagle's nests have been removed, but this Preliminary Plat is otherwise consistent with the approved Concept Plat.

In a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle's nest.<sup>4</sup>

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<sup>1</sup> The SR zone permits a density of 1 du/ 1 ac.

<sup>2</sup> 25' buffers are required for wetlands; 110' buffers are required for intermittent tributary streams in the Critical Area.

<sup>3</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

<sup>4</sup> That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

In a 10/1/07 letter, the Planning Director wrote that OPZ found<sup>5</sup> that “the plats ... must show the required protective zones,” and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles’ nests could be added to the plat in lieu of the zones’ depiction. A 10/19/07 letter from the applicant’s counsel proposed said language, which was found to be satisfactory, including that which is now found in Site Data Note # 25. However, the balance of the proposed language has not been included.

Either the satisfactory language or the depicted protective zones must be included on the Preliminary Plat submitted for review by the Planning Commission.

Should the major subdivision proposal receive Final Plat approval prior to the minor subdivision approval of proposed Lot 1, then proposed Lot 1 could be approved only through the major subdivision process.

5 lots<sup>6</sup> are proposed in the Critical Area RCA overlay zone, which has a permitted density of 1/20. Site Data Note # 5 tells us that there are 121.25 CA acres overall,<sup>7</sup> and 62.97 for lots 2-11. Site Data Note # 7 tells us that the overall proposed CA density is 1/20.2.

Field site meetings were conducted with CBCAC and MDE staff on 11/2/07 and 2/8/08 to iron out tributary stream issues cited in a 9/14/07 letter. In addition, yet unresolved CBCAC-Critical Area Program issues could affect this project. CBCAC written comments were previously received and a joint review of draft text took place on 11/15/08.

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.<sup>8</sup> Steep slopes have been shown.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A condition of Concept Plat approval was that the JD be done prior to Preliminary Plat review by the Planning Commission.<sup>9</sup>

Per the 9/14/07 CBCAC letter, if some of the wetlands are actually tributary streams, then 110’ buffers would be required. The habitats of rare, threatened, and endangered species must be avoided.

15% common open space is required; 24.13% is proposed.<sup>10</sup> Per §176.2.c & d, 15% of the required C.O.S. shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers,

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<sup>5</sup> As stated in the referenced letter, the finds was “based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program.”

<sup>6</sup> Including proposed Lot 5.

<sup>7</sup> Including proposed minor subdivision Lot 1.

<sup>8</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

<sup>9</sup> Per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>10</sup> That calculation includes proposed Lot 5’s 13.59 acres.

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 nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds have been included on the plat.

20% landscaping of the development envelope is required in the SR zone, but interior sidewalks were not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road, as shown.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides the proposed internal road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

No more than 15% of the surface area can be impervious in the RCA.<sup>11</sup> The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size.<sup>12</sup>

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35' in height.

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.<sup>13</sup>

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.

No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35' in height.

The FSD and Conceptual Environmental Assessment were approved on 7/19/07.

The PFCP/PEA was approved on 12/5/07.

The FCP, Landscape Plan and EA 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 street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The Chesapeake Cove Lane road name has been approved.<sup>14</sup>

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<sup>11</sup> This must be demonstrated on any Preliminary Plat.

<sup>12</sup> For any proposed lots **one acre or less** in size the impervious cover limitation is **25%** (§200.8.a).

<sup>13</sup> While proposed Lot 5's the dwelling location is outside the CA buffer, the proposed driveway would cross the wetlands/expanded CA buffer. A Variance would be required.

<sup>14</sup> Its location is consistent with §7.2.12.E.4.

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.

The GAP must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

<b>School information:</b>	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittal
2. All SWM conveyance easements and/or inspection & maintenance easements shown on this plat in accordance with Section 4.1.22.n of the Subdivision Regulations.
3. Road slopes must be identified on the preliminary plat per Section 4.1.22 (m) of the Subdivision Regulations. The internal street grade leaving Chesapeake Cove Lane may not exceed 5% within the limits of the intersection right-of-way.
4. Roadside drainage conveyance associated with open section road must be identified on the preliminary plat.
5. With Chesapeake Cove Lane proposed as a county minor road, all driveways accessing it must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
6. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Chesapeake Cove Lane. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
7. The plat indicates the required road widening for the minimum acceleration and deceleration lanes.
8. No Road Code Variances have been requested and the major road issues are resolved, to the Department's satisfaction. However, the 200 linear foot area of Oldfield Point Road improvements has not been shown on the preliminary plat as required. With no variances requested the applicant will be held to all Road Code requirements as dictated by the DPW.
9. Sight distance measurements (intersection & stopping) for the proposed access point on to Oldfield Point Road have been submitted and approved.
10. The sewage pressure lines for Lots 4 & 5 run under the cul-de-sac bulb of Chesapeake Cove Lane must be routed through an 8" ductile iron pipe (DIP) with removable water tight seals on both ends. The DIP pipe will be extended 2' outside of the County ROW. Concrete monuments will be provided at either end of the pipe and shall have a brass plate indicating the septic line. The minimum cover for the 8" DIP is 42". The Private utility easement(s) for these lines across

County ROW has not been fully indicated on the preliminary plat as required. It must also be shown on the final plat.

**11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:**

- 11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 11.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 11.3 Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.4 Requirements for Public Works Agreements.
- 11.5 Requirements for Utility relocations.

Notes and requirements identified for record:

The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.

Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

An Inspection & Maintenance Agreement is required for the private SWM facilities.

A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.

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

Mr. Doordan read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Janusz asked the applicant if they submitted this plat knowing the issues that are unresolved.

Mr. Keefer said as Mr. Di Giacomo had stated, he believed the said issues had been resolved. At the meeting on November 2, 2007 with the CAC, Mr. Keefer believed they had come to an agreement, unfortunately their letter to MRA was not in keeping with what they had discussed in the field.

Chairman Mortimer said the fact that this hadn't been resolved by the recent changes the Planning Commission had made to the Ordinances, this should have never have been heard. Mr. Di Giacomo said the recent changes that were made to the Subdivision Regulations really did not speak to this set of circumstances.

Mr. Wallace asked if this plat is tabled, would they have to follow the same guidelines of when the office of Planning and Zoning would receive MDE's approval or letter. Mr. Di Giacomo said the recommendation is going to be to TABLE, unless it is withdrawn or disapproved, pending Critical Area issues being resolved and the § 4.1.22(n) requirements being met to the satisfaction of DPW. Inasmuch as the March Planning Commission deadline being February 21, 2008, it would be impossible that it would be heard in March. We are likely looking at the April Planning Commission meeting. It should be tabled with the understanding that it may not come back before the commission all of the unresolved issues are resolved. Mr. Janusz stated that by tabling this plat, the applicant is being spared another filing fee. Mr. Di Giacomo said yes.

Mr. Di Giacomo read the recommendation of the staff:

TABLE, unless it is withdrawn or disapproved, pending Critical Area issues being resolved and the § 4.1.22(n) requirements being met to the satisfaction of DPW.

A motion to table this plat, as recommended, was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All Approve. Motion carried.

Chairman Mortimer announced that Mr. Pugh had requested the General Discussion of The Villages of Herron Lake be heard in conjunction with the #2 item on today's agenda, The Villages of Herron Lake. Mr. Janusz said he has no problem with it being heard after the # 2 agenda item. Mr. Mortimer asked if this should be moved to the end of the agenda. Mr. Janusz said he had no problem with it being heard after The Villages of North East.

## **2. The Villages at North East, Phases Four – Ten, Shady Beach Road, Preliminary Plat Extension, Taylor Wiseman & Taylor, Fifth Election District.**

David Meiskin, owner and Michael Pugh, Corridor Land Services appeared and presented an overview of the project. Section 1 of this project has previously received final approval. They are here seeking Preliminary Plat approval extension for the remainder of the project. This project is contingent on the De La Plaine Pump Station undergoing an upgrade in FY 09.

Chairman Mortimer asked if Phase 1 had started yet. Mr. Pugh said no.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR & NAR

Density: The original Concept Plat was approved at a density of 2/1 on 9/16/02, 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;
- 9) Shady Beach Road being designed and upgraded, by and at the cost of the developer, from their southern boundary to MD Rte. 272; and
- 10) A Traffic Impact Study being completed prior to Technical Advisory Committee review of the Preliminary Plat.

§4.0.9 of the Cecil County Subdivision Regulations then provided that Concept Plats shall be valid for two years from date of approval. The 9/16/02 Concept Plat approval expired on 9/16/04, but was re-approved on 4/17/06.

The Preliminary Plat, proposing 707 lots on 354.77 SR-zoned acres<sup>15</sup>, for a proposed density of 1.99/1<sup>16</sup> was approved on 1/22/04, conditioned on:

- 1) Heath Department requirements being met;
- 2) Department of Public works requirements being met;
- 3) The walking/bike path along Vermeer Boulevard being changed to the west (or left) side of the road because of the high number of right turns anticipated at the intersection with Dali Avenue;
- 4) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Final Plat review;
- 5) The Final Plat including the remaining details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 6) The developer, DPW, and SHA, prior to Final Plat review, determining 1) at what point of the build-out would traffic volumes trigger the unacceptable LOS (E or F), and 2) what specific improvements need to be implemented to bring the intersection to LOS D or higher (at full-build-out), as is consistent with the Comprehensive Plan;
- 7) The developer and DPW, prior to Final Plat review, determining and agreeing on 1) what specific Shady Beach Road improvements need to be implemented, and 2) when (in terms of the number of building permits) those improvements need to be implemented;
- 8) If the water source is the Town of North East, then verification of water allocation being received from the Town, and the water service area agreement between the County and the Town must be amended to include this parcel, prior to Final Plat review.
- 9) If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center being received from MDE and documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review;
- 10) If the water source is an on-site private system, then it's being reviewed by DPW and the Health Department prior to Final Plat review. The details of any on-site private water system must be shown on the Final Plat;
- 11) The required amendments to the Master Water and Sewer Plans being complete prior to Final Plat review;
- 12) Verification of sewer allocation being received from the Department of Public Works prior to Final Plat review;
- 13) S. Monet Avenue being of sufficient width to accommodate whatever traffic volumes are generated by the future development on the NAR-zoned portion of the property;
- 14) The Elk Neck Trail greenway connecting with the adjacent, proposed Rhodes Mountain Estates;
- 15) The name will hence forward be the Villages at North East; and
- 16) All issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to Final Plat review.

The Preliminary Plat approved on 1/22/04 expired on 1/22/06<sup>17</sup>, but was also re-approved on 4/17/06, conditioned on:

- 1) All previous conditions of the 1/22/04 Preliminary Plat approval remaining in effect, as appropriate; and
- 2) All previous agreements among the developer, SHA and the County regarding road improvements and their phased implementation continuing to be binding.

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<sup>15</sup> The completed **boundary line survey** resulted in a reduction of acreage (396 to 354 **SR** acres, and 33 to 35.6 **NAR** acres), a concomitant reduction in the number of lots (792 to 709), and the discovery that a portion of the property was located on the west side of Shady Beach Road.

<sup>16</sup> The **SR** zone permits a maximum base density of **1 du/ 1 acre**. With community facilities, a density of **2/1** is permitted.

<sup>17</sup> Per §4.1.17.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 4/17/06 Preliminary re-approval will expire on 4/17/08 unless a Final Plat is approved and recorded or the requested extension is granted in the interim. If granted, this extension will expire on 2/20/09.

§4.1.18 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

There were no such relevant changes.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to extending the preliminary plat. All outstanding comments made at the April 17, 2006 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at is time.

1. Sanitary Sewer allocation was previously granted conditioned on several factors (i.e. size of the Recreation Sewer Facility, the ability of the developer to convey sewage to Mauldin Avenue sewer line...etc.). The allocation expired w/ the expiration of the concept plat and must be renewed.
2. Applicant may update their request for public sanitary sewer allocation upon Preliminary Plat approval by the Planning Commission.
3. This property is subject to the Mauldin Avenue Sewer Benefit Assessment of \$1,275.00/ELU in addition to connection fees.
4. 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 submittal; a street and storm drain submittal; a water system submittal, a water distribution submittal, and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. Stub connection points for water line must be at both entrances. The engineer must demonstrate that adequate fire flow and pressure is available throughout the system.
5. DPW requires hydrants at each intersection (including entrances at Shady Beach Road) and along the internal streets at separation distances of no more than 600 feet
6. The SWM ponds proximity to recreation areas may need to be fenced depending on the slopes designed for the ponds.
7. If any of the existing ponds are intended to be used for SWM control they must be surveyed and their hazard classification must be established.  
~~The Dela Plaine Pump Station does not have excess capacity and will require upgrade or replacement at the Developers expense in total or in combination with other users.~~
8. ~~Set the manhole located on South Monet Avenue at the turnaround and provide a capped stub for service to the future development in the NAR Zone.~~
9. A timeline and schedule for the required offsite road improvements to Shady Beach Road and the MD Rte 272/Shady Beach Road/Hance Point Road intersection was established by the Department of Public Works on August 25, 2005.
10. Note 10 says private water supply, but the plan is for the county to accept the system; why hasn't the note been updated? What is the plan? If the water system is to be a privately maintained water system, the design of the same must be submitted to the Department of Public Works and

must be approvable to the Department of Public Works in accordance with the Cecil County Standard Specifications and Details for Water Mains and Sewer Mains. Additionally, departmental approval of the private water system design must be indicated by the owner by note on the final plat submitted for approval in accordance with Section 4.2.13(U) of the Cecil County Subdivision Regulations.

**11.** The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 11.1 *The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.*
- 11.2 *Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*
- 11.3 *Compliance with Section 3.07.15 of the Cecil County Road Code.*
- 11.4 *Requirements for Utility relocations.*
- 11.5 *Requirements for Public Works Agreements.*
- 11.6 *Requirements for Stormwater Inspection and Maintenance Agreements.*
- 11.7 *Requirements for County Roads .*
- 11.8 *Requirements for Driveways.*
- 11.9 *Requirements for Final Plat - Public Water and Sewer Allocation.*
- 11.10 *Requirements for Sewer Service Cleanouts – Location.*

**Notes and requirements identified for record:**

*The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.*

*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

*Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*

*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

*The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.*

*Section 3.07.15 of the Road Code requires that Shady Beach Road be upgraded to a Collector Road, Cecil County Road Code Standard R-7 for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.*

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

*A Public Works Agreement is required for the streets & storm drainage, private water and public sewer system constructions.*

*An Inspection & Maintenance Agreement is required for the private SWM facilities.*

*The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Shady Beach Road may not exceed 5% within the limits of the intersection right-of-way.*

*All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.*

*Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.*

*All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.*

Mr. Doordan read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor of this project. No one spoke.

Chairman Mortimer asked if anyone would like to speak in opposition of this project. The following citizens spoke in opposition of this project.

John Bolinski, 986 Irishtown Road, North East, MD 21901, representing both his wife, Martha and John and Mary Chadle, 720 Irishtown Road, North East, MD 21901. Mr. Bolinski stated that he has five (5) issues that he would like to discuss, the first being the zoning of the property. Mr. Bolinski feels that the zoning is inappropriate on this property. While looking at the Comprehensive Plan, it is built on the principle that it starts with a low density and works its way up. If you look at this property, the Chadle's are NAR, the Bolinski's are NAR, the Spence Farm is NAR and the back part of the said property is NAR but this part of the property is SR. On top of the SR zoning, bonus density has been granted. To Mr. Bolinski's understanding, this project will be less than 100 ft. from his farm operation. Mr. Chadle has been forced to do heavier farming and has had to bring someone else to farm it for him because of the tax people coming after him. Mr. Bolinski would like this

dropped back to where he believes it should be, the next level up with 2 houses per acre close to two farming operations. The next issue he spoke about is water. Mr. Bolinski would like to hear the Health Representative say that if the surrounding properties wells go dry, in excess of 500,000 gpd, and even though MDE said that the closest well only goes down 11 ½ feet, they still perceive there is going to be a problem. If there is going to be a problem, the neighbors want to know that they have some recourse rather than have to pay out of their own pocket to re-drill new wells. Mr. Bolinski has already had to re- drill a new well due to the contamination from other building. The third issue is run-off from this project. There is a stream at the back part of Mr. Chadle's property. They see a lot of run-off coming off of the property. They would like to know what happens if the collection pond that is in the corner of the property overflows, if it will overflow into Mr. Chadle's and Mr. Bolinski's property, what there recourse would be for the extra flow coming from this community. The fourth issue is the NAR on the back part of this property. Mr. Bolinski would like to know if that is defined as NAR by the old NAR density or are they being locked in so they can build more houses. The final issue is a question regarding the drums that were once located on the property. Mr. Bolinski would like the applicant to provide the Planning Commission with documentation that the drums were properly removed and disposed of.

Clara Campbell arrived at the meeting at this time.

Chairman Mortimer stated the NAR density for this project is under the rules when the Concept Plat was first approved. Mr. Di Giacomo stated there was no proposal for the NAR portion. The Concept Plat that was approved did not cover the NAR portion of this property. There was no development there, it was to be future development. That portion, the NAR, currently has a density of 1 unit to 10 acres. As far as the disposition of the drums, Mr. Pugh said to his understanding, there has been an NFA (No further action) letter from the state that suggests that there is a paper trail. The applicants will provide the Commission with the documentation (the documentation has been received by the Office of Planning and Zoning on 2/26/08). Regarding the issue of the run-off, Chairman Mortimer asked the applicants if there is overflow, where will it go. Mr. Whittie said the SWM has been design to hand the run-off. The flow would go into a defined channel. They have been designed to meet the 1 and 10 year storm and safely convey the 100 year storm. It has been designed and then approved by MDE. All of this information is a matter of public record. Mr. Woodhull said the plans for the phase that would affect Mr. Bolinski's property have not yet been submitted but any plans submitted must meet the state and county requirements for quantity and quality control. As far as the zoning question, the density is 2/1. Chairman Mortimer stated that it is not 4 homes per acre, it is 2 homes per acre. In regards to the wells, Chairman Mortimer asked what would happen if the surrounding wells went dry as a result of this project. Mr. Pugh said they have a permit from DPW which outlines if that does occur, it is the applicant's responsibility. That information is part of the public record.

Mr. Di Giacomo read the recommendation of the staff:  
The GRANTING of a 1-year extension, to expire on 2/20/09.

A motion for the granting of the 1-year extension was made by Mr. Janusz.  
The motion was seconded by Mr. Doordan.

All approve. Motion carried.

General Discussion: The Villages of Herron Lake

Mr. Pugh said there were two items that he would like to discuss. The first item of interest is dealing with the development design. Mr. Pugh gave an overview of the project for the newer members of the Planning Commission. The plan has received Concept and Preliminary approval for the plan presented today. In the interim, it has become apparent that some changes needed to be made. The applicant will not be requesting any increase in the overall number of units from what was originally approved. They would like to rearrange a portion of the layout. They would like to switch the location of the townhouses with the apartments and vice versa. They will also be filing a rezoning request to remove the commercial zoning from the property. Mr. Meiskin presented a proposed plat to show the suggested changes to the plat. They would like to move the commercial site to an area they have at the corner of MD Rte. 279 and Blue Ball Road. This site is between ¼ to ½ a mile away from the housing site.

Chairman Mortimer stated that some of the charm of this plan was that the commercial site was in walking distance for the property owners at this site. Mr. Meiskin said when looking at the market demand, the concern was the commercial survival.

Chairman Mortimer believes this is a pretty significant change.

Discussion ensued regarding moving the commercial property.

Mr. Pugh stated they have already filed for a rezoning of the commercial property. They wanted the Planning Commission members to understand the nature of the request. The second part of their presentation today is there is another component of this development which is the environmental cleanup. This site was part of the ammunitions disposal area during World War II. Discussion ensued regarding the clean up of this site.

Chairman Mortimer asked Mr. Di Giacomo if the applicants would have to receive a new Concept approval if the changes are made. Mr. Di Giacomo said no due to the layout and density not changing. Mr. Pugh said they would amend the Preliminary Plat.

Commissioner Demmler asked about the zoning of the location of the townhouses. Discussion ensued.

Chairman Mortimer asked if anyone in the public would like to speak in regards to this discussion. No one spoke.

### **3. Bay View Woods, Section 2, Lots 3 – 20, Old Bayview Road, Final Plat, American Engineering and Surveying, Inc., Fifth Election District.**

Stan Granger, American Engineering and Dan Banks, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal was found to be in compliance with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: DR

Density: The Concept Plat<sup>18</sup>, proposing 36 lots on 12.27 acres was approved on 7/19/04, conditioned on:

- 1) A boundary line survey being done in conjunction with the preparation of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) The details of the PFCP and the Preliminary Plat matching up; and
- 4) Adequate consideration being given to the inclusion of TOT lots and/or active recreational amenities as part of the common open space.

The Preliminary Plat, also proposing 36 lots 12.27 acres, for a proposed density of 2.934/1, was approved on 12/20/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The common open space sensitive areas thresholds being calculated and included on the plat;
- 4) Written verification of water allocation being received from the Town of North East;
- 5) Written verification of sewer capacity being received from CCDPW;
- 6) The correct zip code for Childs, MD (21916) being listed in the owner information block;
- 7) General Note # 6 being replaced by a statement, to be signed by the owner on the Record Plat, to the effect that the community water supply and community sewerage system will be made available to all lots offered for sale.
- 8) General Notes #7 being replaced by a statement, to be signed by the Health Department, approving authority, on the Record Plat, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.
- 9) The North east Volunteer Fire Co. having had a chance to review and comment on the number and locations of fire hydrants;
- 10) The Forest Conservation Plan has been approved;
- 11) The Landscape Plan has been approved;
- 12) All typos having been corrected; and
- 13) The creation of a tot lot fund to be administered by the HOA.

The Lots 1 & 2 Final Plat was approved on 11/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All lot acreages being expressed in square feet and all lots being shown to meet the 6500 ft<sup>2</sup> minimum size requirement on the Record Plat and on all subsequent Final Plats;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 5) A Landscape Agreement being executive prior to recordation;
- 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) This section's Record Plat's clearly delineating the 2 lots approved today; and
- 8) A stream crossing permit being required prior to the recordation of the section that includes Bay View Woods Loop.

This Section 2 (Lots 3-20) Final Plat is generally consistent with the approved Concept, Preliminary, and Final Plats. Bay View Woods Lane is shown to connect to Montgomery Oaks Section 2.

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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<sup>18</sup> The DR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 is permitted.

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

15% is common open space required; 22.01% is proposed.

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

Sidewalks are recommended on both sides of all internal roads.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal streets. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

An FSD for this site was approved on 10/11/02 and the PFCP was approved on 10/27/04.

The FCP and Landscape Plan were approved on 11/2/06.

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 Town of North East has confirmed water allocation for all 34 remaining lots.

The proposed road names have been approved.

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

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Doordan read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;

- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 4) A Landscape Agreement being executive prior to recordation;
- 5) The owners of these proposed lots becoming members of the Homeowners' Association that was established for the maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation; and
- 6) A stream crossing permit being required prior to the recordation of the section that includes Bay View Woods Loop.

A motion for approval with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. Doordan.

All approve. Motion carried.

#### **4. The Estates at Woodcrest Shores, Lots 1-3, Oldfield Point Road, Preliminary-Final Plat, American Engineering and Surveying, Inc., Fifth Election District.**

Stan Granger, American Engineering and Surveying, Inc. and Jeff Tyrie, owner appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal was found to comply with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR & LDA

Density: The SR zone permits a density of 1/1. The Concept Plat, proposing 3 lots on 3.794 acres, for a proposed density of 1/1.265, was approved on 3/20/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) The Natural the Heritage letter's being received prior to PFCP approval;
- 4) The plat's noting that the Critical Area portion of the project is exempt under §3.2.B; and
- 5) The Critical Area density's being included on the Preliminary Plat prior to TAC review.

Two of the proposed lots are in the Critical Area. The LDA overlay zone permits a density of up to 3.99/1 or the underlying density, whichever is the more restrictive. The Critical Area density has been shown.

As noted (#16), the Critical Area portion of the project is exempt under §3.2.B.

The boundary line survey has been completed.

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'.

If no permits are required, and if project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental

Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.

No common open space is required for 3 proposed lots.

Bufferyard Standard C is required, outside the right-of-way, along the Oldfield Point Road frontages.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads.

The impervious cover calculation has been included and indicates that the impervious cover will amount to 5.88%.<sup>19</sup> The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size.<sup>20</sup>

The proposed CA clearing acreage amounts to 17.76%.<sup>21</sup> When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35' in height.

The FSD, FCP and Environmental Assessment have been approved.<sup>22</sup>

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed mini-road name Woodcrest Way has been approved.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	417	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Doordan read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

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<sup>19</sup> No more than 15% of the surface area can be impervious in the LDA.

<sup>20</sup> For any proposed lots one acre or less in size the impervious cover limitation is 25% (§200.8.a).

<sup>21</sup> No more than 20% of the forest or developed woodland may be removed.

<sup>22</sup> No rare, threatened, or endangered species occur on the project site, which also does not contain FIDS habitat.

Mr. Wallace asked Mr. Di Giacomo, referring to the December 2007 TAC meeting minutes, as to whether the OPZ received a letter regarding whether the amount of clearing in the Critical Area had exceeded the limit. Mr. Di Giacomo said that issue has been resolved.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the mini-road becoming members;
- 4) The Landscape Agreement's being executed prior to recordation; and
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

A motion for approval with conditions was made by Mr. Doordan.

The motion for approval was seconded by Mr. Wallace.

All approve. Motion carried.

**5. Stoney Acres, Lot 2, Joseph Biggs Memorial Hwy., Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., appeared and presented an overview of the project. Mr. Sutton stated the current approval is set to expire on March 20, 2008. They are currently finishing the state highway entrance/ improvements plan for approval with State Highway and working on finishing the Forest Conservation Final plans. They anticipate bring the Final Plat for approval in April.

Chairman Mortimer asked what the nature of the delays have been. Mr. Sutton said it has been the combination of the State Highway entrance and also the SWM review and redesign.

Mr. Wallace asked about the wells location. Discussion ensued.

Mr. Di Giacomo, P&Z, read the comments of the department:

Upon inspection, this project was found to be in compliance with §3.9.1 of the Subdivision Regulations, regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RR

The Concept Plat, proposing 6 lots, a private mini road, and common open space on 7.09 acres, for a proposed density of 1/1.18, was approved on 6/20/05, conditioned on:

- 1) The boundary line survey being completed prior to TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The Natural Heritage letter's being received, and any issues raised by the letter being addressed, prior to PFCP approval.

A Preliminary Plat,<sup>23</sup> proposing 5 lots, an area (Lot 2) reserved for future development, a private mini road, and common open space on 7.09 acres, was reviewed by the Planning Commission on 10/17/05, and approved, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) North arrows being corrected to point north;
- 4) The adjacent property information being corrected; and
- 5) The misspelling of Kirks Mill Lane being corrected in the vicinity map.

A Lot 2 Preliminary Plat was approved on 3/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FRA boundaries on the FCP and the Final plat matching up; and
- 4) All north arrows consistently pointing north on the Final and record Plats.

The area shown as reserved for future development in the Preliminary Plat approved on 10/17/05 corresponds to the proposed Lot 2 in the Concept Plat and the Preliminary Plat approved on 3/20/06.

A 1-year extension of the 10/17/05 Preliminary Plat approval was granted on 9/17/07.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 3/20/06 Lot 2 Preliminary Plat approval is set to expire on 3/20/08, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat’s validity is extended in the interim. If granted, this extension would expire on 2/20/09.

§4.1.18 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

There have been no relevant changes.

‘05 School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	490	851	1151
Capacity	556	721	1104
% Utilization	88%	118%	104%

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

<sup>23</sup> A Preliminary Plat, also proposing 6 lots, a private mini road, and common open space on 7.09 acres, was reviewed by the TAC on 8/3/05. A Preliminary Plat was submitted for Planning Commission review on 9/19/05, but withdrawn.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to extending the preliminary plat. All outstanding comments made at the September 17, 2007 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at is time.

1. A SWM plan, Street & Storm Drain plan, and a Mass & Final Grading plan are required and must be approved by the CCDPW prior to Final Plat Approval. The internal Street grade leaving Maryland Route 274 may not exceed 5% within the limits of the intersection right-of-way. A SHA access permit is required for the MD Rte. 274 entrance location shown. If the mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.
2. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
3. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. Driveways must be installed to the right-of-way by the developer at the time of final mini-road construction, per the approved street design and lot grading plans.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

*The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note  
Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.  
Requirements for Utility relocations  
Requirements for Public Works Agreements  
Requirements for Stormwater Inspection and Maintenance Agreements  
Requirements for Private Mini Roads.*

*Notes and requirements identified for record:*

*The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.  
Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."  
Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."  
The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.  
Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.  
A Public Works Agreement is required for the private mini road & storm drainage construction.  
An Inspection & Maintenance Agreement is required for the private SWM facilities.  
The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 274 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.*

Mr. Doordan read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING a one year extension of Preliminary Plat approval, to expire on 2/20/09.

A motion for the granting of a 1-year extension was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**6. Stonebridge, Lots 1-33, Bethel Church Road, Final Plat, Northern Bay Engineering, Fifth Election District.**

Faron Pyles, Northern Bay, appeared and presented an overview of the project. Mr. Pyles stated that this is a Final Plat. He was not aware that the plat had to be signed and sealed. The plats he submitted were not signed and sealed. Mr. Pyles offered the members of the Planning Commission with plats that are signed and sealed.

Chairman Mortimer asked the applicant if he had fulfilled all of the eleven (11) conditions set forth at the Preliminary Plat approval. Mr. Pyles said yes.

Mr. Di Giacomo apologized to the commission members that the absent signature and seal was not picked up.

Mr. Di Giacomo, P&Z, read the comments of the department:

Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given that the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: DR

Density: The Concept Plat, proposing 33 lots and 14.16 acres of common open space on 33.23 acres, for a proposed density of 1/.993, was approved on 3/15/04, but its validity expired on 3/15/06.<sup>24</sup> As an extension was not an option, the same Concept Plat was again approved on 4/17/06, conditioned on:

- 1) The sensitive areas threshold figures being calculated and shown on the Preliminary Plat submitted for TAC review;
- 2) A boundary line survey being completed;
- 3) A JD being complete prior to Preliminary Plat approval; and
- 4) The PFCP being approved prior to Preliminary Plat approval.

This Preliminary Plat was approved on 7/19/06, 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 details of the Final Plat and the FCP matching up;
- 5) The adjacent agricultural operation notice appearing on the Final and Record Plats;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 7) Sidewalks or the 5' striped pedestrian walkway being required on all internal roads;

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<sup>24</sup> The DR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 permitted.

- 8) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan;
- 9) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 10) The Cecil County DPW verifying sewer capacity prior to the review of the Final Plat by the Planning Commission; and
- 11) A Bufferyard Standard A being placed on the common open space access panhandle on the near-side to the rear lot lines of proposed Lots 4-12, with a waiver of the 100' setback requirement.

This Final Plat is consistent with the approved Concept and Preliminary Plats, but, as originally submitted, it was not signed and sealed.

Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

The 11/15/03 sensitive species survey revealed no sensitive species habitats on the site.

15% common open space is required; 34.22% (was 43 %) is proposed. The C.O.S. sensitive areas thresholds were calculated and included on the Preliminary Plat.

It was previously explained that the purpose of the 100' wide right-of-way through proposed Lot 14 was for cattle access to the stream. Proposed Lot 14 has also been reconfigured not include the access for Schultz to Baron Road. Rather, that access is now in proposed common open space.

Although §176.2 prohibits roadways and parking from common open space, the Planning Commission had within its power to grant a modification so long as the common open space on which the roadway or parking is proposed is in excess of the minimum required. In this case, the common open space proposed for the Shultz access, deducted from the total proposed, yields approximately 31.36% -- in excess of the 15% minimum required.

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

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

Sidewalks are recommended on both sides of all internal roads in the DR zone. Because of the open section roadway, a 5' striped pedestrian walkway is proposed.

The proposed road names, Falling Water Drive and Cascade Court, have been approved.

A Bufferyard Standard A is required along a portion of the side lot line of proposed Lot 14 to buffer adjacent agricultural uses. If this design is approved, then staff will recommend that the Bufferyard Standard A be placed on the common open space access panhandle on the near-side to the rear lot lines of proposed Lots 4-12, with a waiver of the 100' setback requirement – which is moot because of the proposed lot configuration.

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.

The 10' street planting easements are depicted. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD, PFCP, FCP and Landscape Plan have all 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 Final and Record Plats.

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 Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan.

The Master Water and Sewer Plan classifies this site as S1.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

The adjacent agricultural operation notice is contained in Note #14.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Doordan read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Record Plat's being signed and sealed;
- 4) The adjacent agricultural operation notice appearing on the Record Plat;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) Sidewalks or the 5' striped pedestrian walkway being required on all internal roads;

- 7) The Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan;
- 8) The Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be made available to all lots/homes offered for sale;
- 9) The Landscape Agreement's being executed prior to recordation; and
- 10) The Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Chairman Mortimer asked Mr. Di Giacomo if the 5' walkways will change the lot sizes. Mr. Di Giacomo said it will not if they are located in the right of way.

Mr. Edwards asked why the wells are being drilled before they can start construction. Mr. Pyle said that is a requirement of the Health Department.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Edwards.

All approved. Motion carried.

**7. Glennas Heights, Lots 1-25, Johnson Road, Preliminary Plat Extension, Stantec Consulting Services, Inc., (Preliminary Plat originally submitted by CNA), Eighth Election District.**

John Grant, Stantec appeared and presented an overview of the project.

Chairman Mortimer asked what was delaying the project. Mr. Grant said that his office had started working on this project about 12 months ago. Since then, they have been working with CCSCS, DPW, MDE and CoE. They have addressed all but some minor comments. The major delay has been the coordination with the Army Corp of Engineers and MDE. A site meeting was conducted with the said agency. Mr. Grant feels they are moving forward with resolving their comments.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat,<sup>25</sup> proposing 25 lots on 70.26 acres, was approved on 6/21/04, conditioned on:

- 1) The JD being completed prior to Preliminary Plat review by the Planning Commission;

<sup>25</sup> It invoked the minor subdivision potential of 1 of the deed parcels. Therefore, 4 of the proposed lots could be minor subdivision lots, and the density was calculated as follows:

Total site area is	70.26 ac.
4 potential minor sub lots	<u>-4.00</u> ac.
Remaining site area	66.26 ac.

<b>1 unit/3 acres:</b> 66.26 /3	= 22 lots (density of 1/3.113, <u>1/3.155</u> for 21 lots )
Add minor subs	= 4 lots
<b>TOTAL ALLOWED LOTS</b>	<b>= 26</b>
<b>TOTAL PROPOSED LOTS</b>	<b>= 25</b>

- 2) The mini road name being approved prior to Preliminary Plat review by the Planning Commission;
- 3) A sensitive species survey being completed prior to Preliminary Plat review by the TAC;
- 4) The acreages of all parcels and deed parcels being included on the plat prior to Preliminary Plat review by the TAC;
- 5) All streams and buffers being clearly delineated on the Preliminary Plat; and
- 6) The Final Plat reflecting that this project is in Cecil County.

The Preliminary Plat was approved on 10/18/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All sensitive species protective buffers being shown on the Final Plat;
- 4) The FCP and Landscape Plan being approved prior to Final plat review;
- 5) The Details on the Final Plat and the FCP and Landscape Plan matching up; and
- 6) Per §174.1(a), no SWM facility outfall areas being located in any stream buffers.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, 1-year extensions of the 10/18/04 Preliminary Plat approval were granted on 5/16/06 and 2/20/07, the latter of which will expire today unless the requested extension is granted. If granted, this extension will expire on 2/20/09.

§4.1.18 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

There were no such relevant changes.

'05 School information:	Elementary Conowingo	Middle Rising Sun	High School Rising Sun
FTE	483	702	1153
Capacity	475	785	1081
% Utilization	102%	89%	107%
School information:	Elementary Conowingo	Middle Rising Sun	High School Rising Sun
FTE	524	712	1129
Capacity	458	775	903
% Utilization	114%	92%	125%

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to extending the preliminary plat. How far along are you on obtaining the appropriate permitting for the wetlands/stream crossing required for the entrance proposed? All outstanding comments made at the July 16, 2007 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at is time.

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, which will appear in the minutes but will not be read at this time. (“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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW.”)
2. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. (“No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”)
3. ~~The stream you propose to discharge the pond to be a tributary of the Octoraro Creek, which has a Stream Segment Use Designation of IV P (Recreational Trout Waters). The Engineer is cautioned that Chapter 3, Section 3.1.1 of the 2000 Maryland Stormwater Design Manual, Volume I states “The use of stormwater ponds on coldwater streams capable of supporting trout (Use III and IV) may be prohibited. Stormwater ponds located in Use III and IV watersheds should be designed to significantly reduce and/or eliminate thermal impacts. Refer to Chapter 4, Section 4.1 of the 2000 Maryland Stormwater Design Manual, Volume I.”~~
4. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.
5. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.
6. ~~Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code.~~
7. Sight distance measurements for the proposed entrance have been submitted and are acceptable.
8. Section 3.07.4 of the Cecil County Road Code requires that Cobble Drive intersect Johnson Road at 90°. An intersecting angle between 70° and 90° can be accepted if adequately justified by the designer. This justification has not yet been made, to our knowledge. Perhaps the designer can address that at this time?
9. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
10. Section 3.07.15 of the Road Code nominally directs that Johnson Road be upgraded to a Minor Collector Standard for a distance of 100’ either side of the point of intersection between Johnson Road and Cobble Drive.
11. However, the Department anticipates that the addition of some 230 trips per day will require substantial off-site roadwork beyond the limits set by Section 3.07. 15. ~~Existing wetlands may complicate this off site work.~~
12. The Developer must address improvements to Johnson Road extending 900’ west and 1,300’ east of the proposed entrance. The improvements will require repair of areas of failed sub-grade identified by the Department, installation and or replacement of cross culverts, re-establishment of adequate roadside drainage, and overlay of Johnson Road at a minimum 1<sup>1</sup>/<sub>2</sub>” at the edges effecting a 3% cross slope for the entire 2,200’.
13. The Department will require substantial Geo-tech investigation of the suitability of the sub-grade, along the proposed roadway, to support a County road. The area of this investigation runs from the area of the proposed SWM facility to the intersection with Johnson Road.

14. ~~Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.~~
15. ~~The island within the Cobble Drive cul-de-sac bulb must be outside of the County ROW and so indicated as is done with the intermediate turnaround.~~
16. The requirements of Section 4.1.22 m & n must be addressed on the preliminary plat.
17. The private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (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.).
18. ~~The Private Mini-Road must be terminated in a cul-de-sac in accordance with Road Code Standard R-15.~~
19. The Developer must provide evidence of BG&E's approval of the mini-road design and crossing prior to Final Plat approval.
20. ~~The BGE gas line must be identified on the plat.~~
21. ~~The cul-de-sac does not meet the radius requirements of Road Code Standard (R-14). The radius of the ROW line must be 75' verses the 65' graphically shown.~~
22. ~~The length of Cobble Drive requires that an intermediate turnaround be provided. Is the island median section of road adjacent to Lot 23 proposed to meet this requirement? Road Code Standard R-16 details the approved geometry for this. However the Department is open to possible alternatives if substantiated by a Road Code Variance request.~~
23. ~~Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.~~
24. All driveways as well as the mini-road connection to the cul-de-sac must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
25. ~~It appears that the property line bisects two existing structures on Lot 24. What is proposed for these structures?~~
26. ~~The 2003 aerial photo of this site indicates that there are existing drives interconnecting Lot 24 with the Lands of Halsey. Please clarify what is proposed for these.~~
27. An Inspection and Maintenance Agreement will be required for the SWM facilities.
28. A PWA will be required for internal streets and storm drains.

Mr. Doordan read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one year extension of Preliminary Plat approval, to expire on 2/20/09.

A motion for the granting of a 1-year extension was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**8. Orchard Hill, Lots 1-7, Russell Road, Preliminary Plat, P.E.L.S.A Company, Inc., Fourth Election District.**

**WITHDRAWN**

**9. Montgomery Oaks, Section 1, Phase II, Lots 47 (A & B), Pine Cone Drive, Final Plat, McCrone, Inc., Fifth Election District.**

Barry Montgomery, owner and Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal was found to be in compliance with §3.9.1 re: public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: DR

Density: The original Concept Plat was approved 9/21/92. The Preliminary Plat was approved 10/19/92. Since Preliminary Plat approval in 1992, a new Zoning Ordinance was adopted. This property,<sup>26</sup> was zoned R2 in 1992, which permitted a density of 1 du/ 1 ac., or 4/1 in locations with community facilities, which is consistent the current DR zoning.

The Final Plat approval for Lots 1-9, 31-44, and 55-61 was approved on 9/20/93. Those 30 lots were recorded in November 1994.

The Final Plat for Lot 30 was approved 6/17/96. Lot 30 was recorded in August 1996. Lot 30 was double the typical size, so a Lot 29 was never recorded.

Each time a Final Plat is recorded off an approved Preliminary Plat, it extends the Preliminary Plat approval for 2 years from the date of recordation (§4.1.17). On 7/20/98, the Planning Commission extended for one year the Preliminary Plat that was set to expire in August 1998.

The Planning Commission again extended approval of the Preliminary Plat for 1 year on 6/21/99 (set to expire July 1999), conditioned on:

- 1) Health Department requirements being met, and
- 2) Department of Public Works requirements being met. Specifically, "as built" drawings of existing conditions relative to stormwater management being submitted to the Department of Public Works, and the Department of Public Works approving those "as built" drawings and the necessary site improvements being accomplished prior to any further extensions of Preliminary Plat approval being granted or any Final Plat being approved.

Subsequent recordations extended Preliminary Plat validity until 7/29/06.<sup>27</sup>

Starting as a resubdivision proposal and reviewed by the TAC as a Preliminary-Final Plat, the Preliminary Plat<sup>28</sup> was approved on 1/17/06, conditioned on:

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<sup>26</sup> Formerly known as Piney Ridge Estates

<sup>27</sup> Lot 54 was approved on 15/15/00. It was signed on 10/4/00. That kept the Preliminary Plat valid until 10/4/02. The Record Plat for Lots 23-28, 49-50, and 51-53 were signed on 3/21/02, thus keeping the 6/21/99 Preliminary Plat extension valid until 3/21/04. The Lot 45 Record Plat was signed 3/19/04, extending Preliminary Plat validity until 3/19/06. The Record Plat for Lots 10-22 and 46-48 was signed on 7/29/04, thus extending Preliminary Plat validity until 7/29/06.

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Town of North East verifying Water Allocation before Final Plat review; and
- 4) The Department of Public Works verifying the Sewer Allocation before Final Plat review.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per the provisions of §4.1.18, the Planning Commission granted a 1-year extension of Preliminary Plat approval on 12/17/07.

These lots are part of the approved Preliminary Plat that provides for 43% open space.

The FSD, FCP, and Landscape Plan were previously approved. Neither the FCP nor the Landscape Plan show lots 47A or 47B. Consequently, a revised FCP and Landscape Plan must be approved prior to recordation.

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

The Landscape Agreement for street trees was previously executed.

Sidewalks are required.

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 owner(s) of these lots must become members of the Homeowners' Association which was established for maintenance of common open space, with \$50 for this lot placed in escrow prior to recordation, for improvements. The HOA document may need revision to accommodate lots 47A and 47B.

The Town of North East has verified the Water Allocation.

The Department of Public Works has verified the Sewer Allocation.

School information:	Elementary Bay View	Middle North East	High School North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Doordan read the comments of the Health Department. See attached.

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<sup>28</sup> It amended the Record Plat for Lots 10-22 and 46-48 by creating two lots from Lot 47: 47A and 47B. Essentially, proposed Lot 47B was equated to the missing Lot 29 that was never recorded. It was otherwise consistent with the approved Concept and Preliminary Plats for Montgomery Oaks, Section 1, Lots 1-61, and the Final Plat for Lots 10-22 and 46-48.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 4) A revised FCP and Landscape Plan being approved prior to recordation; and
- 5) The owner(s) of these lots becoming members of the Homeowners' Association which was established for maintenance of common open space, with \$50 for this lot placed in escrow prior to recordation, for improvements, and, if necessary, the HOA document's being revised to accommodate lots 47A and 47B.

A motion for approval was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

General Discussion:

Aston Development Group, relative to the decision at the January Planning Commission meeting to table the project. Chairman Mortimer stated that due to this project not being on the agenda for this meeting, no decisions will be made. Ms. Campbell stated that it is her understanding the Mr. Stritzinger had filed with the Office of Planning and Zoning, a letter alleging that the OPZ had to either approve or deny his application at the January 2008 meeting. Ms. Campbell's comments towards that are as follows; this matter is not on the agenda for today therefore there has not been sufficient notice for the public as far as the board making a decision on this matter. In regards to the Aston Pointe submittal for the January 2008 meeting, the board's decision was to table that matter specifically requesting three very detailed items of information be given to the Planning Commission by the March 2008 hearing. Clearly, that matter is scheduled to be heard in March. The Cecil County Zoning Ordinance, Article 16, Section 295.4 states that the meetings of the Planning Commission shall be conducted in accordance with Roberts Rules of Order allowing the board to table a matter. The Final Plat was not tabled indefinitely, it was tabled for the board to be informed as to the three issues stated. The board took the opinion that they did not have sufficient information at that time to approve or disapprove the application at the January 2008 hearing. Presumably, the board will make it's ruling at the March 2008 hearing. Technically, if the applicant was dissatisfied with the ruling of the Planning Commission at the January hearing, as his letter indicates, his recourse would have been to appeal the board's decision. The applicant did not file an appeal. Since he did not appeal than his remaining recourse would be to be heard at the March 2008 meeting, which was the original intent of the Planning Commission. Had the board been forced to approve or disapprove at the January 2008 meeting, presumably the board would have disapproved it because the board did not believe it had sufficient information to approve it. The Annotated Code does have the language quoted by Mr. Stritzinger, but the Annotated Code does not take into account all possible outcomes that this board could have in regard to ruling on a final plat. For example, the Code does not say what happens if the applicant withdraws, it does not mandate that the application has to be approved or disapproved. Clearly, the Annotated Code does not contemplate all possible outcomes that this board could render at any final plat hearing. Likewise, the Annotated Code does not address what happens if this board decides, under its rights, to table a matter for more information. That is exactly what was done. Ms. Campbell stated she does not believe the

applicant's recourse to be able to put it on the agenda by virtue of being unsatisfied with the January 2008 decision.

Mr. Doordan stated to his understanding, the applicant feels that the board acted inappropriately at the January 2008 meeting and if the board did act inappropriately, the applicant was due certain things. Mr. Doordan asked Ms. Campbell if she feels the board acted inappropriately. Ms. Campbell said she does not think that the board did, but if the applicant did think the board did, his recourse would have been to appeal the decision to the Circuit Court of Cecil County.

A motion to adjourn the February Planning Commission meeting was made by Mr. Edwards. The motion was seconded by Mr. Janusz.

All approve. Motion carried.

The February Planning Commission meeting adjourned at 1:33 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

17 March 2008

**Present:** Bill Mortimer; Joyce Bowsbey; Guy Edwards; B. Patrick Doordan; Joe Janusz; Wyatt Wallace; Clay McDowell; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Susan Kambouris, Court Reporter.

**Absent:** Mark Woodhull.

**Call to Order:** Chairman Mortimer called the meeting to order at 10:10 a.m.

Planning Commission member Wyatt Wallace, had not arrived at the meeting yet.

Chairman Mortimer offered two corrections to last months meeting minutes. Those being; “she” being used in the first paragraph, second sentence to reference him and the sentence stating “Chairman Mortimer announced that # 8, Orchard Hill.” That sentence should read “Chairman Mortimer announced that # 8, Orchard Hill was withdrawn.”

Chairman Mortimer made an announcement regarding the recording device in the Elk Room. He reminded the Planning Commission members and the public to speak directly into the microphones provided. Also, any public comment needs to be made from the podium provided.

**Approval of the Minutes:** Mr. Edwards made a motion for approval. The motion was seconded by Mr. Doordan. All approve. Motion carried.

### **1. Larson’s Reserve – Tabled at January PC meeting, Lots 1-19, Carters Mill Road, Final Plat, Frederick Ward Associates, Third Election District.**

Lee Larson, owner, Ed Steere and Bruce Beazman, Frederick Ward, and Dwight Thomey, Esq. appeared and presented an overview of the project. This project consists of 18 lots and a remaining agricultural parcel shown as Lot 19, which will not be further subdivided. At this point, the engineering has been completed.

Chairman Mortimer stated that he believed the definition of Common Open Space is that all lots should have access to the COS for it to be called “common”. Mr. Steere said one of the conditions that the Planning Commission had required of this project at Preliminary Plat approval was to put a sidewalk on Carter’s Mill Road. Given that, it has road frontage and it accessible to the public and the site.

Mr. Steere said it is almost entirely forest conservation and SWM pond and even the remaining area that is not shown as forest conservation will probably become forest conservation.

Chairman Mortimer asked if there was currently a house on Lot 19. Mr. Steere said yes, there is a farmstead there. Chairman Mortimer asked if that is counted in the density. Mr. Steere said it is the remaining parcel. With the bonus density program that is the parcel that is the remaining farm parcel that has an existing dwelling on it. Mr. Steere believes they already had that in the density calculation. Chairman Mortimer asked if that would be deed restricted, not to be subdivided. Mr.

Steere said it is deed restricted. It will not be further subdivided; it is going to remain in agricultural production.

Mr. Janusz asked the applicant to recap their involvement in the January Planning Commission meeting. Mr. Steere said they were missing the fire suppression tank that was required. There has also been some discussion regarding SWM that they have worked through with DPW. Lastly, there were general plat notation issues that they had some errors on that needed to be corrected. This plat submitted was revised to address those issues.

Mr. Edwards asked if the percolation test had been done. Mr. Steere said they had done percolation test through out the entire site.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat,<sup>1</sup> proposing 15 major subdivision lots<sup>2</sup> on 45.148 acres, for a proposed bonus density of 1/3.009,<sup>3</sup> was approved on 5/17/06, conditioned on:

- 1) The JD being completed prior to Preliminary Plat review by the Planning Commission; and
- 2) The C.O.S. figures totaling the 10.84 acres cited.

The Preliminary Plat was approved on 9/18/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Bufferyard modifications being granted in the interest of preserving rural character; and
- 5) Documentation of the completed JD being submitted prior to Final Plat review if JDs are once again performed.

The Final Plat was TABLED at the 1/23/08 Planning Commission meeting; it now complies with §4.2.13 (c).

The proposed Large Lot's 17.0078 acres (was 17.05) consists of 37.67% (was 37.74) of the total acreage,<sup>4</sup> and 10.7042 (was 10.88 & 10.84) acres of common open space are proposed, which is 23.2% (was 24.1% & 24.01%) of the total acreage. The Final Plat's large lot and common open space comprise 60.82% (was 61.86% & 61.75%) of the total acreage, thus maintaining consistency with the approved Concept and Preliminary Plats and bonus density eligibility.

A signed and sealed copy of the boundary line survey was submitted for the file.

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<sup>1</sup> This proposal was formerly known as Larson's Reserve at Andorra.

<sup>2</sup> The density provisions of §2.4.1 were invoked, with Lots 1-4 proposed as minor subdivision lots.

<sup>3</sup> At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac, or 1/3 if bonus density was granted.

<sup>4</sup> This is based on the 45.148 total acre figure previously provided on the Preliminary Plat.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>5</sup>

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. As advised by the Corps of Engineers, JD's will now be required in conjunction with permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.

In this case the approved FSD shows that there are no wetlands in the area of impact and no streams.

There are no habitats of rare, threatened, and endangered species on site.

No landscaping of the development envelope is required in the NAR zone, and sidewalks are not recommended.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of Lee Way, except for that portion with the Bufferyard A. They are noted and depicted. The Bufferyard A has been depicted on proposed Lots 5-11.

The FSD was approved on 3/21/06; the PFCP was approved on 8/28/06.

The FCP and Landscape Plan were approved on 12/18/07.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name Lee Way has been approved.

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, as has been noted on the 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.

The proposed drafting tank location has been shown.

The required notice for the contiguous operating farm is included as General Note # 13.

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<sup>5</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Kenmore	Cherry Hill	Elkton
FTE	276.5	571	1097
Capacity	275	754	944
% Utilization	101%	76%	116%

Mr. Whittie, DPW, read the comments of the department:

The plat submitted on February 1, 2008 satisfactorily addresses the five (5) comments brought up at the January 2008 Planning Commission meeting.

The roads & storm drain plan and the mass & final grading plan are technically complete. The Developer and the engineer has demonstrated that the offsite discharge from the proposed SWM Pond adjacent to Lots 11 & 12, will not adversely impact the existing conveyance, on the adjoining property, that currently serves to drain apportion of the site. As such the SWM plan is now also considered technically complete.

With all plans technically complete and only administrative issues outstanding the Department would have no objection to the approval of the final plat by the Planning Commission.

All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor of this project. No one spoke.

Chairman Mortimer asked if anyone would like to speak in opposition of this project. The following citizens spoke in opposition:

Rosemary McFadden, Carter's Mill Road, expressed her appreciation to the Planning Commission for the change in the policy of notifying the public when a plat is withdrawn prior to the meeting. Her concerns for this project are that the Dvorak Brothers did a minor subdivision in 1979 when her lot was sold to Edwin Dvorak. That is no longer valid; neither brother owns the property. She does not understand why there are not 15 lots rather than 19 lots on the 45 acres. Ms. McFadden said that 5 of the lots border her property line. She owns 2 acres. One of her concerns is her wells. Her well is 75 ft. deep and she is afraid that with 5 houses sitting 100 ft. away, which they will run her well dry. She does not have the funding to put in a new well. Ms. McFadden said the Mr. Larson came to her and asked her what it would take for her to not object to this project. She told him that she could not afford to dig a new well. Mr. Larson promised her that he would put in writing that he would give her that satisfaction that she would need namely that he would pay for a new well for her if her well were to run dry. Ms. McFadden said she has never seen anything to that affect. Ms. McFadden does not believe this project fits with the character of their street. This project will bring more noise and more cars than the street can handle. She believes the sight distance is difficult to see now. Another concern is the tower falling with a Nor'easter. Ms. McFadden presented pictures of the trees in regards to the electrical wires to the Planning Commission (see file for pictures). Lastly, Ms. McFadden asked if nothing can be changed once Concept plat approval is given, can that information be broadcast to the county so that people can be present for the Concept plat meetings.

Chairman Mortimer addressed some of the question brought forth by Ms. McFadden. First, section 2.4.1 allowed, at that time, for minor subdivisions of 4 lots before density was calculated, whether it was a farmer or not. Chairman Mortimer stated that he tried to get it changed but he could not; it is

no longer on the books with the down zoning. Secondly, Chairman Mortimer explained that there is opportunity to change things after Concept. The purpose of Concept is to approve density and layout. The number of houses does not change. This property is legally zoned per the rules of that day. As far as the wells, that is a private matter.

Ed Cairns, Jackson Hall School Road, Elkton, MD, gave three reasons for the Planning Commission to reject this plat. The first is it imposes on the neighbors, the McCauley's right to farm and to seek preservation funds. It creates next door noise and trespassing interference. The houses are jammed. It introduces conflicts from groundwater runoffs and it will discourage state funding for preservation. Lastly, this project is contrary to the title and purpose of the Zoning Ordinance and the goals of the Comprehensive Plan. Mr. Cairns does not believe bonus density should have been granted.

Chairman Mortimer asked Mr. Cairns, referencing a statement Mr. Cairns made regarding NAR density being ag. preservation, where that fact is stated. Mr. Cairns said it is in the Subdivision Regulations. Chairman Mortimer stated that it is Ag. and residential.

Owen Thorne, 20 Hillwood Road, Elkton, MD, expressed his agreement with the statements that were made by Mr. Cairns.

Bob McCauley, 125 Carters Mill Road, Elkton, MD, located on the McCauley farm. Mr. McCauley stated that he is the fourth generation to work the McCauley Farm and currently pursuing placing this farm in land preservation. Also, the Historical Society is interested in his barn that dates back to the 1800's. The original log cabin that he lives in is 150 ft. from the property. The livestock barn is approximately 300 ft. from the property. This plat shows houses bordering the lane that goes into his farm. This is a working farm. There needs to be some type of buffer between the development and the farm. Mr. McCauley feels that this development will not be consistent with the area and it will create a conflict between resident and farmer. Mr. McCauley stated all of the problems he has had with an existing development bordering to the north. Congestion at MD Rte. 213 and Carters Mill road will worsen with this development. Mr. McCauley stated that he would like to know if there is a written criteria for what determines how the development association decides when and what there dues are to be spent on.

Elaine Aress, stated that her biggest concern is that they already have problems with four wheelers and theft. Retaliating against the criminal mischief only causes more trouble for the residents. Mr. Aress believes with more development, there will be no buffer zone. The roads can not handle this development. Water and septic issues will also be a problem. Ms. Aress also feels her taxes will rise.

Susan Carlson, Carters Mill Road, Elkton, speaking on behalf of her and her husband, feels Carters Mill Road can not handle this development. She believes this project proposes too many homes and it is not in keeping with the character of the land. Homes built adjacent to the farm should be further away to create a buffer zone. She also expressed her concern with the problems with the kids and the four wheelers and the retaliation to the problem. Ms. Carlson also feels that there will be problems with water and wells.

Wyatt Wallace arrived at the meeting at this time.

Erick Poch, 231 Carters Mill Road, Elkton, MD, expressed concerns regarding the wells, road infrastructure and access. He feels there is a serious threat to the wells for him and his neighbors. He also feels Carters Mill Road can not handle the added traffic. Mr. Poch feels this proposes too

many homes on this small road. Mr. Poch expressed a lot of the same concerns that the other citizens that spoke, have.

Chairman Mortimer stated that the water issues are a matter for MDE. As far as roads, it is a DPW issue. There are certain codes and guidelines written into the Ordinances. In regards to traffic impact, this project is clear. That concern should be fought at the Preliminary Plat stage. Chairman Mortimer stated that the Planning Commission can not object on these type of issues. Other bodies with the specific expertise that handle the review.

Mr. McCauley asked if he could make additional comments. Chairman Mortimer asked if he had already spoken. Mr. McCauley said he had. Chairman Mortimer said he could not speak again.

Theresa McCauley, 125 Carters Mill Road, Elkton, MD, reiterated the concerns of the other citizens that had spoken in opposition of this project. She does not understand how 19 homes can be put on the 44 acres. She feels water run off is also a serious issue. At the least, she would like to see less houses proposed.

Mr. Wallace apologized for arriving late to the meeting. Mr. Wallace asked about the open space area and whether it will be available for the residents to use for recreational purposes. Mr. Di Giacomo said section 176 of the ordinance provides that COS can be used for a variety of purposes, i.e. SWM, active recreational amenities, agriculture and forest conservation. Mrs. Bowlsbey stated that during her subcommittee review committed to HOA's, it was determined that most HOA's do not want recreation in the COS because of the liability.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVED**, 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 the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation; and
- 6) Covenants prohibiting the subdivision of the large lot being recorded and noted prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mrs. Bowlsbey for discussion.

Mrs. Bowlsbey asked if the Planning Commission has any way to assure that when these houses are sold, the buyers will be advised that there is a working farm next door and that there will be smells and noises, etc. Mr. Thomey said yes, there is a right to farm ordinance and that would be part of the contract that any realtor would have to provide. Mrs. Bowlsbey asked if they could guarantee that. Mr. Thomey said they the realtors do not disclose that information they will be violating the local ordinance. Mr. Thomey stated that they have talked to the McCauley's and are willing to speak again if they wish to regarding an additional buffer. Discussion ensued.

Mr. Janusz stated that if he were on the board when this project had originally come before the commission, he would not have accepted it. Chairman Mortimer said it was rejected by him at the time.

Members in favor: Mr. Janusz, Mr. Doordan, Mrs. Bowsbey and Mr. McDowell  
Member in opposition: Mr. Edwards.

**2. Aston Pointe, Phase 1 – Tabled at the January PC meeting, Lots 1-61 and Common Open Space, Appleton and Jackson Hall School Roads and MD Rte. 273, Final Plat, Morris & Ritchie Associates, Inc., Fourth Election District.**

Chairman Mortimer announced that Aston Pointe was heard two months ago, it was afforded public comment, it was deliberated in open forum. The developer had his chance to present his case and the public had their chance to present their case. Through reasons of this committee, they have decided to table this project for 3 very specific issues. The proposal here is still the one that existed 2 months ago that went to deliberation and by Roberts Rules, once things go to deliberation, comment is closed. Therefore, the commission will hear staffs recommendation on the 3 outstanding issues and the committee will vote. If they decide to vote against this proposal, they will move item #13 next, which is another Aston Pointe proposal. That will be heard in its entirety.

Mr. Di Giacomo stated that they need a motion to bring it back to the table.  
A motion was made by Mr. Doordan to bring this project back to the table.  
The motion was seconded by Mrs. Bowsbey.  
All approve. Motion carried.

Mr. Di Giacomo, P&Z, read the comments of the department regarding the 3 outstanding issues:  
This project was in compliance with §3.9.1, regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

This project was TABLED at the January 2008 Planning Commission meeting.

Planning and Zoning's 1/23/08 comments will not be read again at this time, but they will appear in the minutes:

Zoning: SR<sup>6</sup> & BG<sup>7</sup>

Density: The Concept Plat, proposing 302 lots on 390.04 acres, was approved on 4/19/04, conditioned on:

- 1) The road names being approved prior to Preliminary Plat approval;
- 2) The estimated staging of construction being shown of the Preliminary Plat submitted for TAC review;
- 3) The PFCP's being approved prior to Preliminary Plat approval;
- 4) The sensitive areas thresholds in the common open space information being provided on the Preliminary Plat prior to TAC review;
- 5) A Sensitive Species Survey being completed prior to the TAC's review of the Preliminary Plat;
- 6) A Traffic Impact Study (TIS) being completed prior to the TAC's review of the Preliminary Plat;

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<sup>6</sup> The SR zone permits a density of 2 du/ 1 ac. with community facilities.

<sup>7</sup> If any part of the proposed Shadow Creek Lane is in the BG-zoned section of the property, then the BG zoning classification must be noted on the plat.

- 7) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 8) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat approval; and
- 9) A bufferyard and setback modification being granted for the existing structure on proposed Lot 301.

On 5/20/04, the Planning Commission subsequently approved a revision to the Concept Plat that eliminated roadway connectivity to Locharron Drive in the Highlands.

On 10/18/04, the Planning Commission rescinded the requirement (condition #5 of Concept Plat approval) for a sensitive species survey for the midland sedge, as that species was declassified as rare, threatened, or endangered.

The Preliminary Plat, also proposing 302 lots, was approved on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The required bufferyards between zones being required on the Landscape Plans associated with any Site Plans submitted for the BG-zoned portion;
- 4) Non-motorized access to the BG portion being included with any future Site Plans;
- 5) The Site Plan the proposed golf course maintenance facility being approved prior to Final Plat review by the Planning Commission;
- 6) The Site Plan the proposed golf course clubhouse facility being approved prior to Final Plat review by the Planning Commission;
- 7) The details of the safety management issue associated with the 12<sup>th</sup> hole being included by note or graphically on the plat prior to Final Plat review by the Planning Commission;
- 8) The Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;
- 9) Documentation of the groundwater appropriation permit and verification of the capability of the proposed water system to serve all proposed lots being received from MDE and DPW prior to Final Plat review by the Planning Commission;
- 10) Plans for the proposed water tank being approved by DPW prior to Final Plat review by the Planning Commission;
- 11) The identity of the waste water treatment plant again being included on the Final and Record Plats;
- 12) The name of the water company providing the water also being included on the Final and Record Plats, if it is a private company;
- 13) Written verification of sewer capacity being received prior to the Planning Commission's review of the Final Plat;
- 14) The implementation of the traffic improvement recommendations of DeIDOT, DPW, and SHA being a condition of Preliminary Plat approval;
- 15) The identity of the gas line owner being provided on the Final and Record Plats;
- 16) Confirmation being received from the gas line company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement;
- 17) All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review, and all documents requiring recordation being recorded prior to the recordation of the Record Plat;
- 18) The final Forest Conservation Plan (FCP) and the Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;

- 19) All details, including reforestation areas, match up between the Final Plat and the FCP;
- 20) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 21) Note # 11 being modified on the plat to reflect that 59.17 acres of common open space are required prior to the Planning Commission's review of the Final Plat;
- 22) The common open space sensitive area calculation being modified consistent with the modification to Note # 11 prior to the Planning Commission's review of the Final Plat;
- 23) The contiguous operating farm notice being provided on the Final and Record Plats; and
- 24) A vegetative or agricultural buffer being considered for the area adjacent to the Blackwell property, if appropriate, as part of the Landscape Plan.

The Master Water and Sewer Plan has been amended for this site.<sup>8</sup>

One-year extensions of Preliminary Plat approval were granted on 1/16/07 and 11/19/07 – thus extending the Preliminary Plat's validity until 11/19/08.

With regard to the conditions of Preliminary Plat approval:

- The 1<sup>st</sup> & 2<sup>nd</sup> are reported on by the Health Department and DPW, respectively.
- The 3<sup>rd</sup> & 4<sup>th</sup> shall be satisfied prior to the approval of the future Site Plan(s) for the commercial parcel.
- The 5<sup>th</sup>, 6<sup>th</sup>, & 7<sup>th</sup> relate either to (1) the Newark Country Club Site Plan that was routed on a separate, parallel approval path via Minor Subdivisions # 3638<sup>9</sup> & # 3662 or (2) other, future Phases of the residential component.
- The 8<sup>th</sup> condition has been satisfied: the site is now classified S-2 & W-2.
- The 9<sup>th</sup> has been satisfied by the verification of water allocation by DPW.<sup>10</sup>
- The 10<sup>th</sup> & 11<sup>th</sup> have been satisfied.
- The 12<sup>th</sup> is moot because a private water company is not involved.
- The 13<sup>th</sup> condition has been satisfied.<sup>11</sup>
- The 14<sup>th</sup> has been satisfied.<sup>12</sup>
- The 15<sup>th</sup>, 16<sup>th</sup> & 17<sup>th</sup> are technically moot because the gas pipeline does not pass through this Phase's acreage.
- The FCP/Landscape Plan has been approved, so the 18<sup>th</sup> & 19<sup>th</sup> have been satisfied.
- The 21<sup>st</sup> and 22<sup>nd</sup> dealt with common open space, and, as only 0.899 acres of common open space are proposed with Phase One, the condition will remain in force for future Phases. In addition, staff recommends that possible approval of Phase One be conditioned on the outstanding balance of 58.271 acres of common open space being provided in future Phases.
- The 23<sup>rd</sup> has been satisfied with General Note # 4.
- The 24<sup>th</sup> has also been satisfied.

<sup>8</sup> ~~Verification of the groundwater appropriation permit was to have been received prior to the Planning Commission's review of the Final Plat. Verification of the capability of the proposed water system to serve all proposed lots must be received from MDE prior to Final Plat review by the Planning Commission.~~

~~Documentation of all approvals for the water system and the operator required by the Public Service Commission and MDE must be submitted prior to Final Plat review. Plans for the proposed water tank must be approved by DPW prior to Final Plat review. Verification of water allocation and sewer allocation must be received prior to the Planning Commission's review of the Final Plat.~~

<sup>9</sup> Approved 10/04/06.

<sup>10</sup> The 9<sup>th</sup> condition cited the approval of the GAP by MDE because, per §4.2.13 (u) and §5.2, there must be provision for water for Final Plat approval. With the water allocation, the approval of the GAP is moot insofar as the possible approval of this Phase of the proposal is concerned.

<sup>11</sup> Therefore, this Final Plat meets the requirements of §5.2 of the Subdivision Regulations.

<sup>12</sup> In fact, there have been numerous implementation coordination meetings among the developer, the County and SHA.

The Final Plat is generally consistent with the approved Concept and Preliminary Plats, but, as submitted, it had four minor problems:

- 1) It had not been signed and sealed, as required by §4.2.13 (a) 5.
- 2) The nomenclature for the “10’ landscape easement” needed be changed to “10’ street tree planting easement.”
- 3) It did not contain a note satisfying §4.2.13 (u) requirement.
- 4) It incorrectly cited the Zoning District as SAR rather than SR.

Subsequently, another plat, correcting those problems, was submitted on 1/8/08 and distributed by staff today.

If any part of the proposed Shadow Creek Lane is in the BG-zoned section of the property, then the BG zoning classification must be noted on the plat.

Since the Location Map has a different orientation than the Plat, it should have its own north arrow so as not to be confusing on the Record Plat.

How will the SWM I&M Easement on proposed Lot 1 affect its dwelling location and access?

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

Access to common open space between lots must be marked with concrete monuments. An additional 58.271 acres of common open space are required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat approval must then be addressed.

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 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 Master Water and Sewer Plan.

The Record Plat shall contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Documentation of all necessary easement agreements with the gas line company will be required prior to the Planning Commission’s review of appropriate Final Plats. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

#### RECOMMENDATION:

If the Commission accepts the modified plat subsequently submitted on 1/8/08, then the staff’s recommendation is:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The submitted Phase One Record Plat being signed and sealed, as required by §4.2.13 (a) 5;
- 4) The nomenclature for the “10’ landscape easement” being changed to “10’ street tree planting easement” on the Record Plat;
- 5) The Record Plat’s containing notes satisfying the requirements of §4.2.13 (t) and §4.2.13 (u);
- 6) The Record Plat’s noting the correct zoning classification(s) of the property;

- 7) A Landscape Agreement being executed prior to recordation;
- 8) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 9) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.
- 10) An additional 58.271 acres of common open space being required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat carrying forward;
- 11) All applicable conditions of Preliminary Plat approval being carried forward to apply to all future Phases;

If the Commission elects to consider only the originally-submitted plat, then the staff's recommendation is:

DISAPPROVAL, with the recommendation that the plat be resubmitted once:

- The submitted Phase One Final Plat has been signed and sealed, as required by §4.2.13 (a) 5;
- The nomenclature for the "10' landscape easement" has been changed to "10' street tree planting easement;"
- The Final Plat contains a note satisfying the requirement of §4.2.13 (u); and
- The Final Plat notes the correct zoning classification of the property.

On 1/23/08 the Planning Commission tabled the modified Phase 1 Final Plat, "until the March 17, 2008 Planning Commission meeting to allow for further MDE comment, the pending legal case to be heard, to give the public additional time to review the revised plat and for staff to answer pending questions that were brought forth from the public for the Planning Commission and public to review."

As to further MDE comment, on 2/25/08 a Preliminary Impact Analysis Summary was issued, and on 2/26/08 a public hearing was scheduled for 3/20/08. It must be noted, however, that DPW's water allocation for the proposed Phase 1 of Aston Pointe was never dependent upon MDE's issuance of the Preliminary Impact Analysis Summary.

As to the pending legal case, it was heard on 3/6/08. A decision has not yet been rendered.

As to the additional time for the public to review the plat, today's review is consistent with the date (3/17/08) mandated by the Planning Commission on 1/23/08 to allow for additional public review time.

As to the staff's answering the public's comments, please permit a detailed review of the Planning Commission's conditions of Preliminary Plat approval, as follows:

- The 1<sup>st</sup> was "Health Department requirements being met." Health Department comments on 1/23/08 raised no objection to Phase 1 Final Plat approval.
- The 2<sup>nd</sup>, "DPW requirements being met," was reported on by DPW on 1/23/08, when it was made known that all Final Plat requirements for Phase 1 had been met. DPW raised no objection to Phase 1 Final Plat approval.
- The 3<sup>rd</sup>, "The required bufferyards between zones being required on the Landscape Plans associated with any Site Plans submitted for the BG-zoned portion," relates to a future action, the site plan approval(s) for the BG-zoned portion, and we, therefore, reiterate our 1/23/08

comment that it “shall be satisfied prior to the approval of the future Site Plan(s) for the commercial parcel.”

- The 4<sup>th</sup>, “Non-motorized access to the BG portion being included with any future Site Plans” also relates to a future action; therefore, we again reiterate our 1/23/08 future-tense comment that it “shall be satisfied prior to the approval of the future Site Plan(s) for the commercial parcel.”
- The 5<sup>th</sup> condition was, “The Site Plan for the proposed golf course maintenance facility being approved prior to Final Plat review by the Planning Commission.” Its wording, but not its intent, was rendered irrelevant when, via Minor Subdivisions # 3638<sup>13</sup> & # 3662,<sup>14</sup> the Newark Country Club was routed on a separate, parallel Site Plan approval path. That condition predated those minor subdivisions, when it was anticipated that the Newark Country Club facility would be approved as part of the subdivision. Staff made it clear that the details required of site plans in §291 would pertain. Either way, the same §291 details would pertain, with the only difference in the separate site plan approval process being sequence – not substance.
- The 6<sup>th</sup>, whose wording, “The Site Plan for the proposed golf course clubhouse facility being approved prior to Final Plat review by the Planning Commission,” was also rendered obsolete when, via Minor Subdivisions # 3638<sup>15</sup> & # 3662,<sup>16</sup> the Newark Country Club was routed on a separate, parallel Site Plan approval path. That condition predated those minor subdivisions, when it was anticipated that the Newark Country Club facility would be approved as part of the subdivision. Again, staff made clear that the details required of site plan in §291 would pertain. Once more, either way, the same §291 details would pertain, with the only difference being in the separate site plan approval process being one of sequence – not substance.
- The 7<sup>th</sup>, “The details of the safety management issue associated with the 12<sup>th</sup> hole being included by note or graphically on the plat prior to Final Plat review by the Planning Commission,” relates to the aforementioned Newark Country Club Site Plan and other, future residential Phases of the proposed Aston Pointe. It does not specifically relate to the Phase 1 portion of the overall project.
- The 8<sup>th</sup> condition, “The Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission,” has been satisfied: the site is now classified S-2 & W-2.
- The 9<sup>th</sup>, “Documentation of the groundwater appropriation permit and verification of the capability of the proposed water system to serve all proposed lots being received from MDE and DPW prior to Final Plat review by the Planning Commission,” relates to §5.2 of the Subdivision Regulations, which state: “A proposed final plat shall be disapproved unless one of the following provisions are made for disposal of sewage and the provision of water:

5.2.1 – Each building lot has been approved for individual and/or community sewage and water facilities by the Health Department Approving Authority.

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<sup>13</sup> Approved 10/04/06.

<sup>14</sup> Approved 1/31/07.

<sup>15</sup> Approved 10/04/06.

<sup>16</sup> Approved 1/31/07.

5.2.2 – Prior to Final Plat approval, a Public Works Agreement for community water and/or sewage facilities has been consummated with the Cecil County Department of Public Works.”

While the §5.2 requirement and its intent remain, the specific language of the condition was rendered obsolete because, for Phase 1, per a decision of the Board of County Commissioners, the approach changed from one of obtaining a GAP, and from that new capacity, issuing an allocation to one of issuing an allocation from existing capacity. Thus, the §5.2 requirement, upon which the 9<sup>th</sup> condition (with now-obsolete wording) was predicated, clearly has been satisfied by the verification of water allocation by DPW.<sup>17</sup>

- The 10<sup>th</sup>, “Plans for the proposed water tank being approved by DPW prior to Final Plat review by the Planning Commission,” has been satisfied. Again, DPW on 1/23/08 stated that all Final Plat requirements for Phase 1 had been met.
- The 11<sup>th</sup>, “The identity of the waste water treatment plant again being included on the Final and Record Plats,” has been satisfied. That information is contained in General Note # 3.
- The 12<sup>th</sup> condition, “The name of the water company providing the water also being included on the Final and Record Plats, if it is a private company,” was rendered moot once the decision was made that a private water company would not be involved. Indeed, the final clause of the 12<sup>th</sup> condition clearly countenanced that possibility.
- The 13<sup>th</sup>, “Written verification of sewer capacity being received prior to the Planning Commission’s review of the Final Plat,” has been satisfied, as evidenced by the comments of the Health Department and DPW on 1/23/08.<sup>18</sup>
- The 14<sup>th</sup>, “The implementation of the traffic improvement recommendations of DeIDOT, DPW, and SHA being a condition of Preliminary Plat approval,” has resulted in the following:
  - The applicant’s acceptance of the traffic improvement recommendations of DeIDOT, DPW, and SHA.
  - OPZ’s reading into the record of every subsequent public TAC or Planning Commission review of an Aston Pointe or Wohner Property that the applicant had accepted the traffic improvement recommendations of DeIDOT, DPW, and SHA, as was a condition of approval of the Aston Point Preliminary Plat. Each such reading, and the applicant’s not objecting at each public reading, demonstrated agreement on said recommendations.
  - OPZ’s inclusion of the following condition of Phase 1 Final Plat approval recommendation: “All applicable conditions of Preliminary Plat approval being carried forward to apply to all future Phases.” The 14<sup>th</sup> is certainly one of those applicable conditions.

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<sup>17</sup> The 9<sup>th</sup> condition cited the approval of the GAP by MDE because, per §4.2.13 (u) and §5.2, there must be provision for water for Final Plat approval. With the water allocation, the approval of the GAP is moot insofar as the possible approval of this Phase of the proposal is concerned.

<sup>18</sup> Therefore, this Final Plat meets the requirements of §5.2 of the Subdivision Regulations.

- There have been numerous meetings among the applicant, the applicant's consultants, DelDOT, DPW, SHA, and OPZ to plan the details and implementation of recommended transportation improvements.

Therefore, for these reasons, OPZ on 1/23/08 reported to the Planning Commission that the 14<sup>th</sup> condition had been satisfied.<sup>19</sup> We today reiterate that report.

- The 15<sup>th</sup>, "The identity of the gas line owner being provided on the Final and Record Plats," is technically moot because the gas pipeline does not pass through this Phase's acreage.
- The 16<sup>th</sup>, "Confirmation being received from the gas line company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement," is also technically moot because the gas pipeline does not pass through Phase 1's acreage.
- The 17<sup>th</sup>, "All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review, and all documents requiring recordation being recorded prior to the recordation of the Record Plat," is not pertinent to Phase 1 because the gas pipeline does not pass through this Phase's acreage.
- The 18<sup>th</sup> condition, "The final Forest Conservation Plan (FCP) and the Landscape Plan being approved prior to the Planning Commission's review of the Final Plat," has been satisfied, as was reported on 1/23/08. As the Commission is aware, pursuant to §4.2.13, if FCP/Landscape Plans are not already approved, then OPZ will not accept Final Plats for review by the Planning Commission. In this case, the Phase 1 FCP/Landscape Plan was approved on 12/20/07 with the condition that a forest conservation tally sheet be provided with all future Phases.
- The 19<sup>th</sup>, "All details, including reforestation areas, match up between the Final Plat and the FCP," has been satisfied: those details match up.
- The 20<sup>th</sup>, "Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats," has been satisfied. For example, please see General Note # 2, and the graphic depiction for proposed Lots 39 and 40 on sheet 3 of 3.
- The 21<sup>st</sup> condition was, "Note # 11 being modified on the plat to reflect that 59.17 acres of common open space are required prior to the Planning Commission's review of the Final Plat." There is no Note on this Phase 1 Final Plat corresponding to Note # 11 on the Preliminary Plat. Each sheet contains a note indicating the common open space acreage that is being provided in Phase 1. Therefore, the 10<sup>th</sup> condition of the 1/23/08 recommendation of Phase 1 Final Plat approval was, "An additional 58.271 acres of common open space being required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat approval carrying forward." The additional 58.271 acres and the 0.899 acres of common open space proposed with Phase 1 together equal the 59.17 acres of common open space that are required.

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<sup>19</sup> In fact, there have been numerous implementation coordination meetings among the developer, the County and SHA.

- The 22<sup>nd</sup>, “The common open space sensitive area calculation being modified consistent with the modification to Note # 11 prior to the Planning Commission’s review of the Final Plat,” was satisfied with a modification to the calculation. The condition did not require that said modification be included on the Final Plat, and that modification is not included on the Phase 1 Final Plat, because those calculations are required only on Preliminary Plats.
- The 23<sup>rd</sup>, “The contiguous operating farm notice being provided on the Final and Record Plats,” has been satisfied with the inclusion of General Note # 4.
- The 24<sup>th</sup> and final condition of Preliminary Plat approval, “A vegetative or agricultural buffer being considered for the area adjacent to the Blackwell property, if appropriate, as part of the Landscape Plan,” was satisfied in the Phase 1 FCP/Landscape Plan that was approved on 12/20/07.

As the “pending questions” all dealt with the conditions of Preliminary Plat having been satisfied, the foregoing review of the disposition of those conditions details how they have been satisfied or do not specifically pertain to this Phase 1 Final Plat.

Mr. Di Giacomo noted that the staff did receive a communication by email, which was sent to the wrong email address, which is why the commission did not receive it in their package. The email was sent from Daniel J. Steibel, recommending against approval. This will be made available to the members of the Planning Commission. It will not be read since there will be no public comment.

Mr. Janusz stated that part of the original motion was to allow for the public to review the plat. Mr. Janusz asked what the purpose of that was if the public is not allowed to comment. Chairman Mortimer said because the plat was reviewed, it was tabled on 3 specific things and they were in deliberation when they chose to table it. Discussion ensued regarding public comment.

Mrs. Campbell suggested that the Office of Planning and Zoning comment on what the differences were between the plat that was submitted that day and the previous plat. What Mr. Di Giacomo described in his comments were non-substantive changes. Mr. Di Giacomo explained that the changes were, for example, a typo on the plat of the zoning being listed as SAR instead of SR. There were no substantive difference between the two submissions. Mrs. Campbell said she believed there was also some issue with the surveyor’s signature, and mislabeling of some street trees. Mr. Di Giacomo said that was correct. Mrs. Campbell asked Mr. Di Giacomo if he felt that those three changes were non-substantive. Mr. Di Giacomo said, as he stated at that time, those changes were non-substantive.

Ex-officio Demmler made comments in regards to the following comment, “while 5.2 requirement and it intent remain the specific language of the condition was rendered obsolete, it caused for Phase 1, per decision of the Board of County Commissioners, the approach changed from one of obtaining GAP and so on”. Mrs. Demmler would like to clarify that point. She stated that the Director of DPW came to one of the Commissioners work sessions regarding the water appropriation from the county to this development. As it was explained to the commissioners, since an amendment to the MW&SP had previously been granted, that the authority to grant the allocation was given to the county. Knowing the history of this project and that this would be a controversial move, DPW wanted to present this to the commissioners and hope for their concurrence. This was not a decision of the commissioners, they simply concurred with DPW’s assessment. Chairman Mortimer asked if Mrs. Demmler is talking about the entire project or phase 1. Mrs. Demmler said that she was talking about this one phase. Discussion ensued regarding her comments.

Mr. Wallace stated that Mr. Di Giacomo did an excellent job of answering all of the questions that were addressed. Mr. Wallace thought other questions were brought up by the public and were not addressed in Mr. Di Giacomo's comments. Chairman Mortimer asked what questions were not answered. Mr. Wallace said that there was a question about the water allocation being made where it was denied earlier. Mr. Di Giacomo said there was over an hour of testimony at the January meeting and as the staff listened to the tapes and reviewed it, what was felt was that the most logical and efficient way to deal with all of those issues rather than on an individual piece meal basis, since they all related one way or another to whether or not the 24 conditions of Preliminary Plat had been satisfied, simply to focus on those. As to whether the allocation had been requested and denied previously, Mr. Di Giacomo does not have knowledge of that and would have to refer to DPW. What the department does have is communication in the file from DPW that the allocation had been granted. Chairman Mortimer said whether it was requested and denied previously is irrelevant; it is approved now.

Ex-officio Demmler stated that it is her understanding that the MW&SP amendment that was granted in 2006, was a map amendment only. She is a little confused on how this relates to a text amendment and if that should be approved before they can go to final. Mr. Sennstrom said the map amendment that was approved in 2006 by MDE was approved unconditionally. If a GAP is issued subsequent to the 3/20/08 public hearing, information will be provided to the county as part of the issuance of that GAP as to what the state is allowing to be withdrawn and to be given to the Meadowview system. Once that information is known, then a text amendment can be prepared to revise the Meadowview section of the county's MW&SP to include the specifics as to the new source of water that will be going into that system. Until that is done, there is nothing that can be inserted because they do not know the amount that the state will approve will be for that new source of water. Mrs. Demmler asked why this is not required prior to final. Mr. Sennstrom said this project is getting an allocation of water from the existing Meadowview capacity. It is not subject to the issuance of the GAP. Discussion ensued regarding the GAP.

Mr. Wallace stated that each Planning Commission member received a 4 page document from the county having to do with the wells and the amount of water. He asked what the purpose of it was. Mr. Sennstrom said that is what Mr. Di Giacomo referred to earlier regarding the notice of the March 20<sup>th</sup> public hearing and the supporting documentation from the MDE for the GAP.

Mr. Di Giacomo read the recommendation of the staff:

The TABLED Phase 1 modified plat met all relevant conditions of Preliminary Plat approval; therefore, the recommendation is:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The submitted Phase One Record Plat being signed and sealed, as required by §4.2.13 (a) 5;
- 4) The nomenclature for the "10' landscape easement" being changed to "10' street tree planting easement" on the Record Plat;
- 5) The Record Plat's containing notes satisfying the requirements of §4.2.13 (t) and §4.2.13 (u);
- 6) The Record Plat's noting the correct zoning classification(s) of the property;
- 7) A Landscape Agreement being executed prior to recordation;
- 8) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 9) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

- 10) An additional 58.271 acres of common open space being required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat carrying forward; and
- 11) All applicable conditions of Preliminary Plat approval being carried forward to apply to all future Phases.

A motion for approval with conditions was made by Mr. Doordan.

Mrs. Bowsbey read the comments of the Health Department. See attached. Chairman Mortimer asked if DPW had any additional comments. Mr. Whittie said they do not have any additional comments.

Mr. Doordan repeated his motion for approval with conditions. The motion was seconded by Joyce Bowsbey.

Members in favor: Mr. Doordan, Mrs. Bowsbey,  
Members in opposition: Mr. Wallace and Mr. Edwards.

Mrs. Bowsbey asked for Mr. Wallace and Mr. Edwards to explain their reasons for voting in opposition of this project. Mr. Janusz commented that he did not vote yet. Mr. Janusz said based on everything that has been presented and in accordance with the rules and regulations, he does not see how he could legally vote against this project. Chairman Mortimer said if he does vote against it, he will have to come up with reasons why that the county can hold up in court. Mr. Edwards said he has a problem with all of the controversy surrounding this project. There are whirling issues. Chairman Mortimer asked what Mr. Edwards feels is not resolved. Mr. Edwards asked if the commission has set a precedent for further submissions. Chairman Mortimer said it is final plat; it is crystal clear. Mr. Edwards said he would like to see the issue of water resolved. Chairman Mortimer said that is has been resolved. Mrs. Bowsbey said that they have their allocation for this phase. Mr. Edwards withdrew his question. Chairman Mortimer asked if Mr. Edwards and Mr. Wallace were still voting against this project. They both answered yes. Mrs. Bowsbey stated that she wants to know why they are voting against this plat. Chairman Mortimer said they are voting against this because of whirling debate. Mr. Janusz asked Mrs. Campbell to explain the legalities of this project. Mrs. Campbell stated that Mr. Di Giacomo has gone through every step of how this plat has satisfied all of the requirements of the Preliminary Plat and he stated further that he believes the comments he made today address all of the issues that were raised at the January Planning Commission meeting. Mr. Di Giacomo said that is correct. Mrs. Campbell said she does not believe that there are any outstanding issues that would warrant the commission to deny this based on the "whirling controversy". There is often controversy surrounding any subdivision plats as there was on the first review this morning. The fact that there is controversy is not a basis to deny a plat. It must be denied on some shortcoming that it has in its failure to comply with the ordinance or the subdivision regulations or the comprehensive plan.

Ex-officio Demmler asked if it was in order for her to ask a question. Chairman Mortimer said it was not. Mrs. Demmler withdrew.

Chairman Mortimer asked Mr. Janusz for his vote.

Mr. Janusz voted in favor of this plat.

Chairman Mortimer announced the vote as 3 - 2.  
Motion for approval carried.

Chairman Mortimer asked the applicant what they wanted to do with Item 13 on the agenda. Mr. Bechtel said they would withdrawal item 13.

Commissioner Demmler asked Mrs. Campbell for a point of clarification regarding her request to make an additional comment and was told no, she would like to know if that was proper procedure. Mrs. Campbell said that was she would let the Chairman's ruling stand.

### **3. Valley Stream, Lots 5-9, Razor Strap Road, Final Plat, RJK Engineering, Fifth Election District.**

Robert Blomquist, RJK Engineering appeared and presented an overview of the project. Mr. Blomquist stated that it has come to his attention that his final plat has some issues that may preclude its recommendation for approval. If it were not to be approved today, the preliminary plat would expire. At this time, Mr. Blomquist made a request to the Planning Commission that rather than considering final approve that they would consider extending the Preliminary Plat approval. Chairman Mortimer said that he was okay with that then asked the other Planning Commission member if they were in agreement with that request. All members agreed. Mr. Blomquist stated that he was having technical issues.

Chairman Mortimer asked if they needed to go through with all of the comments. Mr. Di Giacomo stated that on page 4 of his comments dealing with this contingency are notes for a Preliminary Plat extension. Chairman Mortimer asked if the public gets to comment. Mr. Di Giacomo said yes.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo, P&Z, read the comments of the department:

As to a possible Preliminary Plat extension:

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 4/17/06 will expire on 4/17/08 (the Planning Commission will not meet again until 4/21/08).

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 3/17/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

A motion was made to grant the extension of the Preliminary Plat for one year. The motion was seconded by Mr. Doordan.

All approve. Motion carried.

Chairman Mortimer asked for clarification regarding the “re-instatement” of items 5 & 6 on the agenda. Chairman Mortimer said that implies to him that these plats have expired. Mr. Di Giacomo said that is correct. Chairman Mortimer said then they are officially not projects. Mr. Di Giacomo said they officially have no standing at this time. Chairman Mortimer said they have got to draw a line when it comes to this situation. Mr. Di Giacomo said that is something that the commission can rule on when they come up. This will be the third and fourth cases in the last twelve months where we have had projects that have expired and have come before the commission.

#### **4. Saddlebrook, Lots 1-9, Nottingham Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc. appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat, proposing 10 lots, common open space, and road right-of-way on 21.59 acres, for a proposed density of 1/2.16, was approved on 8/15/05, conditioned on:

- 1) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
- 3) DPW requirements being met prior to the TAC’s review of the Preliminary Plat.

The Preliminary Plat was approved on 5/17/06, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission’s review of the Final plat; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 5/17/06 will expire on 5/17/08.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 3/17/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

'05 School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Leeds	North East	North East
FTE	400	851	1151
Capacity	374	721	1104
% Utilization	107%	118%	104%
School information:	<u>Elementary</u>	<u>Middle</u>	<u>High School</u>
	Leeds	North East	North East
FTE	385	826	1110
Capacity	364	712	1009
% Utilization	106%	116%	110%

Mr. Whittie, DPW, read the comments of the department:

The Department has no objection to granting an extension as requested. The outstanding comments from the May 15, 2006 Planning Commission meeting still apply and will be made a part of the record but not be read at this time.

1. *A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.*
2. *No Road Code Variances have been sought therefore the Department expects the design of the entrance and internal street to meet County Road Code standards without variation. ~~Why is there no right of way interconnection proposed to lands of Clark or to lands of Wink?~~*
3. *Show any existing Nottingham Road cross culverts along the site's Nottingham Road frontage on the preliminary plat and include relevant drainage easements.*
4. *~~Why are Lots One and Two not denied access to Nottingham Road, with access by way of London Lane? Deny access to Nottingham Road for lot 2 frontage, except the existing driveway location, and along the first 75' of the London Lane frontage.~~*
5. *The County will be replacing the CSX bridge to the east of this site and the increase in height will require vertical realignment of the approaches. This must be taken into consideration for the entrance design for this project.*
6. *The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:*

- 6.1 The Lot Grading Plan Construction Limits Note.
- 6.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 6.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 6.4 Requirements for Utility relocations.
- 6.5 Requirements for Public Works Agreements.
- 6.6 Requirements for Stormwater Inspection and Maintenance Agreements
- 6.7 Requirements for County Roads.
- 6.8 Requirements for Driveways.
- 6.9 Requirements for Stopping Sight Distance

**Notes and requirements identified for record:**

The Lot Grading Plan must include the standard construction limits note.

*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Section 3.07.15 of the Road Code directs that Nottingham Road must be upgraded to a Minor Collector Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

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

A Public Works Agreement is required for the county streets & storm drainage constructions and a Public Works Agreement is required for the Private Mini Road.

An Inspection & Maintenance Agreement is required for the private SWM facilities.

The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.

For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a one (1) year extension of Preliminary Plat approval, to expire on 3/17/09.

A motion for the granting of a one year extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

At this time, Mr. McDowell left the meeting.

**5. Dublin Woods, (f/k/a Constellation, LLC), 5 Lots, Irishtown Road, Request for Re-instatement of Concept Plat Approval, Stephens Environmental Consulting, Inc., Fifth Election District.**

Elwood Stark, Esq., Bill Stephens, Stephens Environmental, Brian Fimian, owner and Sharon Walla, Esq., appeared and presented an overview of the project. Mr. Stark stated that there was not an application filed within a two year period as set forth in the Subdivision Regulations and before the expiration.

Chairman Mortimer asked when this plat expired. Mr. Stark said December 20, 2007. Chairman Mortimer asked when the applicant thinks it should have expired. Mr. Stark asked what the difference is between an approval and a conditional approval. Discussion ensued regarding the approval process and the review of expired plats.

Mr. Stark provided the commission with a timeline of this project. See file.

Chairman Mortimer asked if there has been any substantial changes in the zoning of this property. Mr. Stark said yes, the zoning is NAR and the density has changed.

Mr. Fimian gave an overview of his history with this project. He explained that he lives in Virginia and bought this project with his brother in-law. This project was to help benefit his brother in-law that lives in Cecil County and hopefully the project would give him work. They bought this project in April 2006. Approvals were taking too long and money was running out. Eventually, his brother in-law needed to get another job and was unable to keep up with this project. Mr. Fimian stated that he is going to go bankrupt. He said he would never have let this expire if he would have known.

Mr. Stark stated that this project is ready to go to final.

Mr. Stevens gave an overview of his history with this project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal was found in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The original Concept Plat<sup>20</sup> was approved on 4/19/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes.

Per §4.0.9, Concept Plats were then valid for 2 years from date of approval (4/19/06).

Subsequently, the Dublin Woods Preliminary Plat was approved on 12/19/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, w/the metes and bounds description of the FRA being shown on the Final and Record Plats.

Per §4.1.17, Preliminary Plats are valid for 2 years from date of approval (12/19/07). No extension was ever applied for, and no Final Plat was ever submitted for approval and recordation. Therefore, both the Concept and Preliminary Plats have expired and have no standing.

The following original Concept Plat comments will appear in the minutes, but not read at this time:

Zoning: NAR

Density: The NAR zone 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 5 lots, common open space, and a mini-road on 25.6652 acres, for a proposed density of 1/5.133.

The Minor Subdivision number for proposed Lots 1-3 must appear on the plat when and if approved.

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<sup>20</sup> The original Concept Plat was approved under the name "Constellation, LLC."

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 ft<sup>2</sup> 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.<sup>21</sup>

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 and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

No open space is required. The proposed open space must be referred to as common open space. Will the common open space be accessed only from Irishtown Road?

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

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

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Irishtown Road.

Rows of street trees with 10' planting easements 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) was approved on 10/20/03, and the FCP was approved on 11/20/03.

A 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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<sup>21</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

The mini-road name Taurus Lane has been approved.

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.

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

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. Are any of the contiguous properties in agricultural operation?

Under these circumstances, the applicant seeks to have the 4/19/04 Concept Plat approval "re-instated." The Subdivision Regulations do not countenance re-instatements of expired Concept Plats. Their only possible guidance is provided in §4.0.10, which, relating to extensions, states: "The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If said extension is granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations."

The only change that has occurred is the NAR density. The NAR zone permitted a base density of 1 du/ 5 ac. on 4/19/04. That Concept Plat was approved at a proposed density of 1/5.113. On 1/1/07, the permitted NAR density changed to 1/10. Mr. Di Giacomo stated that during that time, the Subdivision Regulations changed in that now, but not then, Concept plats are approved for 3 years.

Since the density has changed, neither a "re-instatement" nor the submittal of a new Concept Plat proposing 5 lots on 25.7 acres is consistent with the permitted NAR density.

'04 School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	586	818	1030
Capacity	504	770	995
% Utilization	116%	106%	104%

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Whittie, DPW, read the comments of the department:

The Department of Public has no position on whether or not the concept plat is reinstated. The issue of how long concept/preliminary plat approval remains valid is governed and identified in Article 4 of the Office of Planning & Zoning's Subdivision Regulations. Regardless of whatever time is required to gain final plan approval(s) from any other department, the applicant is ultimately responsible for keeping track of plat expiration dates and making sure extensions are requested in a timely manner.

Mr. Whittie added that this project was initiated before the DPW was reorganized and seeing that there was a back log at the time, that is why this project was forwarded to URS.

Mrs. Bowsbey read the comments of the Health Department.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

NOT GRANTING a "re-instatement" of the expired 4/19/04 and now inconsistent Concept Plat approval. Should the Planning Commission choose to re-instate it, the department's recommendation under those circumstances would be, although Concept Plats are now valid for 3 years, any re-instatement would be valid for no longer than 1 year and treated as a Concept Plat Extension.

Mr. Janusz said that he believes the commission has the ability to show mercy in special cases. He believe this is such a case.

A motion for the granting a 1 year extension of Concept Plat approval was made by Mr. Janusz. The motion was seconded by Mrs. Bowsbey.

Chairman Mortimer said that he feels for this man but it is the commission's job to use some degree of consistency in how they administrate these things. He said that they set things up for certain reasons and the "I forgot" theory is not one of them.

Mr. Wallace asked how this is affected with the NAR density change. Mr. Di Giacomo said if it were re-instated this would recognize the old zoning density that was permitted.

Mr. Edwards said the larger builder has the power and economic strength to avoid this kind of thing; the little developer does not.

All approve an extension. Motion carried.

**6. Dublin Woods (f/k/a Constellation, LLC), 5 Lots, Irishtown Road, Request for Re-instatement of the Preliminary Plat approval, Stephens Environmental Consulting, Inc., Fifth Election District.**

Chairman Mortimer asked the applicant if there is anything different about the Preliminary that has not already been presented. Mr. Stark said no.

Mr. Di Giacomo read the recommendation of the staff:

NOT GRANTING a "re-instatement" of the expired 12/19/05 and now inconsistent Preliminary Plat approval. Should the Planning Commission choose to re-instate it, the departments recommendation is for it to be extended for 1 year and no longer. That expiration would expire on 3/17/09.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Whittie, DPW, read the comments of the department:

The Department of Public has no position on whether or not the preliminary plat is reinstated. The issue of how long concept/preliminary plat approval remains valid is governed and identified in Article 4 of the Office of Planning & Zoning's Subdivision Regulations. Regardless of whatever time is required to gain final plan approval(s) from any other department, the applicant is ultimately responsible for keeping track of plat expiration dates and making sure extensions are requested in a timely manner.

Mrs. Bowsbey read the comments of the Health Department. See attached.

A motion for approval of a 1 year extension was made by Mrs. Bowsbey. The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **7. Clover Meadows, Lots 1-19, Weaver Meadows Road, Preliminary Plat, RJK Engineering and Associates, Eighth Election District.**

Robert Blomquist, RJK Engineering and Bruce Vanderhoef, owner appeared and presented an overview of the project. Mr. Blomquist stated that if this plat is not approved, the Concept plat approval will expire.

Chairman Mortimer asked what the purpose of the lot that looks like it has a pond on it. Mr. Blomquist said it is COS. Discussion ensued regarding the COS.

Mr. Blomquist stated that he has communications with the engineer of the Potters Clay development which is located across Weaver Meadows Road.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: Density: The Concept Plat, proposing 16 major- and 3 minor-subdivision<sup>22</sup> lots on 53.62 acres, was approved on 4/17/06, conditioned on:

- 1) The Boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD completion documentation being received prior to the Planning Commission's review of the Preliminary Plat;<sup>23</sup> and

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<sup>22</sup> §2.4.1 was not invoked.

<sup>23</sup> Based upon discussion with the Corps of Engineers, JD's will now be required in conjunction with permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>23</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.

- 3) A sensitive species survey being completed prior to the Planning Commission's review of the Preliminary Plat.

The NAR density has changed. On 4/17/06, the NAR zone permitted a base density of 1 du/ 5 ac., and bonus density of 1/3. The Concept Plat was approved at a proposed density of 1/3.12. On 1/1/07, the permitted NAR density changed to 1/10 and eliminated bonus density.

At the time of Concept Plat approval, §4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats would be valid for two years from date of approval – 4/17/08. Therefore, unless the Preliminary Plat is approved at today's 3/17/08 Planning Commission meeting, the Concept Plat shall expire.

General Note # 2 indicates that the boundary line survey has been completed. A copy of the sealed McAllister May 2007 survey must be submitted for the file prior to Final Plat review.

The proposed large lot (#12) and the common open space together total 32.79 acres, or 63.14% of the 51.93 acres. Thus, bonus density eligibility has been maintained.

The add-on hooks need to show direction for the 50' ROW to be conveyed out.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation. What is the status of the JD? Mr. Blomquist said there is no disturbance.

Landscaping is not required, and sidewalks are not recommended, in the NAR zone.

A Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Weaver Meadows Road.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, as shown. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 4/5/06.

The PFCP has been approved, and the sensitive species survey, completed. The details of the FCP and the Final Plat must match up.

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road name, Blarney Lane, has been approved.

Covenants prohibiting the subdivision of the large lot must be noted on the Final and Record Plats and recorded prior to recordation.

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.

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.

School information:	Elementary Conowingo	Middle Rising Sun	High School Rising Sun
FTE	524	712	1129
Capacity	458	775	903
% Utilization	114%	92%	125%

Mr. Whittie, DPW, read the comments of the department:

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. ~~Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road or equivalent Standard for a distance of 100' either side of the proposed entrance. Any right of way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.~~
3. No Road Code Variances have been sought therefore the Department expects the road to be designed in full compliance with the Road Code.
4. ~~All of the off site road improvements, associated with the proposed development, required in Section 3.07 of the Road must be approved in concept by the Department of Public Works prior to submitting this project to the Planning Commission for preliminary plat review. The~~

~~improvements need to be shown or described on the preliminary plat submitted for Planning Commission review.~~

- ~~5. Modify Note 9 to indicate that Lots 2 & 3 are denied access to Weaver meadows Road upon completion of Blarney Lane.~~
- ~~6. How will SWM be addressed for the entire site? In particular discuss how quantity control requirements will be met for storm water runoff from Lots 2-4, 6-10, & 17-19.~~
- ~~7. See the Health Department for any/all separation distances for SWM BMPs.~~
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Requirements for Utility relocations.
  - 8.4 Requirements for Public Works Agreements.
  - 8.5 Requirements for Stormwater Inspection and Maintenance Agreements
  - 8.6 Requirements for County Roads.
  - 8.7 Requirements for Driveways.
  - 8.8 Requirements for Stopping Sight Distance

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
7. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mrs. Bowlsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The add-on hooks showing the direction of the conveyance;
- 4) Covenants prohibiting the subdivision of the large lot must be noted on the Final Plat;
- 5) The FCP and Landscape Plan being approved prior to the submittal of the Final Plat;
- 6) The details of the FCP/Landscape Plan and the Final Plat matching up;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats; and
- 8) A copy of the sealed McAllister May 2007 survey being submitted for the file prior to the submittal of the Final Plat.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Edwards.

All approved. Motion carried.

#### **8. Potter's Clay, Lots 1-9, Weaver Meadows Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Eighth Election District.**

Will Whiteman, Land Surveyor and Doug Roark, owner appeared and presented an overview of the project. Mr. Whiteman stated that Mr. Roark plans to keep Lot 9 for himself.

Mr. Wallace asked about the run off from some of the lots and how that would be taken care of. Mr. Whiteman explained, using the plat, what is proposed to remedy run off.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, proposing 9 lots on 59.725 acres, for a proposed density of 1/6.36, was approved<sup>24</sup> on 6/19/06, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 3) The proposed road name, Ark Drive, being approved prior to the planning Commission's review of the Preliminary Plat.

Per Note #5, the boundary line survey has been completed.

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<sup>24</sup> The NAR zone then permitted a density of 1 du/ 5 ac. No bonus density was sought.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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% have been shown.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission. If required, a JD is required to be completed prior to recordation.

Common open space has been reserved for SWM. Access to common open space between lots must be marked with concrete monuments.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is not required along the Weaver's Meadow Road frontages because Weaver's Meadow Road is functionally classified as a local road. A Bufferyard Standard A has been shown, but not the 100' setback.

A graphic of "X's" appears to depict a conservation easement, but it has not been explained in any legend.

Rows of street trees with 10' planting easements 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 FSD was approved on 5/31/06. The PFCP was approved on 2/20/08.

The FCP and Landscape Plan must be approved prior to Final Plat submission. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The new road name, Arc Drive, has been approved.

Lot 8 will need to be denied access to Weaver Meadow Road. A joint access easement must be established for P. 730 for access to proposed Lot 9.

The owners of P.49 will need to sign the record plat as an add-on is being proposed to affect their property.

The contiguous operating farm notice must be being included on the Final and Record Plats.

School information:	Elementary	Middle	High School
	Conowingo	Rising Sun	Rising Sun
FTE	524	712	1129
Capacity	458	775	903
% Utilization	114%	92%	125%

Mr. Whittie, DPW, read the comments of the department:

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. No Road Code Variances have been sought; therefore the Department expects the road to be designed in full compliance with the Road Code.
3. As discussed previously the SWM plan must adequately address offsite drainage issues. The area reserved for SWM shows no existing define conveyance for the proposed pond to discharge to on or off the property. The applicant is reminded of the requirements of addressing Sections 251-13 & 251-15d of the SWM Ordinance to the satisfaction of the Department.
4. The proposed shared access between Lot 9 and Parcel 730 will require that Deeds for each contain language identifying the rights and responsibilities of each party.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 5.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 5.4 Requirements for Utility relocations.
  - 5.5 Requirements for Public Works Agreements.
  - 5.6 Requirements for Stormwater Inspection and Maintenance Agreements
  - 5.7 Requirements for County Roads.
  - 5.8 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road or equivalent Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement

for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the county streets & storm drainage constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
8. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Discussion ensued regarding SWM.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The 100' Bufferyard A setback being depicted on the Final Plat;
- 4) The conservation easement's graphic being explained on the Final Plat;
- 5) The FCP/Landscape Plan being approved prior to Final Plat submission;
- 6) The 10' street tree planting easement's being noted and depicted on the Final Plat;
- 7) The owners of P.49 being provided a signature line on the Final and Record Plats, as they will need to sign, as an add-on is being proposed to affect their property;
- 8) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats; and
- 9) The contiguous operating farm notice being included on the Final and Record Plats.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **9. Lands of Denver and Rebecca J. Forrester, Jr., Lots 1 & 2, Simperts Road, Final Plat, Will Whiteman Land Surveying, Inc., Third Election District.**

Will Whiteman, Land Surveyor, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat, proposing 2 lots plus remaining lands on 3.951 acres, for a proposed density of 1/1.317, was approved on 7/16/07, conditioned on:

- 1) Different graphics being used for proposed wells, septic tanks, and concrete lids on all future submissions; and
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 10/15/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Plan being approved prior to Planning Commission's review of the Final Plat; and
- 4) No JD being required.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

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'.

Considering the Planning Commission's policy,<sup>25</sup> and given that no wetlands are shown on the wetlands maps or the USGS quad maps, and given that the soils are not hydric, and based on Note 10's information, as announced at TAC review,<sup>26</sup> staff recommends that a Jurisdictional Determination (JD) not be required, pending no objection from MDE or the Corps of Engineers. No objection has been voiced by either agency.

No common open space is required for fewer than ten lots.

20% landscaping of the development envelope is required in the SR zone, but no sidewalks were recommended in this case.

Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard requirements.

Per Note # 8, this project is exempt, per §3.2K.

The Landscape Plan has been approved.

The Landscape Agreement must be executed prior to recordation.

A PRMA must be executed prior to recordation.

School information:	Elementary Leeds	Middle Cherry Hill	High School North East
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<sup>25</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>26</sup> 9/5/07.

FTE	400	571	1151
Capacity	374	754	1104
% Utilization	107%	76%	104%

Mr. Whittie, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVED**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to recordation; and
- 4) A PRMA's being executed prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mrs. Bowsbey.

All approve. Motion carried.

**10. Bayview Station, Lots 1-7, Theodore Road, Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Land Surveyor, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat was approved at a density of 1/3.37 on 9/15/03, conditioned on:

- 1) The Pleasantview Drive road name being approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat;
- 2) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 4) The Bufferyard A and 100' setback being shown on the Preliminary Plat along the rear lots lines of proposed Lots 4, 5 and 6;
- 5) The details of the PFCP and the Preliminary Plat matching up;
- 6) All well locations for all proposed lots being shown on the Preliminary Plat;

- 7) The proposed Lot 7 dwelling location being shifted because of the conflict with a black oak specimen tree; and
- 8) The developer and the Department of Public Works reconciling a mutually agreeable entrance location for Lots 1-6.

The Preliminary Plat was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The details of the PFCP and the Preliminary Plat matching up;
- 4) The maps accompanying the JD letter being supplied to OPZ for inclusion into the project file;
- 5) The proposed dwelling location for Lot 7 being moved because of the content specimen tree ; and
- 6) No sidewalks being required.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, extensions of the 7/19/04 Preliminary Plat approval were granted on 3/20/06, 2/20/07, and 1/23/08, the latter of which will expire on 1/23/09 unless either a Final Plat is approved and recorded or another extension is granted in the interim.

The JD has been done. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. No common open space is required for only 7 lots, although creating common open space in which to locate any stormwater management areas may be desirable.<sup>27</sup>

As has been stated at every review, easements for access across the AT&T easement must be formalized between the developer and AT&T. What steps have been taken to that end? Mr. Whiteman said Mr. Ryan who is the engineer on this project along with Mr. Elmer Justice have contacted AT&T with all the information needed regarding this property. Mr. Whiteman said to the best of his knowledge, it is being finalized.

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

Sidewalks are typically recommended on one side of internal subdivision roads in the SR zone. As a rule, however, sidewalks are usually not recommended for mini-roads. In addition, given the adjacent NAR properties, no sidewalks were recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd.

Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lots 4, 5 and 6.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 5/15/03; the PFCP was approved on 7/19/04.

The FCP and Landscape Plan were approved on 12/12/07.

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<sup>27</sup> If so, then a Homeowners' Association for maintenance of common open space must also be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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, with the metes and bounds description of the FRA being shown on the Record Plat.

The road name "Pleasantview Drive" has been approved.

Proposed Lots 1 & 6 must be denied direct access onto Theodore Road, and proposed Lots 1-6 must all access Theodore Road via only the proposed mini-road. The notes dealing with lot access will suffice.

A mini-road maintenance association for maintenance of the proposed mini-road must be established prior to recordation, with the owners of proposed Lots 1-6 becoming members.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Whittie, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The access easement across the AT&T easement being formalized (any documents requiring recordation being recorded) between the developer and AT&T prior to the recordation of the Record Plat;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A mini-road maintenance association for maintenance of the proposed mini-road being established prior to recordation, with the owners of proposed Lots 1-6 becoming members;
- 7) The Record Plat's noting that Lots 1 & 6 are denied direct access onto Theodore Road, and proposed Lots 1-6 accessing Theodore Road via only the proposed mini-road; and
- 8) Any necessary wetlands disturbance permits being secured prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**11. Bayhead Shore Estates, Lots 1-74, Carpenters Point Road, Preliminary Plat Extension, Morris & Ritchie Associates, Inc., Fifth Election District.**

Fred Sheckells, consultant for the owner/developer, and John Ecknow, project engineer for the company, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: MH, MB, SR & LDA

Density: The MH zone permits a maximum density of up to 4/1 with community facilities.

The Concept Plat, proposing 91 lots, was approved on 7/19/04, conditioned on:

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed in conjunction with the Preliminary Plat for density calculation purposes;
- 3) The respective zoning acreages being resolved prior to the TAC's review of the Preliminary Plat;
- 4) A TIS being completed prior to the TAC's review of the Preliminary Plat;
- 5) The TIS including an assessment of the safety advisability of having lots directly accessing Carpenter Point Road;
- 6) The TIS including an assessment of the safety advisability of having the northern section of Carpenter's point Loop, from the intersection with the proposed Riverside Lane east to Carpenter's Point Road, function as a one-way street;
- 7) Having Carpenter Point Loop connecting with Carpenter Point Road;
- 8) Variances being obtained for any lots proposed on any private roads;<sup>28</sup> and
- 9) All legal arrangements for connecting the private roads to County roads being outlined at the Preliminary Plat's presentation to the TAC and Planning Commission.

Preliminary Plats were reviewed by the TAC on 9/1/04 and again on 11/3/04.<sup>29</sup> The Preliminary Plat, consistent with that reviewed on 11/3/04, proposing 74 dwelling units on 32.22 MH-zoned acres, for a proposed density of 2.3/1, was approved on 4/18/05,<sup>30</sup> conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Proposed Lot 75's acreages being included on the Final Plat;

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<sup>28</sup> In order for lots to be created on a private road, a Variance must first be obtained from the Board of Appeals. Since Carpenter Point Loop is a private road, proposed Lots 62-76 were affected.

<sup>29</sup> The plat modifications made between the 9/1/04 and 11/3/04 reviews were as follows: 1) the number of proposed residential lots was reduced to 74 (was 90), 2) the number of proposed Critical Area lots was reduced to 41 (was 59), 3) the resubdivision of lots 115-120 in the Riverside Recreational Resort, Inc., was excluded, the connectivity of Carpenter Point Loop with Carpenter Point Road was eliminated in favor of Vista Lane's connecting to Carpenter Point Road from the proposed Riverside Lane, and 4) the proposed Riverside Loop was given a smaller footprint – with a reduction in impervious cover.

<sup>30</sup> That approval remains valid until 4/18/07, per §4.1.17.

- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 5) The Final and Record Plats' containing 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 Master Water and Sewer Plan;
- 6) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 7) Written verification of water allocation and sewer capacity being received by OPZ prior to the Planning Commission's review of the Final Plat;
- 8) Documentation of all approvals for the water system and the operator required by the MDE and the Public Service Commission being received by OPZ submitted prior to Final Plat review;
- 9) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 10) The reforestation areas must be shown on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, Preliminary Plat was extended for one (1) year on 3/19/07. That extension is set to expire on 3/19/08, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended in the interim.

If another one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 3/17/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

School information:	Elementary Charlestown	Middle Perryville	High School Perryville
FTE	191.5	709	986
Capacity	292	688	860
% Utilization	66%	103%	115%

Mr. Whittie, DPW, read the comments of the department:  
 The Department has no objection to the granting of an extension to the preliminary plat.  
 The final plat must have all easements shown and correctly noted per Section 4.1.22 (n) of the Subdivision Regulations. The final plat must also contain the final lot grading note.

Mrs. Bowlsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor of this project. No one spoke. Chairman Mortimer asked if anyone would like to speak in opposition of this project. The following members of the public spoke in opposition:

Tom Breske, 1318 Carpenters Point Road, asked what the structure is going to look like on the south side of the road that is not shown on the plat and who is providing the design to handle the water that overflows from the stormwater retention ponds since that volume of water is going to increase. Mr. Breske also stated that he believes the one stormwater retention pond will be located in what use to be a dump. He would like to know if the trash in that area has been sounded and if there are any hazardous materials in there, will an increase lease rate affect the groundwater in the area since they are in wells. Mr. Sheckells said the pond shown on the preliminary plan was never incorporated in the final design. What they did in that area was rather than taking the drainage to that location, they took more drainage to the pond southeast corner. The big facility near the old clubhouse has a direct discharge to the water. There will only be one pond on the site. Discussion ensued.

Judy Monger, 21 Barnes Lane, asked where the SWM basin was in the northern end of the property. Mr. Sheckells said right now the Carpenters Point Loop Road is a gravel drive so the drainage still sheet flows across. They are proposing to upgrade that to a typical curb and gutter section and take that to their pond. If anything, he believes they will be reducing the drainage. Ms. Monger asked for clarification for both submittals on today's agenda. Chairman Mortimer responded that the applicant can bring forth a final for a portion of this project or all of the project. Preliminary approval has been granted already.

Shirley Frailey, 1475 Carpenters Point Road, stated that her biggest concern is her lot being washed away because of all of the water that comes down Carpenters Point Loop. Ms. Frailey said that he yard takes on the most water. Chairman Mortimer asked the applicant to explain how they propose to keep the water from running onto Mr. Frailey's property. Mr. Sheckells said that Ms. Frailey is correct in saying that she takes the majority of the current drainage pattern. The applicant's proposal is to change the drainage pattern. Mr. Sheckells stated that everything that is currently draining to Ms. Frailey's property is going to be cut off by Carpenters Point Loop into a curb and gutter section into a stormdrain section and also Riverside Lane and then conveyed to the pond.

Ms. Bernhard, 1430 Carpenters Point Road, asked what is happening to plat 3, which is the beach front. Mr. Sheckells said the proper time to address this is in the final plat, which is the next agenda item. Mr. Sheckells said he will address it now. He stated that there is no plan for the beach club at this time. The first 50 lots do not include lot 75. The current owner and developer has talked about redoing another beach club. It most likely could not be in the same location. Ms. Bernhard asked if the owner is going to clean up the area. Mr. Sheckells said yes, but it has not been the best economic condition. Discussion ensued regarding the cleanup.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of another one year extension of Preliminary Plat approval, to expire on **3/19/09**.

A motion for the granting of a 1 year extension was made by Mr. Doordan.  
The motion was seconded by Mrs. Bowlsbey.

All approve. Motion carried.

Chairman Mortimer left the meeting at this time.

**12. Bayhead Shore Estates, Lots 33-43, 46-58, 67-74 and Common Open Space, 23-32, 59-66 and Common Open Space, Carpenters Point Road, Final Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

Fred Sheckells, consultant for the developer, appeared and presented an overview of the project. Mr. Sheckells stated the future Lot 75 on sheet 1 and sheet 3 has been called "Other Lands of J.R. Crouse Holdings, LLC, future Lot 75; it is not part of this plat.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 of the regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: MH, MB, SR & LDA

Density: The Concept Plat, proposing 91 lots, was approved on 7/19/04, conditioned on:

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed in conjunction with the Preliminary Plat for density calculation purposes;
- 3) The respective zoning acreages being resolved prior to the TAC's review of the Preliminary Plat;
- 4) A TIS being completed prior to the TAC's review of the Preliminary Plat;
- 5) The TIS including an assessment of the safety advisability of having lots directly accessing Carpenter Point Road;
- 6) The TIS including an assessment of the safety advisability of having the northern section of Carpenter's point Loop, from the intersection with the proposed Riverside Lane east to Carpenter's Point Road, function as a one-way street;
- 7) Having Carpenter Point Loop connecting with Carpenter Point Road;
- 8) Variances being obtained for any lots proposed on any private roads;<sup>31</sup> and
- 9) All legal arrangements for connecting the private roads to County roads being outlined at the Preliminary Plat's presentation to the TAC and Planning Commission.

Preliminary Plats were reviewed by the TAC on 9/1/04 and again on 11/3/04<sup>32</sup>, the latter of which was approved on 4/18/05,<sup>33</sup> conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Proposed Lot 75's acreages being included on the Final Plat;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 5) The Final and Record Plats' containing 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 Master Water and Sewer Plan;

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<sup>31</sup> In order for lots to be created on a private road, a Variance must first be obtained from the Board of Appeals. Since Carpenter Point Loop is a private road, proposed Lots 62-76 were affected.

<sup>32</sup> The plat modifications made between the 9/1/04 and 11/3/04 reviews were as follows: 1) the number of proposed residential lots was reduced to 74 (was 90), 2) the number of proposed Critical Area lots was reduced to 41 (was 59), 3) the resubdivision of lots 115-120 in the Riverside Recreational Resort, Inc., was excluded, the connectivity of Carpenter Point Loop with Carpenter Point Road was eliminated in favor of Vista Lane's connecting to Carpenter Point Road from the proposed Riverside Lane, and 4) the proposed Riverside Loop was given a smaller footprint – with a reduction in impervious cover.

<sup>33</sup> The MH zone permits a maximum density of **up to 4/1** with community facilities. The approved Preliminary Plat proposed 74 dwelling units on 32.22 MH-zoned acres, for a proposed density of **2.3/1**.

- 6) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 7) Written verification of water allocation and sewer capacity being received by OPZ prior to the Planning Commission's review of the Final Plat;
- 8) Documentation of all approvals for the water system and the operator required by the MDE and the Public Service Commission being received by OPZ submitted prior to Final Plat review;
- 9) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 10) The reforestation areas being shown on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, the Preliminary Plat was extended for one (1) year on 3/19/07 and again today. Today's extension is set to expire on 3/17/09, unless either a Final Plat is approved and recorded or, another, extension is subsequently granted.

This Final Plat is generally consistent with the approved Preliminary Plat.

There is an area on the key sheet (1 of 3) that is left blank, ostensibly corresponding to proposed Lots 1-7 and 45.

§4.2.13 (c) 5, 6, and 7 require the total area, the total number of lots, and the residential density in the Critical Area, respectively. Those items have not been included in the §4.2.13 (c) tabulation above the approval block.

As stated at Preliminary Plat review, and as was then a condition of approval, proposed Lot 75's acreages in each zone – MB and SR – must be stated on the Final Plat. Why are they not?

Based on the Preliminary Plat's MH and SR total acreage figures, approximately 43% common open space is provided.<sup>34</sup>

27.16 of the 37.77 total acres of this site are located within the Chesapeake Bay Critical Area, designated LDA, which permits a maximum density of 3.99/1. 41 lots were proposed in the LDA overlay zone, for a proposed Critical Area density of 1.51/1.<sup>35</sup>

In the critical area, no structure shall exceed 35' in height. None of the dwellings are proposed within the 100-yr. floodplain. This is a buffer exempt parcel, as was previously noted on the plat. No more than 15% of the surface area can be converted to impervious surface in the LDA. No more than 20% of the forest or developed woodland may be removed. The area inside the Critical Area is exempt, per §3.2.B, as must be noted on the plat. The Critical Area Commission submitted a letter (3/12/08) that raised a number (8) of issues, including that of the 15% impervious cover limitation. Of particular concern is that if the development of the parcel takes it to the 15% impervious cover maximum, then there can be no future homeowner improvements to each lot. Minor Subdivision # 2602 is no longer referenced on the plat. Why not? Mr. Sheckells said he does not know.

<sup>34</sup> A minimum of 15% is required. The proposed C.O.S. acreage was 12.39 acres and is now 12.414 acres.

<sup>35</sup> §4.2.13 (c) 5, 6, and 7 require the total area, the total number of lots, and the residential density in the Critical Area, respectively. Those items have not been included on this Final Plat. The figures cited are taken from the approved Preliminary Plat.

The TIS and subsequent follow-up letters were received and reviewed prior to Preliminary Plat review by the Planning Commission, as was a condition of Concept Plat approval.

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

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

Because of environmental considerations, sidewalks were not recommended.

The Bufferyard Standard C requirement along the road frontages of Carpenter's Point Road was subject to modification to improve sight distances.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, as noted and depicted.<sup>36</sup>

The FSD and conceptual environmental assessment were approved on 7/14/04.<sup>37</sup> The PFCP and Environmental Assessment were approved on 3/21/05. The FCP, Landscape Plan, and Final Environmental Assessment were approved on 10/26/06 and revised on 1/4/07. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Condition # 10 of Preliminary approval was that the reforestation areas be shown on the Final and Record Plats. That has not been done.

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 Master Water & Sewer Plan includes this area as W1 and S2.

Written verification of water allocation was received from MDE on 4/18/05 (Permit CE1954G006(04))and DPW reports that sewer capacity is available. No documentation of water allocation from Artesian Resources has been received.

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 Master Water and Sewer Plan.

A condition of Preliminary Plat approval was that the Final and Record Plats shall contain a statement, (to be) signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale. It has been included.

Any modifications to the existing beach club will require site plan approval.

Why is the structure partly on Lot 75 & partly on the Lynam property proposed to remain?

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<sup>36</sup> In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

<sup>37</sup> The **Environmental Assessment** is required for that area in the **LDA** zone, which is exempt from the Forest Conservation Regulations per **§3.2.B**.

School information:	Elementary	Middle	High School
	Charlestown	Perryville	Perryville
FTE	191.5	709	986
Capacity	292	688	860
% Utilization	66%	103%	115%

Mr. Whittie, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. Sewer allocation has been granted for the 50 lots proposed.

All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowsbey asked if anyone would like to speak in favor or add additional comments in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**DISAPPROVED**, with the recommendation that the plat be resubmitted once

- Health Department requirements have been met;
- Documentation of water allocation from Artesian Resources has been received;
- Conditions # 3 and #10 of Preliminary Plat approval have been satisfied;
- The area on the key sheet (1 of 3) that was left blank, ostensibly corresponding to proposed Lots 1-7 and 45, has been identified;
- The CBCAC 3/12/08 letter's issues have been fully addressed; and
- The §4.2.13 (c) 5, 6, and 7 requirements have been satisfied.

A motion for disapproval based on the read conditions was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All in favor of disapproval.

Motion carried.

**13. Aston Pointe, Phase 1, Lots 1-61 and Common Open Space, Appleton and Jackson School Roads and MD Rte. 273, Final Plat, Morris & Ritchie Associates, Inc., Fourth Election District.**

WITHDRAWN

A motion to adjourn the March Planning Commission meeting was made by Mr. Edwards.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

The March Planning Commission meeting adjourned at 3:05 p.m.

Respectfully Submitted:

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Jennifer Bakeoven

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

21 April 2008

**Present:** Bill Mortimer; Joyce Bowsbey; Guy Edwards; B. Patrick Doordan; Joe Janusz; Wyatt Wallace; Tim Whittie; Mark Woodhull; Keith Baynes, Esq.; Stu White; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Susan Kambouris, Court Reporter.

**Absent:** Clay McDowell – Alternate; Clara Campbell, Esq. (Mr. Baynes acted as counsel to the Commission in the absence of Ms. Campbell, Esq.)

**Call to Order:** Chairman Mortimer called the meeting to order at 10:00 a.m.

Chairman Mortimer made an announcement regarding the recording device in the Elk Room. He reminded the Planning Commission members and the public to speak directly into the microphones provided.

**Approval of the Minutes:** Mrs. Bowsbey made a motion for approval. The motion was seconded by Mr. Doordan. All approve. Motion carried.

### **1. Liberty Overlook, Lots 1-15, Liberty Grove Road, Final Plat, Northern Bay Land Planning, Seventh Election District.**

Faron Pyles, Northern Bay and William Phillips, owner, appeared and presented an overview of the project. Mr. Pyles stated that this project received Preliminary Approval in June 2006 and there were a few issues, basic comments and conditions of approval. He believes they have met all of the conditions.

Chairman Mortimer asked Mr. Pyles to state which issues he believes he has cleared up. Mr. Pyles said there are standard issues that include Health Department requirements being met, DPW requirements being met, final FCP and Landscape Plan being approved prior to Final Plat review, etc.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, invoking §2.4.1 and proposing bonus density with 16 lots on 35.93 acres, was approved on 8/15/05 at a density of 1/2.25, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;  
and
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat was approved on 6/19/06, conditioned on:

- 1) Health Department requirements being met prior to Final Plat review;

- 2) DPW requirements being met prior to Final Plat review;
- 3) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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

No landscaping of the development envelope is required in the NAR zone. Sidewalks were not recommended.

Bufferyard Standard C is required, outside the right-of-way, on the road frontages along Liberty Grove Road – as depicted. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads – as depicted.

The Natural Heritage letter indicated that the Large seeded forget-me-not and the Trailing Stitchwort are known to occur in the vicinity of the site. The sensitive species survey revealed that those species were not present on site.

The FSD and PFCP were previously approved.

The FCP and Landscape Plan were approved on 3/5/08.

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 name, Sinclear Court, has been approved.

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.

The plat appears to show that an existing private structure and fence would remain in common open space. They must be removed prior to recordation and the Record Plat shall not create the impression that they are to remain.<sup>1</sup>

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, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. The 30' wide road frontage fee simple dedication note must also be included on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowlsbey read the comments of the Health Department. See attached.

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<sup>1</sup> If they are not removed, then the area they encumber must be deducted from the common open space acreage, thus forfeiting bonus density eligibility. In addition, the adjacent lot of which they are part must be included in the density calculation.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Wallace asked if the problem with water suppression that had been brought up in past meetings been resolved. Mr. Phillips said due to the cost of building this out, he did not believe he could afford to have one. Chairman Mortimer asked where the nearest water source is located. Mr. Pyles said he believes there is a dry hydrant down the hill from Mt. Pleasant Church; about ½ mile away.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL** conditioned on:

- 1) Health Department requirements being met prior to recordation;
- 2) DPW requirements being met prior to recordation;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) The private fence and structure in the common open space being removed prior to recordation;
- 6) The Record Plat's showing the private fence and structure in the common open space having been removed;
- 7) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation; and
- 8) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **2. Wilson Property, Lots 1-10, Rowland Road, Preliminary Plat Extension, CNA Engineers, Seventh Election District.**

Christopher Mink, CNA Engineers, appeared and presented an overview of the project. Mr. Mink stated that the plat was presented in May 2006. The Final Plat was presented in July of 2007 but it was disapproved with comments. At the present time, they are still addressing those comments.

Chairman Mortimer asked if Mr. Mink what comments were given regarding this plat. Mr. Mink said the most notable comment is the AT&T agreement. They are constructing a road overtop of the AT&T fiber optic line and they need to get an agreement finalized with AT&T in order to do that.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, proposing 4 minor subdivision lots and 6 major subdivision lots on 32.82 acres,<sup>2</sup> for a proposed density of 1/5.47, was approved on 1/17/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 5/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Common open space being labeled and referred to as such;
- 4) Documentation of all necessary easement agreements with AT&T being submitted prior to the Planning Commission's review of any Final Plat;
- 5) Errors in Note # 26 being corrected;
- 6) The FCP and Landscape Plan being approved prior to the Planning Commission's review of any Final Plat; and
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 5/17/06 will expire on 5/17/08.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/21/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension as requested. All plans are approved and the only administrative issues remain outstanding are the standard lot grading note ("*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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.*") and the required fee simple dedication of a 30' wide strip of land along Dr. Jack Road & Rowland Road frontages being identified on the record plat.

Mrs. Bowsbey read the comments of the Health Department. See attached.

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<sup>2</sup> Site Data column Note # 8 indicated that 4 Minor Subdivision lots were not invoking §2.4.1, so 4 acres (1 for each proposed Minor Subdivision lot) were deducted from the total 36.82 acres, leaving 32.82 acres – based upon which, the 6 proposed major subdivision lots yielded a proposed density of 1/5.47.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension of Preliminary Plat approval, to expire on 4/21/09.

A motion for the granting of a one (1) year extension was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**3. Chestnut Ridge, Phase 1, Lots 1-4, 6-33 and Common Open Space, Stemmers Run and Grove Neck Roads, Preliminary Plat Extension, Vollmer / Stantec Consulting Services, Fifth Election District.**

Mr. Baynes stated that the applicant had gone to the old County Administration Building on North Street. He was en route to the meeting. He should be arriving momentarily.

Chairman Mortimer stated that Chestnut Ridge would be heard once the owner/developer arrived.

**4. Persimmon Creek, Section 4, Lots 188-214, Fletchwood Road, Preliminary Plat Extension, KCI Technologies, Inc., Fourth Election District.**

Todd Fry, KCI Technologies, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project remains in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

The Section 4 – Section 5 Concept Plat Concept Plat was approved at a density of 2.32/1 on 4/20/05, conditioned on:

- 1) The JD Being completed prior to Preliminary Plat review by the Planning Commission;
- 2) The boundary line survey being complete prior to Preliminary Plat review by the TAC;
- 3) A sidewalk along the Fletchwood Road frontage being included in the final design; and
- 4) All stream buffers being depicted on the Preliminary Plat prior to TAC review.

The Section 4 Preliminary Plat was approved on 5/15/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A copy of the signed and sealed survey being provided to OPZ prior to the submission of a Final Plat; and
- 4) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 5/15/06 will expire on 5/15/08.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/21/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The previous comments from the May 15, 2006 Planning Commission meeting still apply and will be entered into the record but will not be read at this time.

1. *The proposed overflow parking has been reviewed by the Department and is acceptable.*
2. *A SWM plan, Road & Storm Drain plan, Water distribution and sewer collection system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.*
3. *The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal. Sewer service laterals for all new town homes proposed must connect to a new sewer main in the proposed subdivision street. The Developer must upgrade SPS controller panel as part of the sanitary sewer improvements for Sections 4 and 5; contact the DPW Water & Wastewater Division for details. The Developer must repair I&I problem at gravity sewer input to SPS wet well as a condition of sewer allocation.*
4. ~~*The water main must be located in the street north of the stream crossing.*~~
5. ~~*Pre-design geotechnical evaluation and borings along the proposed road perennial stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement. Additionally, the stream crossing structure must be approved as part of the road system approval, which must meet County Road Code criteria, passing the 25 year storm without overtopping. A re-mapping of the 100- year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.*~~
6. ~~*The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View—Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must engage a Maryland licensed professional engineer, at the Developer's cost, to upgrade the water system model. The Department recommends that the applicant approach the developer of the adjacent Westcreek Village property in pursuing a joint effort in upgrading the water system model.*~~

7. *Water & Sanitary Sewer allocation for 48 Equivalent Living Units was granted on September 23, 2005. Public utility connection fees and a benefit assessment for the Meadowview system upgrades will be applicable to each building permit sought, and on an ELU basis.*
8. ~~*The Persimmon Lane geometry appears to meet the intent of the Department's 9-23-05 response to Road Code Variances sought by the applicant in the 9-12-05 request.*~~
9. *Show the private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Utility Easements less than 20' in width are typically not acceptable to the Department for new subdivision work.*
10. ~~*The C.O.S. stormdrain system shown is for private stormwater management purposes and shall be shown in a private stormwater drainage easement outside of the public water easement.*~~
11. *Public Stormdrainage easements must be separated from private stormwater management and access easements.*
12. *The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:*
  - 12.1 *The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.*
  - 12.2 *Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*
  - 12.3 *Compliance with Section 3.07.15 of the Cecil County Road Code.*
  - 12.4 *Requirements for Utility relocations.*
  - 12.5 *Requirements for Public Works Agreements.*
  - 12.6 *Requirements for Stormwater Inspection and Maintenance Agreements.*
  - 12.7 *Requirements for County Roads.*
  - 12.8 *Requirements for Driveways.*
  - 12.9 *Requirements for Final Plat - Public Water and Sewer Allocation.*
  - 12.10 *Townhome Parking Areas & H.O.A. Maintenance Easement Notes.*
  - 12.11 *Requirements for Sewer Service Cleanouts – Location.*

**Notes and requirements identified for record:**

*The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.*

*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

*Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*

*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

*The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Section 3.07.15 of the Road Code requires that Persimmon Lane be upgraded to a Collector Road standard for 100' either side of the proposed entrance.*

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

*A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.*

*An Inspection & Maintenance Agreement is required for the private SWM facilities.*

*The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Persimmon Lane may not exceed 5% within the limits of the intersection right-of-way.*

*All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.*

*Developer must request and obtain a public water and sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.*

*All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.*

*All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.*

Mrs. Bowlsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension of Preliminary Plat approval, to expire on 4/21/09.

A motion for the granting of the extension was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**(3) Chestnut Ridge, Phase 1, Lots 1-4, 6-33, and Common Open Space, Stemmers Run and Grove Neck Roads, Preliminary Plat Extension, Vollmer / Stantec Consulting Services, Fifth Election District.**

Carroll Davis, owner, appeared and presented an overview of the project. Mr. Davis explained that he has entered into a contract with the Eastern Shore Land Conservancy. That agreement has not been finalized yet so he is requesting an extension of the Preliminary Plat.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The Concept Plat, proposed 23 lots and 32.9 acres of common open space on 188.86 acres for a density of 1/8.2. In addition, it invoked §2.4.1 for the 2 parcels of record and included 10 additional minor subdivision lots. It was approved on 2/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All wetlands and stream buffers being depicted on the Preliminary Plat;
- 4) The bufferyard modification proposed in Note #13 being approved;
- 5) The proposed "Oak Crest Road" name being approved by the 911 Center prior to Planning Commission review of the Preliminary Plat;
- 6) All specimen trees and the locations of their critical root zones being shown on the PFCP and Preliminary Plat; and
- 7) Fee simple access to the stormwater management area to the rear of proposed Lot 23 being incorporated into the design.

The Preliminary Plat, proposing 32 lots and 32.9 acres of common open space, was approved on 5/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FPC and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and

- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 5/17/06 will expire on 5/17/08.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/21/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The previous comments from the May 17, 2006 Planning Commission meeting still apply and will be entered into the record but will not be read at this time.

1. *A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.*
2. *No Road Code Variances has been sought for this development therefore, the Department will expect to see that the road & storm drain design complies with the Road Code completely.*
3. *Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s).*
4. *If the existing wet pond is intended to serve a stormwater management function, then a geotechnical analysis of the embankment is required, along with a Maryland professional engineer's analysis of the pond and outfall structure condition and hydraulic performance. The pond analysis must address any relevant MD 378 Pond Code criteria. The analysis must be submitted to the Department of Public Works in the form of an engineering report, signed and sealed by a Maryland licensed professional engineer. If the pond is to be maintained by the HOA or lot 33's owner, but not perform a stormwater function, the lot deed restrictions must note the maintenance responsibility.*
5. *Public Stormdrainage easements must be separated from private stormwater management and access easements. Access to the stormwater management facility northeast of lots 22 & 23 should be via a fee simple open space strip with a recommended minimum width of 30 feet.*
6. *Roadside grading for clear line of sight will be required at one or both of the proposed County Road access locations and the same must be shown on the entrance final grading plan. New entrance signage will be required along Grove Neck Road.*
7. *The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:*
  - 7.1 *The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.*
  - 7.2 *Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*
  - 7.3 *Compliance with Section 3.07.15 of the Cecil County Road Code.*
  - 7.4 *Requirements for Utility relocations.*

- 7.5 Requirements for Public Works Agreements.
- 7.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 7.7 Requirements for County Roads.
- 7.8 Requirements for Driveways.
- 7.9 Requirements for Stopping Sight Distance Measurements.

Notes and requirements identified for record:

The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.

Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

Section 3.07.15 of the Road Code requires that Stemmers Run Road and Grove Neck Road be upgraded to a Minor Road standard for 100' either side of the proposed entrances. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

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

A Public Works Agreement is required for the streets & storm drainage constructions.

An Inspection & Maintenance Agreement is required for the private SWM facilities.

The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. This also applies to the intersection R.O.W. dedication at Stemmers Run and Grove Neck Roads. The internal street grade leaving Stemmers Run and Grove Neck Roads may not exceed 5% within the limits of the intersection right-of-way.

All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Applicant must provide stopping sight distance measurements for the Stemmers Run Road and Grove Neck Road access locations to DPW prior to preliminary plat submittal. Mark the proposed Stemmers Run and Grove Neck Road entrance locations in the field by a survey stake or paint.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension of Preliminary Plat approval, to expire on 4/21/09.

The motion for the granting of the extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

Mrs. Bowsbey asked if the expiration date of the granted extension would be included in the motion. Mr. Di Giacomo said that the expiration date will be in the meeting minutes twice and it will be in the approval letter that will be sent to the applicant.

**5. Louise, Lots 1-11 and 49, Dr. Jack Road, Final Plat, McCrone, Inc., Seventh Election District.**

Michael Burcham, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 and §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus NAR density of 1/3.06<sup>3</sup> on 1/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The applicant's obtaining verification from MDE that the pumping at full yield of wells on this project will not be affected by any contaminants moving in the direction of these wells from contaminated sites.

The Section 1 Preliminary Plat was approved on 6/19/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All questions regarding the location(s), maintenance, and monitoring of recommended sentry wells being resolved prior to Final plat review;
- 5) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat; and
- 6) The Details of the FCP and any Final Plat matching up.

The revised Section 1 (Rev. Lots 8 & 49)—Section 2 (Lots 12-26 & 41-48) Preliminary Plat was approved on 12/18/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All questions regarding the location(s), maintenance, and monitoring of recommended sentry wells being resolved prior to Final plat review;
- 5) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat; and
- 6) The Details of the FCP and any Final Plat matching up.

The lot 12 Final Plat was approved on 3/19/07, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;

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<sup>3</sup> §2.4.1 was invoked.

- 4) A Homeowners' Association for maintenance of common open space being established with \$50 for this recorded lot being placed in escrow for improvements prior to recordation;
- 5) Covenants prohibiting the subdivision of this large lot being recorded and again noted on the Record Plat;
- 6) 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 7) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat.

This Lots 1-11 & 49 Final Plat<sup>4</sup> is consistent with the approved Concept & Preliminary Plats.

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.<sup>5</sup> Slopes greater than 25% have been shown – as have stream and wetland buffers.

Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Documentation of the JD was received on 6/12/06.

A letter was received from MDE stating that available information indicates that groundwater in the vicinity is not expected to be affected by the contamination associated with the Woodlawn federal superfund site.<sup>6</sup> At the 6/19/06 Planning Commission review of the Section 1 Preliminary Plat, it was determined that all such questions must be fully resolved prior to any Final Plat review. A subsequent 12/1/06 MDE letter stated that any possible monitoring wells would be “a voluntary effort that is not required by EPA or MDE.” Because such monitoring wells are required by neither the Zoning Ordinance nor the Subdivision Regulations, and because MDE states that, based upon empirical data, the Louise “subdivision is not expected to be affected” by contamination, staff finds no basis upon which to recommend the requiring of monitor wells.

There are no habitats of rare, threatened, and endangered species.

15% common open space is required; 21.49% was proposed on the approved Concept Plat, and the Preliminary Plats together proposed 1 acre more open space/common open space than did the Concept Plat. Thus, bonus density eligibility has been maintained.

No landscaping or sidewalks are required. Bufferyards Standard C is required, outside the right-of-way, along the Doctor Jack & Waibel Road frontages.

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<sup>4</sup> Per §4.0.9, the Concept Plat approval was valid until 1/21/08, but Preliminary Plat approval of any section of the Concept Plat would extend the Concept Plat's validity for an additional year. Therefore, 6/19/06 and 12/18/06 Preliminary approvals would otherwise have extended the Concept Plat approval to 12/18/07, except that it already had validity until 1/21/08. The Preliminary Plats, per §4.1.17, were valid until 6/19/08 and 12/18/08, respectively, except that the recordation of the approved lot 12 would extend those approvals. Thus, technically, although the approved Concept Plat has expired, this Final Plat is based upon the Preliminary Plat whose approval remains valid until 12/18/08. (In addition, the revised (8/21/07) §4.0.9 now allows three-year approvals of Concept Plats, so, therefore, the policy direction is one in which a renewal of the technically expired Concept Plat would be reasonable for this project, which has proceeded in a reasonable and timely fashion.)

<sup>5</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

<sup>6</sup> The letter also stated “... it would be prudent to consider the installation of sentry wells between the subdivision and the Woodlawn site to ensure that should any changes occur, they would be detected before potentially impacting the proposed subdivision.”

The MDE letter did **not** provide any **guidance**, however, as to exactly where the sentry wells should be located or by whom they would be maintained or monitored.

Rows of street trees with 10' planting easements 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) was approved on 1/13/06.

The PFCP was approved on 6/16/06 for proposed Lots 1-11 & 27-40 only. Because lot lines have changed, it must be revised. The PFCP for the balance of the project must be approved prior to the Planning Commission's review of this Preliminary Plat.

The FCP and Landscape Plan were approved on 3/13/07.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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

Covenants prohibiting the subdivision of the large lot must be recorded and again noted 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.

Documentation of an easement agreement with BG&E has been received. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

The contiguous operating farms notice has been provided on the plat.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. An easement curve table identifying the SWM I&M easement boundary at the cul-de-sac must be included on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 5) Covenants prohibiting the subdivision of the large lot being recorded and again noted on the Record Plat;

- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 7) All BG&E/Constellation Energy documents requiring recordation being recorded prior to the recordation of the Record Plat.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mrs. Bowsbey.

All approve. Motion carried.

## **6. Rhodes Mountain Estates, Section 2, Lots 33-45, Irishtown Road, Final Plat, McCrone, Inc., Fifth Election District.**

Michael Pugh, Corridor Land Services and Michael Burcham, McCrone, Inc., appeared and presented an overview of the project. Mr. Burcham stated that since the Preliminary Plat approval, there have been a few changes to the plan, most notably, the reduction of two lots. The reduction of the lots is due to the fact of a boundary line agreement with the adjoining Lands of Mr. Carter. Several adjustments were made to septic areas after the property line adjustment. A revised plan of the Preliminary was submitted to the Health Department for their review. Mr. Burcham said there are some outstanding issues related to the Final Plat with the Health Department. Those issues were also addressed on the previous revised Preliminary Plat. The issues were found to be satisfactory. Those minor changes will be addressed on this plan prior to recordation.

Mr. Di Giacomo, P&Z, read the comments of the department:

Upon inspection, this project was in compliance with § 3.8 of the Subdivision Regulations regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & RR

Density: The Concept Plat proposing 15 lots on 45.42 acres, for a proposed density of 1/3.03 for this section, was approved on 6/21/04, conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
- 2) A JD being completed prior to TAC review of the Preliminary Plat; and
- 3) A Road Code waiver for a mid block turnaround being granted.

Previously, the Irishtown Mews (25± acres of the proposed Section 2) Concept Plat was approved conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
- 2) A JD being completed prior to TAC review of the Preliminary Plat;
- 3) The intersection design conforming with §7.2.12.E.1 of the Cecil County Subdivision Regulations; and
- 4) Consideration being given to redesigning to eliminate one or more of the panhandle lots prior to preliminary plat.

The original Rhodes Mountain Estates Concept Plat (what now is considered Section 1) was approved on 1/22/04 (60 lots on 180.79 acres, for a proposed density of 1/3.01), conditioned on:

- 1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Minor subdivision # 2724 being referenced; and
- 4) The zoning being corrected on the Lands of Wells.

The Section 1 Preliminary Plat was approved on 6/21/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Minor Subdivision 2724 being referenced on the plat;
- 4) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat; and
- 5) Routing of the Elk Neck Trail being delineated on the Final Plat as it was on the adjacent property.

Section 1's Preliminary Plat was extended on 5/15/06 for one year.

Section 2's Preliminary Plat was approved on 5/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 5) The details of the Final Plat, the FCP, and the Landscape Plan matching up; and
- 6) The stream buffer modification being granted.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless either a one-year extension is granted, or this Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 5/17/06 will expire on 5/17/08.

Proposed Lots 46 and 47 have been eliminated, and the acreage has declined from (the original 45.42 acres to 45.28 and then to) 45.11 to 41.521. What accounts for this change? Mr. Burcham gave an explanation of the change in his earlier testimony.

Otherwise, this Final Plat is consistent with previous approvals.

Streams and wetlands and buffers have been shown. Documentation of the completed JD was received on 5/4/06.

13.645 acres (was 14.22) of common open space are proposed, which represents 32.806%. 15% is required. Access to common open space between lots must be marked with concrete monuments.

Proposed Lot 33 serves as the large lot; it is proposed to consist of 13.327 (was 13.02) acres, or 32.1%. The total proposed open space consists of 64.96% of the site, thus maintaining bonus density eligibility.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

Rows of street trees are required, with 10' street planting easements, outside the right-of-way, along both sides of the proposed Spence Drive. The street tree planting easement must be labeled as such.

Sidewalks were not recommended in the NAR zone.

An FSD for parcel 153 and the add-on was approved on 1/20/04, and the Irishtown Mews FSD was approved on 5/19/03. The site is not home to any rare, threatened, and endangered species. The PFCP was approved on 5/15/06.

The FCP/Landscape Plan was approved on 3/20/08.

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, with the metes and bounds description of the FRA being shown on the Record Plat.

The road name Spence Drive has been approved.

A dry hydrant was previously considered at the SWM facility along the proposed Spence Drive.

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, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowlsbey read the comments of the Health Department. See attached. Mrs. Bowlsbey asked Mr. Burcham if the issues raised in the Health Department comments have been addressed and satisfied. Mr. Burcham said yes. This plat had already been submitted for the Planning Commission's review therefore the changes are not reflected on this Final Plat. Mr. Burcham said he will be making the appropriate changes to the plat prior to recordation.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;

- 5) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 6) The Corps/MDE permit(s) for Spence Drive being obtained prior to recordation;
- 7) The "street tree planting easements" being labeled as such on the Record Plat; and
- 8) Deed restrictions being recorded prohibiting the subdivision of the large lot and that also being noted on the Record Plat.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mrs. Bowsbey.

Members in favor of the motion for approval: Mrs. Bowsbey, Mr. Doordan, Mr. Edwards, Mr. Wallace.

Member in opposition of the motion for approval: Mr. Janusz.

**7. Rhodes Mountain Estates, Section 2, Lots 33-47, Irishtown Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

**WITHDRAWN**

**8. The Mews at North East Creek, Lots 1-204, Mechanics Valley Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton and Brad Fox, McCrone, Inc. and David Dodge, Smart Growth Land Management Company appeared and presented an overview of the project. Mr. Sutton provided the commission with a smaller copy of the plat and gave an explanation of the handout. Modifications have been made to the layout based on proposed changes to the road code with street radii. Most of the changes occurred on the western portion of the property. Middlebrook Drive is going to extend straight up into Maplewood Way. Additionally, the entrance off of Mechanics Valley Road has been adjusted further away from the Giberson tract. Their driveway was deemed too close to the entrance that was originally proposed. Some notes the Mr. Di Giacomo had given to the applicant that have been addressed are the driveways on the Giberson tract. The goal now is to add land to the Giberson's to clear that issue up. That will not change the density of this project. The other issue was the AT&T easement that runs through the property. Mr. Sutton has been in contact with AT&T regarding this easement. He expected to have a letter from AT&T this morning but had not yet received it. The actually cable lines that are in the easement are not being used by AT&T but they have requested from the applicants, an easement along the roads.

Chairman Mortimer asked if the stub on Middlebrook Drive is an entrance onto MD Rte. 40. Mr. Sutton said yes, that is the second entrance.

Mrs. Bowsbey asked if this project has had a TIS done. Mr. Sutton said a TIS has been completed and approved.

Mr. Wallace asked what the hold up has been with this project. Mr. Sutton said the size of the design. They are also working on stream crossing. Mr. Dodge said they are also working on the Route 40 SPS and force main with the Board of County Commissioners. Also, this project is to be annexed into the Town of North East. Water will be provided by the town.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 and §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

The Concept Plat, proposing 205 lots on 171.0 acres, for a proposed density of 1.2/1, was approved on 12/20/04, conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The Bufferyard C requirement on Mechanics Valley Road being modified to accommodate sight distance issues;
- 3) The TIS being updated prior to the TAC's review of the Preliminary Plat;
- 4) The monumental boulevard entrance configuration being extended back to Valley Vista Drive;
- 5) The current four stream crossing permits for Phase 1 being submitted to DPW prior to Final Plat review; and
- 6) Protective fencing being constructed to prohibit pedestrian access to the railroad.

The Preliminary Plat<sup>7</sup>, proposing 204 lots on 170.66 acres, was approved on 7/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Verification of sewer allocation being received from DPW prior to final plat review;
- 4) Verifications of water allocation being obtained the Town of North East prior to Final Plat review;
- 5) The easement re-alignment agreement with AT&T being executed prior to final plat review;
- 6) The easement for a future greenway in the common open space being shown on the final plat; and
- 7) The access road to Guiberson and tract 2 being relocated or joint access easement being established on the final plat.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval.

Therefore, per §4.1.18, the Planning Commission granted a 1-year extension on 5/21/07, which will expire on 5/21/08 unless either this requested extension is granted or a Final Plat is approved and recorded in the interim.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/21/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.

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<sup>7</sup> A revised Preliminary Plat, still proposing 204 lots with a slightly different layout, was reviewed by the TAC on 3/5/08. It currently has no standing. The approval of a revised Preliminary Plat would extend Preliminary Plat approval for another 2 years, per §4.1.17.

- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations.”

There have been no such pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The previous comments from the March 5, 2008 Technical Advisory Committee meeting still apply and will be entered into the record but will not be read at this time.

1. *The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.*
2. *A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.*

*Final Plat: “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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*

*Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*

*Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*

3. *The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.*
4. *If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.*
5. *What is proposed at the storm drain outfall behind Lot 42?*
6. *Clearly identify the extent of the proposed SWM facilities located adjacent to Lot 62 and the Fuddy property.*
7. *You must place a note on the plat identifying the easement running through the rear of Lots 90-99 as a private drainage easement belonging to the HOA.*

8. *The plan is confusing in regards to identifying the boundaries of the proposed SWM inspection & maintenance (I&M) easements. All I&M easements need to be made clearer on the plat brought to the Planning Commission for review.*
9. *Identify the road grades for Mews Drive and West Court.*
10. *Final sight distance measurements along Mechanics Valley Road must be confirmed by the engineer as part to the offsite Road Improvements Plan engineering which must precede final plat submittal for Planning Commission review.*
11. *Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.*
12. *Construction entrance for Phase Two improvements should be South Falls Drive or from Mechanics Valley Road. This requirement is intended to minimize construction traffic impact to the community area of phase one development. Phase Three construction entrance should be at the Mechanics Valley Road entrance, with the intent to minimize phase three construction traffic impact on existing portions of the phase one and two community development.*
13. *The Department recommends that the Planning Commission condition their approval of Phase One final plat on the applicant having obtained the stream crossing permits for the entire subdivision layout.*
14. *All lots must front Minor Roads wherever possible.*
15. *All driveways must be paved at least to the right of way and those accessing Valley Vista Drive, Vista Creek Drive, and South Falls Drive, must be provided with on-lot turnaround capability (on the final lot grading plan). The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.*
16. ~~*Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.*~~
17. *The village green, proposed with this layout, requires some type of decorative barrier, to separate the active recreation and/or tot lot usage from traffic lanes. The barrier is to be installed along their road frontages and maintained by the homeowner's association.*
18. ~~*Has the TIS been revised to address the existence of a second entrance into the development and how this impacts internal traffic distribution as well as trip distribution onto Mechanics Valley Road and U. S. Route 40?*~~
19. ~~*A Road Condition Survey, as identified in the Department's Road Code Guidance Manual, is required for Mechanics Valley Road from 250' north of the entrance to the Maryland SHA owned part of the intersection with U.S. Route 40. The applicant's engineer submitted a condition survey and an initial road improvements proposal to the Department on May 5, 2005, with a subsequent addendum on July 8, 2005. The initial proposal is generally acceptable, but will remain subject to final engineering and departmental approval of the final proposal. We recommend planning commission condition their approval of this preliminary plat on the applicant providing offsite road improvements as identified by the department of public works, pursuant to satisfying the provisions of 2.7.1 of the subdivision regulations. The applicant will be responsible for all necessary right of way acquisition at their cost.*~~
20. *Engineering and plans for the phase three Mechanics Valley Road entrance and offsite road improvements must be complete and approvable to the Department of Public Works prior to phase two and/or phase three record plat approval by the department. The plan must address the acceleration, deceleration, and bypass lane requirements of the Cecil County Road Code.*
21. *The TIS identifies deficient guardrail at Mechanics Valley and Bouchelle road which must be upgraded and replaced as part of the offsite road improvements required of the Developer.*

*Additionally, the engineer must incorporate the TIS improvement recommendations into the overall offsite road improvements proposal for Mechanics Valley Road.*

- 22.** *The Route 40 pumping station is currently being upgraded and when complete will provide the required sewer service for this development. Completion is scheduled for July 2008.*
- 23.** *The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.*
- 24.** *The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.*
- 25.** *What is the status of the AT&T easement relocation and removal of any existing conduit within the easement? The new easement layout along Vista Creek Drive, South Falls Drive, and Mechanics Court appears to conflict with intended county utility structures and future sidewalk alignment. Has AT&T indicated their intended use and restrictions for this easement? As proposed the easement crosses a great number of water & sewer house connections and service mains as well as storm drains. Provide copies of the AT&T relocation agreement to the County for review and acceptance prior to final plat recordation. The agreement must clearly spell out that these utilities are allowed in their easement.*
- 26.** *What is the status of your public water allocation request with the Town of North East.*

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension of Preliminary Plat approval, to expire on 4/21/09.

The motion for the granting of the extension was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

### **9. Stoney Brook Knoll, Lots 1-40, Liberty Grove Road, Preliminary Plat Extension, McCrone, Inc., Sixth Election District.**

Don Sutton, McCrone, Inc., and Steven Balderston, owner, appeared and presented an overview of the project. This development has been through two (2) appeals of the Planning Commission's decision and the Planning Commission's decision was upheld in both appeals. Mr. Balderston has been waiting for that to go through the appeals process and the economy has taken a bit of a downturn. The engineering design has not yet been started. Chairman Mortimer asked what the nature of the appeal was. Mr. Balderston said the appeal was over the density and sight distances.

Mr. Wallace asked if past issues with DPW were addressed and satisfied. Mr. Whittie said yes.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 and §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The Concept Plat, proposing 41 lots on 124.5 acres, was approved at the bonus density of 1/3.03 on 6/20/05, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 3) A Traffic Impact Study being completed prior to Preliminary Plat review by the TAC.

The Preliminary Plat, proposing 40 lots on 120.29 acres, at a density of 1/3.01, was approved on 5/15/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All questions regarding the TIS being satisfactorily resolved prior to Final Plat review;
- 4) All details on the FSD, FCP, and Final Plat being consistent with one another;
- 5) The FCP and Landscape Plan being approved prior to Final Plat review;
- 6) The adjacent agricultural operation notice's appearing on the Final and Record Plats;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 8) The contiguous operating farms notice being provided on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 5/15/06 will expire on 5/15/08.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/21/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The previous comments from the May 15, 2006 Planning Commission meeting still apply and will be entered into the record but will not be read at this time.

1. *The revised TIS and a road condition survey of Liberty Grove Road have been submitted and have been reviewed. The Department has an issue with the distribution routing of site generated traffic in the TIS, specifically the assertion that 70% will take Liberty Grove Road south beyond Dr. Jack Road. There's a strong likelihood more traffic will use Dr. Jack Road to access MD 276. The Department does not foresee the need for offsite road improvements beyond those required for obtaining adequate sight distance and the requirements of Road Code Section 3.07.15.*
2. *A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.*

3. *The Deceleration lane and offsite road improvements under Road Code Section 3.07.15 to the south of the proposed Liberty Grove Road access location must accommodate and be extended to join the Liberty Grove Road improvements designed for the Murphy's Run subdivision.*
4. *New intersection/entrance signage will be required along Liberty Grove Road.*
5. *Extend the public closed storm drainage system outfalls between lots 34&35, 2&4, and 15&16 to stone outfall protections located beyond the rear yard and lot building envelopes. All common open space drainage swales, ditches, and constructed runoff conveyances designed for stormwater management shall be located within a private stormwater management and access easement, which must be shown on the final plat.*
6. *Show a private easement and dedication note for the fire company draft tank.*
7. *Any stormwater management facilities discharging to the Basin Run watershed shall be designed to meet Stream class III and IV standards in the 2000 Maryland Stormwater Design Manual (specifically addresses thermal impacts).*
8. *The fees for design review of this project must be provided at the time of first design submittals.*
9. *The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:*
  - 8.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 8.4 Requirements for Utility relocations.
  - 8.5 Requirements for Public Works Agreements.
  - 8.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 8.7 Requirements for Stopping Sight Distance measurements.
  - 8.8 Requirements for County Roads.
  - 8.9 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Liberty Grove Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. Applicant must provide stopping sight distance measurements for the Liberty Grove Road access to DPW prior to preliminary plat submittal. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.
8. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
9. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any

driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor of this project. No one spoke. Chairman Mortimer asked if anyone would like to speak in opposition. Charles Herzog, 56 McCush Road, Colora, MD spoke in opposition of this project. Mr. Herzog stated that he is the Co-Chair of the Liberty Grove Alliance which is members of adjacent property owners of said property, Stoney Brook Knoll. Mr. Herzog asked that the Planning Commission deny this extension due to the pending litigation in regards to the approval of the Concept Plat. The hearing will be in October. Secondly, the Preliminary Plat is also on appeal. They also feel there has been a change in zoning. Within 1000 meters of Mr. Herzog's farm, there are eight (8) major subdivisions, representing 190 dwellings. Mr. Herzog feels that this is not the growth corridor. This impact of suburban sprawl is destroying his way of life; it is affecting the wells, schools, SWM, etc. Mr. Herzog also believes destruction of prime agricultural lands is a slap in the face of the Comprehensive Plan as it is written. Mr. Herzog continued to explain the opposition he has for this project.

Mr. Di Giacomo gave an overview of the change in density of this area.

Mr. Baynes explained that in regards to the litigation involved in this project, the developer is proceeding at their own risk.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension of Preliminary Plat approval, to expire on 4/21/09.

A motion for the granting of the extension was made by Mr. Doordan.

The motion was seconded by Mrs. Bowsbey.

Mr. Edwards asked whether the project would have to start over at Concept if the decision is overturned. Chairman Mortimer said yes.

Members in favor of the granting of an extension: Mrs. Bowsbey, Mr. Doordan and Mr. Edwards.

Members in opposition of granting an extension: Mr. Wallace and Mr. Janusz.

The motion for the granting of an extension was carried.

#### **10. David S. Willis, Jr., etal, Lots 5-15, Blue Ball Road, Preliminary Plat Extension, McCrone, Inc., Fourth Election District.**

Don Sutton, McCrone, Inc. appeared and presented an overview of the project.

Chairman Mortimer asked if this project had issues with the neighbors around density and layout. Mr. Sutton said when this property was first brought to the Planning Commission, there were deed restrictions on the property that limit it to number of lots that are on the plat. All restrictions have been met.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat (16 lots on 161.1 acres, for a proposed density of 1/10.068),<sup>8</sup> was approved on 5/20/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes; and
- 2) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission.

A Preliminary Plat for 16 lots was approved on 5/20/04. Subsequently, a Preliminary Plat for proposed Lots 1-4 was approved on 7/19/04, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met; and
- 3) The site location in the vicinity sketch being accurately delineated on the Final Plat.

The Final Plat for proposed Lots 1-4 was approved on 5/16/05, and the Record Plat was signed on 12/21/05.

The Concept Plat was granted a one year extension on 4/17/06.<sup>9</sup>

A Preliminary Plat<sup>10</sup> proposing 11 lots and 30.29 acres of common open space on 149.62 acres for a proposed density of 1/13.6, was approved on 5/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approved on 5/17/06 will expire on 5/17/08.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/21/09.

§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 for one (1) year upon

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<sup>8</sup> It was brought to the County's attention that a private deed restriction limits the subdivision of this property to 15 lots until 5/29/13. The proposal exceeded that limitation by one lot; however, the County does not enforce private deed restrictions. This Preliminary Plat is consistent with that private deed restriction.

<sup>9</sup> §4.0.09 of the Cecil County Subdivision Regulations provides that Concept Plats shall be valid for two years from date of approval. Preliminary approval extends Concept Plat approval for one year from the date of Preliminary approval. Therefore, without the extension, the 5/20/04 Concept Plat approval would have expired on 7/19/06.

<sup>10</sup> It was consistent with the approved Concept Plat density of 1/10.068.

application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension as requested. The previous comments from the May 17, 2006 Planning Commission meeting still apply and will be entered into the record but will not be read at this time.

1. *A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.*
2. *Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a Maintenance bond of 50% of the roadway construction costs.*
3. *~~The entrance geometry for the proposed road serving Lots 5-14 must provide for acceleration/de-acceleration lanes. While the Road Code, for the proposed traffic loading, may not warrant them the Department is concerned that the proximity of the over-vertical condition on Blue Ball Road, just north of the entrance, combined with turning movements in and out of the Development will create a traffic safety issue.~~*
4. *~~Old Creek road beyond the cul-de-sac at Lot 10 is a private mini road and the notation on the plat must be changed to reflect this.~~*
5. *No Road Code Variances has been sought for this development therefore, the Department will expect to see that the road & storm drain design complies with the Road Code completely.*
6. *The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:*
  - 6.1 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 6.2 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 6.3 Requirements for Utility relocations.
  - 6.4 Requirements for Public Works Agreements
  - 6.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 6.6 Requirements for County Roads.
  - 6.7 Requirements for Driveways.
  - 6.8 Requirements for Stopping Sight Distance measurements.
  - 6.9 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
2. Section 3.07.15 of the Road Code directs that Blue Ball Road must be upgraded to a Minor Collector Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the County street & storm drainage and a PWA is required for the private mini road.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Blue Ball Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. Applicant must provide stopping sight distance measurements for the Wheatley Road access location to DPW prior to preliminary plat submittal. Mark the proposed access locations in the field by staking or flagging.
9. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving MD Rte 310 may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension of Preliminary Plat approval, to expire on 4/21/09.

A motion for the granting of an extension was made by Mr. Doordan.

The motion was seconded by Mrs. Bowsbey.

All approve. Motion carried.

#### **11. Racine Property, Lots 1-54, Theodore and Washington Schoolhouse Roads, Final Plat, Wilson Deegan & Associates, Inc., Fifth Election District.**

Jeff Deegan and Kevin White, Wilson Deegan & Associates, Inc. and David Dodge, David Dodge Land Services, appeared and presented an overview of the project.

Mrs. Bowsbey asked they have the AT&T easements. Mr. Deegan said they are in contact with AT&T. They are aware of what they are doing. The applicant is required to relocate one of their lines vertically in order to get the road safely over top of their cable.

Mr. Wallace asked about the past concerns regarding the subdivision of the large lot. Mr. Deegan said there were some questions early on about whether they were achieving 60% of the lot area in order to qualify for bonus density. Mr. Deegan believes they have proven that they do have 60% COS in the large lot.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat<sup>11</sup> (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC 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 TAC review;
- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC 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 TAC review.

The Preliminary Plat, proposing only 54 lots on 181.71 acres, was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Final Plat check print being approved prior to submission of the Final Plat for Planning Commission review;
- 4) All acreage discrepancies being resolved on the Final Plat;
- 5) The FRAs being depicted on the Final Plat;
- 6) A note to the effect that proposed Lot 37 must be denied access to Washington Schoolhouse Road being included on the Final Plat;
- 7) A note to that effect that proposed Lot 36 cannot be further subdivided appearing on the Final Plat;
- 8) The FCP and Landscape Plan being approved prior to Final Plat review;
- 9) All details of the FCP and Landscape Plan matching those of the Final Plat;
- 10) Documentation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to Final Plat approval;
- 11) Consistent with §186.1, the 10' street tree planting easement being depicted and/or noted on the Final Plat; and
- 12) A mid-block turnaround being included on the Final Plat design for Farmstead Drive.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 7/19/04 Preliminary Plat approval that was set to expire on 7/19/06 was granted on 5/15/06, extending Preliminary approval until 5/15/07. That extension was

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<sup>11</sup> A similar Concept Plat 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
- 2) A Traffic Impact Study being performed on Theodore Road and Washington Schoolhouse Road in the vicinity of the proposed development.

Subsequently, that similar Concept Plat proposal was DISAPPROVED on 6/17/02. The Planning Commission wanted the developer to relocate the entrance to Drive B from Washington Schoolhouse Road to Theodore Road.

allowed to expire, but the Planning Commission granted a one year extension on 5/21/07, to expire on 5/21/08.

Regarding §2.6, is “Racine Property” the name by which this subdivision shall be known? Mr. Deegan said yes.

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

The proposed large lot (36) is 50.44 acres, or 27.52% of the total area. The total proposed common open space is 34.2%; thus bonus density eligibility has been maintained.

All common open space areas have been labeled as “common open space” on all sheets.

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

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads, as shown.

Bufferyard Standard A is required to be planted along the lot lines of proposed lots 45-47 to buffer adjacent agricultural uses. The appropriate 100’ setback is not clearly shown on Lot 45.

The contiguous operating farm notice is included as Note # 4.

The FSD was approved on 6/5/02; the PFCP was been approved on 7/16/05 and revised on 11/4/05.

The FCP was approved on 3/14/08 and Landscape Plan was approved on 3/7/08.

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, with the metes and bounds description of the FRA being shown on the Record Plat.

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

Per previous comments & conditions, the utility easement’s owner (AT&T) is provided on the Final Plat, and documentation related to a formal agreement (between the developer and AT&T) to cross the utility easement was received on 4/14/08.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

Proposed Lot 37 must be denied access to Washington Schoolhouse Road. A note to that effect 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, DPW, read the comments of the department:

All plan (Internal SWM Plan and the Roads Plan) are technically complete and only administrative issues remain outstanding. The department is currently working with the engineer on review the off-site road improvements. The department sees no problems with that being accomplished to the satisfaction of the department prior to Record Plat. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowlsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Wallace stated that he believes this project has many unresolved issues. Discussion ensued regarding the unresolved issues.

Mr. Di Giacomo read the recommendation of the staff:

**DISAPPROVAL**, with the recommendation that the plat be resubmitted once the Health Department's concerns have been fully addressed.

A motion for disapproval was made by Mr. Edwards.

The motion was seconded by Mr. Wallace.

All disapprove. Motion carried.

At this point, the applicant was provided a copy of the Health Department comments.

## **12. Lands of Herschell B. Claggett, Sr., Lots 4-6, Glebe Road, Preliminary Plat, Michael Scott, Inc., First Election District.**

Michael Scott, Surveyor and Herschell Claggett, owner, appeared and presented an overview of the project. Mr. Claggett stated that the balance of the farm is in a conservation easement with the Eastern Shore Land Conservancy which limits the farm to three (3) primary residences.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 and §3.9.1 regarding public notification.<sup>12</sup>

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR, RCA

Density: The Concept Plat, proposing 3 lots<sup>13</sup> on 209.3 acres, for a proposed density of 1/69.77,<sup>14</sup> was approved on 8/20/07,<sup>15</sup> conditioned on:

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<sup>12</sup> This project was submitted for April '07 TAC review under the name "Lands of Dana S. Corrin." It had to be withdrawn because of failure to comply with §3.8 of the Subdivision Regulations.

<sup>13</sup> Minor Subdivision #3682, Pegasus Farms LLC (m52, p487) was approved on 5/31/07; thus, there currently exists no more minor subdivision potential.

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The PFCP/Environmental Assessment being completed prior to Preliminary Plat review by the Planning Commission.

The proposed RCA density is 1/26.07.<sup>16</sup>

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 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA. In the critical area, no structure shall exceed 35' in height.

The plat has been signed and sealed; and the boundary line survey has been completed.

Note # 4 on sheet 2 of 9 serves to satisfy the §4.1.22 (r) requirement.

§4.1.22 (a) requires an index sheet "of the same size" when more than one plat sheet is required.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>17</sup>

Slopes greater than 25% have been shown.

A 110' perennial stream buffer is required from all perennial streams present. Is a "blue line stream" the same as a perennial stream? The 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.<sup>18</sup> These new requirements of the Corps of Engineers supersede the second condition of Concept Plat approval.

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<sup>14</sup> The SAR zone permits a maximum base density of 1 du/ 20 ac.

<sup>15</sup> Subsequently, on 12/20/07 a deed of conservation easement was made between Herschell B. Claggett, Sr. and the ESLC for that property and recorded (WLB 2449/399).

<sup>16</sup> 78.2 acres are in the Critical Area's RCA designation, which also permits a density of 1/20.

<sup>17</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>18</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

Per the Natural Heritage Letter, no rare, threatened, or endangered species exist onsite.<sup>19</sup> This subdivision shall be subject to the habitat protection criteria of the County's Critical Area Program.

No common open space or landscaping is required, and no sidewalks are recommended.

The adjacent properties' zoning has been shown.<sup>20</sup>

Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard requirements.

The FSD was approved, with conditions, on 8/16/07.<sup>21</sup> An Environmental Assessment has been submitted in accordance with §200.1.

The PFCP & Preliminary Environmental Assessment were approved on 3/19/08.

The FCP, EA and Landscape Plan must be approved prior to Planning Commission's 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Variance application #3312 has been approved.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation.

The CBCAC staff sent comments on 3/4/08. As stated at the 3/5/08 TAC review, they must be thoroughly addressed prior to proceeding to the Planning Commission. What actions have been taken in that regard? Mr. Scott said the major issue was the expanded buffer. The applicant checked the buffer and revised the plat. Mr. Di Giacomo asked if there were a number of changes on the plat since the TAC review. Mr. Scott said yes based on that letter.

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.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, a Mass & Final Grading plan, and a Street & Storm Drain plan, must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Add 'ROW' to 'Private 36' Mini Road ROW' note on the plat.

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<sup>19</sup> The site may contain FIDS habitat, and the adjacent open waters are known as historic waterfowl concentration areas.

<sup>20</sup> Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

<sup>21</sup> Per §5.1.C, Cecil County Forest Conservation Regulations. The condition was that the existing dwelling and two barns be removed prior to PFCP approval (Demolition Permit # H4495).

3. No improvements associated with Section 3.07.15 of the Road Code are required.
4. The Department of Public Works has issued a Road Code Variance to the requirement for acceleration /deceleration lanes.
5. ~~The preliminary plat must show the extent of road improvements to Glebe Road, which is 100', either side of the point of intersection of Glebe Road and the proposed private mini road.~~
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 6.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 6.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 6.3 Requirements for Utility relocations.
  - 6.4 Requirements for Public Works Agreements.
  - 6.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 6.6 Requirements for Private Mini Road.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. If a private mini-road is used a Public Works Agreement is required for the streets & storm drain construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. If a private mini-road is used the plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP, EA and Landscape Plan being approved prior to Planning Commission's review of the Final Plat;

- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 5) The contiguous operating farms notice's being included on the Final and Record Plats.

Mr. Wallace asked Mr. Di Giacomo about the satisfaction of the 6 issues that the CBCAC had brought forth in the letter that was sent to the applicant. Mr. Di Giacomo said there were a number of modifications made to the plat since the TAC review. All the issues have been addressed but if there are any unresolved issues with any department, including the CBCAC staff, they will be taken care of prior to Final Plat.

Mr. Wallace made a motion to approve with the said conditions with a sixth condition added to the motion concerning the CBCAC. The Approval with conditions would was stated as the following:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP, EA and Landscape Plan being approved prior to Planning Commission's review of the Final Plat;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 5) The contiguous operating farms notice's being included on the Final and Record Plats; and
- 6) All comments from CBCAC being fully addressed and met to the satisfaction of the Office of Planning and Zoning prior to Final Plat approval.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

### **13. Orchard Hills, Lots 1-7, Russell Road, Preliminary Plat, P.E.L.S.A Company, Inc., Fourth Election District.**

Mike Paraskevich, P.E.L.S.A Company and Douglas Galyen, Managing member for owner, appeared and presented an overview of the project. Mr. Paraskevich stated that there are two (2) existing homes on the property, one is in livable condition which will be removed and the other is an old structure. The owners plan to rehab the house to maintain the original character. There is an easement coming from Russell Road to the adjoining property, Roger Simperts land, which is his access to Russell Road. That easement will remain. Simperts will access directly onto Russell Road.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 4 minor subdivision lots and 3 major subdivision lots on 17 acres, for a proposed density of 1/5.66<sup>22</sup>, was approved on 11/20/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat; and
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat.

This Preliminary Plat<sup>23</sup> is generally consistent with the approved Concept Plat.

Per testimony at TAC review, the boundary line survey has been completed.

The Brewster Bridge Rd. road widening right-of-way must be dedicated in fee simple to the Board of County Commissioners of Cecil County, not the SHA.

As commented at TAC review, slopes greater than 25% must be shown on the Preliminary Plat submitted for review by the Planning Commission. This plat represents that there are no slopes in excess of 25%.<sup>24</sup> However, sheet 2 reveals that the proposed Lot 2 dwelling location changes grade by 8' over a distance of 25', which is a grade of 32%, which is above 25%.

Documentation of the JD has been received.<sup>25</sup>

Different graphics are again used to denote septic areas. As stated at TAC review, "The graphic used to depict septic areas must be consistent and unvarying."

No common open space is required, though it is still recommended for SWM facilities.<sup>26</sup>

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Brewster Bridge and Russell Roads.

The 10' street tree planting easement has been depicted. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Orchard Hill Lane. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was conditionally approved on 11/3/06.<sup>27</sup>

The PFCP was approved on 9/19/07.

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<sup>22</sup> At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac.

<sup>23</sup> It is unclear why signature blocks are included on a Preliminary Plat.

<sup>24</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>25</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

<sup>26</sup> Access to any common open space between lots would need to be marked with concrete monuments.

<sup>27</sup> The Natural Heritage Service Letter needed to be received prior to PFCP review.

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed Orchard Hill Lane mini-road name has been approved.

Minor Subdivision # 172 has been cited on the plat.

The design is consistent with §7.2.12.E.5.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

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.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM be addressed for these lots? The preliminary plat must show all SWM easements as well as any conveyance easements associated with the private mini road drainage requirements. Any and/or all such easements must be reflected on the preliminary plat presented to the Planning Commission for review or the Department of Public Works will not recommend approval.
3. We remind the applicant that if stormwater discharge is directed off of the site on to adjacent property, in other than a defined conveyance, it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Any required easement must be obtained prior to submitting the final plat for Planning Commission review.
4. Private mini road proposed must comply with Section 2.13 of the Road Code including the following note on the final plat:
  - a. "The proposed internal road will not be dedicated for public ownership or maintenance. The Mini Road Maintenance Association shall retain title to the road and all maintenance responsibilities."
5. ~~The mini road paved section and road side ditch must be identified on the preliminary plat. Road grades and slope arrows for the road & drainage conveyance is also required.~~
6. ~~Brewster Bridge Road is a County road. Identify the 30' wide strip to be dedicated to the Board of County Commissioners of Cecil County along the Brewster Bridge Road frontage of this site. This must be done prior to submitting the preliminary plat to the Planning Commission for review or the Department of Public Works will not recommend approval.~~
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

- 7.2 Requirements for Utility relocations.
- 7.3 Requirements for Stormwater Inspection and Maintenance Agreements
- 7.4 ~~Requirements for Stopping Sight Distance~~
- 7.5 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 7.6 Requirements for Public Works Agreements.

**Notes and requirements identified for record:**

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. ~~Applicant must provide stopping sight distance measurements for the Russell Road access location to DPW prior to preliminary plat submittal for Planning Commission review. Mark the proposed entrance locations in the field by a survey stake or paint.~~
5. Section 3.07.15 of the Road Code requires that Russell Road be upgraded to a Minor Road or equivalent standard for 100' either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
6. A Public Works Agreement is required for the streets & storm drainage constructions.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL, conditioned on:**

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) All septic area graphics being made consistent;
- 4) All slopes 25% or greater being graphically identified on a revised Preliminary Plat that is deemed acceptable to the Office of Planning and Zoning prior to any Final Plat submission;
- 5) The FCP and Landscape Plan being approved prior to any Final Plat submission; and
- 6) The Brewster Bridge Rd. road widening right-of-way graphic's being changed to indicate that it is to be dedicated in fee simple to the Board of County Commissioners of Cecil County, not the SHA.

A motion for approval was made by Mrs. Bowsbey.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**14. Valley Stream, Lots 5-9, Razor Strap Road, Final Plat, RJK Engineering and Associates, Fifth Election District.**

Robert Blomquist, RJK Engineering and Associates, appeared and presented an overview of the project. Mr. Blomquist stated that this plat has some minor issues that need to be addressed. The issues in question are the Forest Conservation regeneration area line is not exactly lined up with the FFCP. The Forest Conservation area is exact. Another issue is "Plans Reviewer" is listed in the signature block for DPW. This should read "Director". These issues will be corrected prior to recordation.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal<sup>28</sup> is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning = MH

Density: The MH zone permits a density of 4 du/ 1 ac. with community facilities. These proposed lots make up Lot 5 in Minor Subdivision # 3188.

The Concept Plat, proposing 5 lots on 4.953 acres, was approved on 10/17/05, at a density of 1/0.9906, conditioned on:

- 1) Minor Subdivisions 1989, 2982, and 3188 being referenced on the plat;
- 2) Water and sewer service providers being named on the Preliminary Plat;
- 3) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat review by the Planning Commission
- 4) The density being correctly stated on the Preliminary Plat submitted for TAC review; and
- 5) Evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

The Preliminary Plat, which was not signed and sealed,<sup>29</sup> was approved on 4/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Verification of water allocation being received from the Town of North East prior to Final Plat review;
- 4) Verification of sewer allocation being received from the DPW prior to Final Plat review;
- 5) The final FCP and Landscape Plan being approved prior to Final Plat review; and
- 6) A copy of the signed and sealed Preliminary Plat being provided to OPZ prior to Final Plat submittal.

A one-year extension of Preliminary Plat validity was granted on 3/17/08.

This submission is generally consistent with the approved Concept and Preliminary Plats, but not consistent with §4.2.13 (a) & §4.2.13 (b) with regard to location and content.

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<sup>28</sup> Similar proposals for this site were reviewed by the TAC on 6/7/00 and again on 4/4/01, under the name Montgomery Bros., Inc., but never submitted for P.C. review. Under the name "Lakeside South," this proposal was reviewed by the TAC on 9/7/05.

<sup>29</sup> The **boundary line survey** was completed by American Land Surveyors, LLC.

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

As was previously commented, rows of street trees with 10' planting easements are required, outside the right-of-way, along proposed Lot 9's Razor Strap Road frontage and both sides of the proposed road. 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.

Sidewalks are recommended along at least one side of the proposed Crystal Waters Way. Have they been included in construction drawings? Mr. Blomquist said those were considered and they were on the plan at one time. During conversations with DPW, they decided not to include sidewalks.

The question of whether this layout would preclude a possible reopening of Baron Road<sup>30</sup> was discussed at the Concept review, and resulted in condition of approval that required evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

No common open space is required for subdivisions involving fewer than 10 lots; 0.779 acres are being proposed, the access to which, 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.

20 % landscaping of the gross site area is required in the MH zone.

A Forest Stand Delineation (FSD) for the minor subdivision was approved on 6/30/97. Per §5.1.E of the Forest Conservation Regulations, its validity expired on 6/30/02. A new FSD was approved on 10/11/05.

The PFCP was conditionally approved on 4/10/06.

The FCP & Landscape Plan were approved on 2/11/07. Details between the FCP & Final Plat still do not match. 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, with the metes and bounds description of the FRA being shown on the record plat.

The 1.2-acre FRA has been depicted on the plat.

The submission reviewed on 4/4/01 proposed private, individual wells and sewer service from the Cecil County Department of Public Works. That reviewed on 6/7/00 proposed water and sewer service from the Town<sup>31</sup> and from the CCDPW, respectively. The Preliminary Plat reviewed by the TAC proposed both water and sewer service to be provided by CCDPW. The Preliminary Plat

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<sup>30</sup> The abandoned Baron Road right-of-way was shown on the Lakeside South plat that was review by the TAC last month – both in the vicinity map and on the plat. Because that abandoned Baron right-of-way has the potential to significantly enhance levels of access and mobility in this part of the Development District, that information, which was provided to the TAC, ought not to have been denied the Planning Commission, consistent with § 4.0.13 (h). At TAC review, it was revealed that the developer of the Village of Stoney Run (reviewed by TAC on 8/3/05) proposal was considering the possibility of reopening Baron Road to Razor Strap Road.

<sup>31</sup> At the time of the 4/4/01 TAC review, the Town of North East reported a water allocation for only 3 lots: 3, 4, and 5 of Minor Sub 3188. Lots 6, 7, 8, and 9 then proposed did not have any water allocation, and the Town then had a moratorium on water allocations.

proposed water service to be provided by the Town of North East; now, wells are apparently depicted, despite General Note 13's indicating that water will be supplied by the Town of North East. Which is it?<sup>32</sup> Mr. Di Giacomo stated that usually are well notations or graphics, those are water laterals. Mr. Blomquist said he has depicted water laterals that come from the proposed water main over to the lots. Discussion ensued regarding the symbols on the plat.

This site is classified as W1 and S1 by the Master Water and Sewer Plan. Why are wells proposed?

Per §4.2.13 (t), the Final and 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. That statement is found as part of the Health Dept. approval block, but it should be a separate statement with signature.

Per §4.2.13 (u), the Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all townhouses offered for sale. Note # 17 will not suffice, and that required statement should be separated from the Owner's Certification – which is a separate requirement. Note # 17 should be omitted.

The previously proposed road name, Baron Drive, was disapproved. The new proposed road name, "Crystal Waters Drive," has been approved.

General Notes 1 & 12 appear to contradict one another; what is the purpose of General Note 22? Mr. Blomquist said this is referring to the FFCP as a reference.

Sheet 2 has not been signed and sealed.

Mr. Woodhull, DPW, read the comments of the department:

The SWM, Sanitary Sewer, and Road & Storm Drain plans are technically complete. Besides the outstanding administrative issues (Public Works Agreement and I&M) the applicant must correct the general notes as follows:

1. Add the lot grading note whose requirement has been identified in the minutes of every meeting from the concept plat till now.
2. On the Record Plat, remove the sewer laterals. They are not required on the Record Plat. This can cause confusion. They are only required on the Preliminary Plat.

The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department. A check print will need to be submitted to the department prior to submitting the mylars.

Mrs. Bowsbey read the comments of the Health Department. See attached.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**DISAPPROVAL** with the recommendation that the plat be resubmitted once:

- DPW's concerns are fully resolved;
- The Final Plat has been made consistent with §4.2.13 (a);
- The Final Plat has been made consistent with §4.2.13 (b);

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<sup>32</sup> The Town has indicated that a water service agreement has been executed.

- The water source's being clearly identified;
- The required 10' street tree planting easement has been accurately depicted and labeled;
- The Final Plat has been made consistent with §4.2.13 (t);
- The Final Plat has been made consistent with §4.2.13 (u);
- Final Plat Sheet 2 has been signed and sealed; and
- The details of the FCP/Landscape Plan match up.

A motion for disapproval was made by Mr. Wallace.  
The motion was seconded by Mr. Doordan.

All disapprove. Motion carried.

#### General Discussion:

Chairman Mortimer stated that it has been a while since the Planning Commission has met with the County Commissioners. He would like to set up a meeting with them in the near future. Chairman Mortimer asked if there were any particular items that the Commission members would like to have addressed. Mrs. Bowlsbey said she would like to talk about raising the fee that is collected at recordation for the HOA's. Mr. Wallace said he would like to talk about open space, particularly the issues of how it is determined and used. Mr. Doordan stated that he is representing the Planning Commission while he is on the committee for the Comprehensive Plan. He is involved with the Housing and Recreation Subcommittee and the Land Use Subcommittee. Mr. Doordan will get updates from the other subcommittees for the Planning Commission members to review. Mr. Doordan asked for any comments that the Commission members would like him to address through his involvement with the Comprehensive Plan subcommittees.

Mr. Doordan said he had received comments from the public regarding problems with greenhouses and landscaping businesses located in NAR, SAR, RR, SR, TR, etc. This information was passed on to Mr. Sennstrom. There was a situation that limited the amount of mulch or top soil that could be stock piled 10 yards and this person had requested that the wording be changed so that it was 40 yards. Mr. Sennstrom had given the Commission the new language. This issue needs to be revisited. At this time, Mr. Doordan read the language provided by Mr. Sennstrom. Mr. Sennstrom said this would be language added to section 65 of the Zoning Ordinance. Mr. Janusz asked if that could be added to next months evening agenda. Chairman Mortimer said it would have to be heard in a public forum. Mr. Sennstrom said the May deadline has passed; this will be heard at the June Planning Commission meeting. Discussion ensued regarding the exact wording.

Commissioner Demmler said she also has a particular interest in discussing open space.

Mrs. Bowlsbey took a moment to thank the County Commissioners for the work that they did to get the Special Taxing District legislation passed.

Chairman Mortimer said he would like to schedule this meeting with the County Commissioners within the next 4 weeks.

A motion to adjourn the April Planning Commission meeting was made by Mr. Edwards.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

The April Planning Commission meeting adjourned at 12:04 p.m.

Respectfully Submitted:

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Jennifer Bakeoven

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**May 19, 2008**

**Present:** Joyce Bowlsbey; Guy Edwards; B. Patrick Doordan; Wyatt Wallace; H. Clay McDowell; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopolous, Court Reporter.

**Absent:** Bill Mortimer; Joe Janusz.

**Call to Order:** Vice Chair Bowlsbey called the meeting to order at 12:15 p.m.

Vice Chair Bowlsbey made an announcement regarding the recording device in the Elk Room. She reminded the Planning Commission members and the public to speak directly into the microphones provided.

**Approval of the Minutes:** Mr. Doordan made a motion for approval. The motion was seconded by Mr. McDowell. All approve. Motion carried.

**1. Lands of Jessie Ray Butcher, 1 Lot, Theodore Road, Preliminary / Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Land Surveyor and Susie Almquist, daughter of the owner, appeared and presented an overview of the project. Mr. Butcher would like to convey this lot to his daughter. Mr. Butcher is getting older and needs someone to help him look after his place and his own health. This need is more immediate now that Mr. Butcher recently had a stroke.

Mr. Wallace asked if a GAP exemption was requested and reconciled. Mr. von Staden the process of requesting a GAP exemption only involves submitting the request; there is no documents needed.

Vice Chair Bowlsbey asked if there was anyone that would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RR

Density: The Concept Plat<sup>1</sup>, proposing 1 lot plus remaining lands on 10.314 acres, for a proposed density of 1/5.16, was approved on 4/16/07.

§2.0 of the Subdivision Regulations allow for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Per Note # 5, a boundary line survey has been performed.

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<sup>1</sup> The RR zone permits a maximum base density of 1 du/ 5 ac.

On any 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.<sup>2</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation should a permit be required.

No common open space or landscaping of the development envelope is required.

This project is exempt, per §3.2K.

Where is the drainage easement discussed at TAC review?

Mr. Doordan read the comments of the Health Department. See attached.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) The shed encroaching on the side yard setback being removed prior to recordation.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

## **2. The Villages at Herron Lake, Parcels 1, 3, 4, 6, 7, 8 and 9, Blue Ball, Marley and Zeitler Roads, Revised Preliminary Plat, Taylor Wiseman and Taylor, Third Election District.**

David Meiskin, owner, Mike Pugh, Corridor Land Services and Bob McAnally, Taylor Wiseman and Taylor appeared and presented an overview of the project. Mr. Pugh explained that they are here as the next step in a process that this commission has been involved with previously through a rezoning that was filed to change an element of the layout. As a result of the rezoning, they are seeking a revised approval of the Preliminary Plat. Mr. Meiskin said they have moved the

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<sup>2</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

apartments that were sitting in the back part of the property to the front part of the property that fronts on Blue Ball and Zeitler Roads. In doing so, they have also requested a zoning change. The zoning change was granted. Their intention is to come back in the fall with a Final Plat for the apartment phase.

Mr. Wallace asked if this switch will affect the traffic. The traffic study that was done took into account the entire community. At this time, Mr. Pugh read an email that they received from Butch King, SHA.

Mrs. Demmler asked Mr. Meiskin to confirm that they plan to bring this project to Final in the fall. Mr. Meiskin said their intension is to final the Final Plat on the apartments as fast as they are able to get them back for review.

Mrs. Demmler than asked if the Superfund status was still remaining at this point. Mr. Meiskin said the EPA has started on the fire hole. They are digging it up and processing it. Their goal is to be completely done with the 55 acre portion by early fall. Discussion ensued.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & 3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: BG, M2 & RM

The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1<sup>3</sup> was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;

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<sup>3</sup> The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses; 16/1 for apartments.

- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The “Land Use Summary” taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the “Land Use Summary;”
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

The Preliminary Plat, proposing 680 units<sup>4</sup> in Parcels 1, 3, 6, 7, 8, & 9 (on approximately 375 acres for an approximate density of 3.885/1) was approved 11/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any Final Plat or Preliminary Plat/site Plan being first submitted for TAC review prior to Planning Commission review;
- 4) Documentation of FEMA and MDE approval of the “as determined” floodplain boundary being received prior to any Final Plat or Preliminary Plat/Site Plan review by the TAC;
- 5) Clear delineation of the new floodplain boundary (resulting from fill) being included on any Final Plat or Preliminary Plat/Site Plan prior to review by the TAC;
- 6) The SWM facilities in Parcel 2 being phased to support the development proposed in Parcel 3;
- 7) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 and 4;
- 8) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 & 4;
- 9) The identity of the waste water treatment plant being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 10) The name of the water company providing the water being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;

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<sup>4</sup> Consistent with the July & September ‘06 TAC submittals, 777 “future units” were also proposed, including 34 of the 202 in Parcel 3 and 3 of the 95 units in Parcel 9. Thus, the aggregate total of 1457 (680 + 777) was 8 fewer than proposed in the approved Concept Plat.

- 11) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 4;
- 12) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Final Plat review or Preliminary Plat/Site Plan review by the Planning Commission for Phases 2 and 4;
- 13) Final concurrence on the recommendations of the Traffic Impact Study being completed prior to any Final Plat or Preliminary Plat/Site Plan review;
- 14) Final design of the Blue Ball Road entrance(s) being consistent with SHA requirements;
- 15) All proposed areas of common open space being labeled as “common open space;”
- 16) Any Preliminary Plat/Site Plan review for Phases 2 & 4 clearly demonstrating consistency with §277;
- 17) The FCP and Landscape Plan being approved prior to Final Plat review or Preliminary Plat/Site Plan review by the TAC;
- 18) The Final and Record Plats or Preliminary Plat/Site Plans containing 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 Master Water and Sewer Plan;
- 19) The Final and Record Plats or Preliminary Plat/Site Plans also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale; and
- 20) All granted Variance numbers being cited on Final Plats, Preliminary Plat/Site Plans, and Record Plats.

This amended Preliminary Plat proposes 717 units in Parcels 3-4 and 6-9, and 540 units in Parcel 1. The total of 1457 units is consistent with 11/20/06 Preliminary Plat (and under the 11/21/05 Concept Plat’s 1465 units).

540 condominium units previously proposed for Parcel 4 are now proposed as apartment units for Parcel 1 and the former Parcel 10 – which was to have been the commercial component. Therefore, the pending application to rezone 7.62 acres<sup>5</sup> from Business General (BG) to Multi-Family Residential (RM) must be approved by the Board of County Commissioners prior to Final Plat review.

There should be no reference to condominiums (Sheet 8 of 11) unless condominiums are actually proposed, in which case, there is a separate approval path.

How have the requirements<sup>6</sup> of §4.1.22 (s) been satisfied? Mr. McAnally said yes, there is a summary on sheet 1 of the submitted plat.

As this project is already at the Preliminary Plat stage, when will the TAC and Planning Commission see the details of the proposed Clubhouse on the new Parcel 1? Staff will recommend that a site plan for the Clubhouse be approved prior to Final Plat review.

Prior to nagging questions about acreages, TAC testimony revealed that the boundary line survey had been completed. Inasmuch as only a surveyor can sign and seal a survey, why has this plat been

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<sup>5</sup> Previously, Parcel 1 consisted of 27.28 acres. Together with the 7.62 Parcel 10 acres to be rezoned, the new, proposed Parcel 1 acreage should be **34.9** acres; however the proposed new Parcel 1’s acreage is now cited as 36.03 acres.

<sup>6</sup> (s) In cases of condominium or multi-family projects (**apartments, townhouses**, etc.), the following additional items shall be shown:

1. Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.
2. **Number and types of units in each building.**
3. **Total number of Units and sub-totals of each type.**
4. Number of parking spaces in each off-street parking area, and the space to unit ratio.

signed and sealed by only an engineer? Mr. McAnally said he prepared the plat. The Preliminary Plan is based on the outbound survey performed by Thailer and Associates. Mr. Di Giacomo asked if a copy of that survey had been provided. Mr. McAnally said that it was submitted with the original application.

Previously, Parcel 1 consisted of 27.28 acres. Together with the 7.62 Parcel 10 acres to be rezoned, the new, proposed Parcel 1 acreage should be 34.9 acres. As noted at the TAC review, the 11/20/06 Preliminary Plat cited 8.2 acres for the BG parcel. Therefore, how was the now-cited Parcel 1 acreage of 36.03 arrived at, and what accounts for the increases in Parcel 3 (from 28.51 to 31.19) and Parcel 9 (from 29.08 to 29.61), and has the 0.56-acre discrepancy cited by Mr. Sennstrom at TAC review been resolved? Mr. McAnally said yes. Discussion ensued. Mr. Di Giacomo asked that all acreages be correct to match. Mr. McAnally said he would correct the acreages.

The 218 townhouse units previously proposed for Parcel 1 are now proposed for Parcel 4. Basically, this plat proposes to amend the 11/20/06 Preliminary Plat by:

- swapping the units of Parcels 1 and 4;
- combining the old Parcels 1 and 10 to form a new Parcel 1; and
- re-designating the old Parcel 11 as the new Parcel 10.

All roads in the new Parcel 1 are intended to be private, and all roads names, though for different locations, were previously approved. Staff obtained clarification from SHA on 5/16/08 to determine that the proposed Parcel 1 entrance has been approved.<sup>7</sup>

A Letter of Map Revision (LOMR) for the Little Elk Creek, Laurel Run, West Branch Laurel Run, an unnamed tributary to Laurel Run, and Gravelly Run was issued by FEMA, effective 1/24/08, affecting FIRM panel 24001190031B, as reflected on the plat.

In Parcel 4, an additional fire hydrant needs to be placed along Griffin Drive in the area of proposed Lot 24.

Any references to the Artesian Water Company and construction of an off-site water main should be made in conjunction with the proviso that said assumed service is predicated on the execution of a franchise agreement between Artesian and the Board of County Commissioners – until said agreement has been executed.

The FSD was approved on 11/18/05. Per the Natural Heritage Letter, the site does not contain any rare, threatened, or endangered species; however, it may contain FIDS habitat.

The PFCP was approved on 7/17/06 (with conditions), and a revised PFCP was approved on 7/24/06 (with conditions). The forest retention lines are not shown on the submitted Preliminary Plat, and the details of the Preliminary Plat do not match those of PFCP. Unless those details match on the Final Plat and the FCP, then Final Plat approval(s) cannot be recommended.

The JD and wetland delineation was received on 6/9/06.

All previous (11/20/06) staff comments and recommendations, as well as the Planning Commission's conditions of approval relating to the balance of the project shall remain, as applicable.

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<sup>7</sup> It is incumbent upon the applicant to obtain SHA approval for the entrance shown.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. SWM ponds cannot be located within stream buffers, wetland buffers and/or the 100-year flood plain.
3. The Department understands that Artisan will provide potable water for this development. Water supply for this development must be confirmed before the Department will sign the final plat.
4. The sewer collection and treatment system in this development is to be public.
5. All easements for the sewer and water lines outside of County ROW must be identified by note on the final plat.
6. Both the water and sewer lines must be extended to the northern end of Edinburgh Road to allow for ease of future connection when the road is extended on to the Lands of William J. Huebner.
7. The water distribution system including fire hydrant locations shall be designed to meet or exceed the County's standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. All easements for the water lines outside of County ROW must be identified by note on the final plat.
8. The Department has received the copy of Delmarva Power letter approving the proposed impacts to their ROW. The CCDPW requires the applicant to submit to Conectiv all engineering plans for roads & infrastructure crossing their ROW. The Department will not approve any plans until we receive notification from Connective that they have approved all proposed impacts to their ROW. Note – Mr. Woodhull said DPW did receive the letter approving the county roads going through the ROW.
9. Both Wessex and Samantha Drives will be private roads. The County will not own any of the streets in the apartment complex.
10. The townhouse layout plans do not scale correctly in areas of road curves at the 20' length as detailed on Sheet 11. The final plat layout plans must accurately show the parking at each townhouse as the detail on Sheet 11 indicates.
11. The Randolph Drive stream crossing design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with Departmental input being sought by the applicant's engineer prior to making any design submittals or permit applications for the same.
12. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval. The applicant is responsible to have their engineer prepare and submit these designs and analyses.
13. The applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition. The Marley Road improvements shall include the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100' in either direction to a minor collector road standard R-7 equivalency, and significant geometric improvement to the Deaver and Marley Road intersection. The applicant will be responsible for obtaining any and all right-of-way with the acquisition being solely at the applicant's expense.
14. The applicant has submitted a Protocol 2 Road Condition Survey of Marley Road per the November 2005 TAC and Planning Commission hearing requirements. The proposed improvements approach is acceptable to the Department.

15. Given the phasing proposed the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The Marley Road improvements shall be complete prior to the issuance of any temporary/final use & occupancy permits for dwellings or condominiums west of Laurel Run (phases 4, 6, 7, 8, & 9).
16. Identify all utility and/or drainage easements outside of County ROW by note on the final plat.
17. Identify all access and I&M easements for proposed SWM facilities by note on the final plat.
18. Public Storm drainage easements must be separated from private stormwater management and access easements.
19. If the proposed sewer system is to be owned by the County all sanitary sewer pump stations must be located on property dedicated in fee simple to the BOCC of Cecil County.
20. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 20.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 20.2 Compliance with Sections 251-9. A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 20.3 Requirements for Utility relocations.
  - 20.4 Requirements for Public Works Agreements.
  - 20.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 20.6 Requirements for County Roads.
  - 20.7 Requirements for Driveways.
  - 20.8 Requirements for Final Plat - Public Water and Sewer Allocation.
  - 20.9 Requirements for Sewer Service Cleanouts – Location.
  - 20.10 Requirements for Stopping Sight Distance Measurements.
  - 20.11 Townhouse Parking Areas & H.O.A. Maintenance Easement Notes.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* “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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
  - b. *Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”

- c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
  4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
  5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
  7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
  8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
  9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
  10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
  11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowlsbey asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL** conditioned on all previous conditions remaining in effect, as appropriate, as follows:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any Final Plat or Preliminary Plat/Site Plan being first submitted for TAC review prior to Planning Commission review;
- 4) Documentation of FEMA and MDE approval of the "as determined" floodplain boundary being received prior to any Final Plat or Preliminary Plat/Site Plan review by the TAC;
- 5) Clear delineation of the new floodplain boundary (resulting from fill) being included on any Final Plat or Preliminary Plat/Site Plan prior to review by the TAC;
- 6) The SWM facilities in Parcel 2 being phased to support the development proposed in Parcel 3;
- 7) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 and 4;
- 8) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 & 4;
- 9) The identity of the waste water treatment plant being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;

- 10) The name of the water company providing the water being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 11) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 4;
- 12) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Final Plat review or Preliminary Plat/Site Plan review by the Planning Commission for Phases 2 and 4;
- 13) Final concurrence on the recommendations of the Traffic Impact Study being completed prior to any Final Plat or Preliminary Plat/Site Plan review;
- 14) Final design of the Blue Ball Road entrance(s) being consistent with SHA requirements;
- 15) All proposed areas of common open space being labeled as “common open space”;
- 16) Any Preliminary Plat/Site Plan review for Phases 2 & 4 clearly demonstrating consistency with §277;
- 17) The FCP and Landscape Plan being approved prior to Final Plat review or Preliminary Plat/Site Plan review by the TAC;
- 18) The Final and Record Plats or Preliminary Plat/Site Plans containing 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 Master Water and Sewer Plan;
- 19) The Final and Record Plats or Preliminary Plat/Site Plans also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 20) All granted Variance numbers being cited on Final Plats, Preliminary Plat/Site Plans, and Record Plats; and
- 21) All acreage accounting questions being resolved prior to Final Plat review;
- 22) The details of any Final Plat and the FCP matching up;
- 23) Another fire hydrant being placed along Griffin Drive in the area of proposed Lot 24;
- 24) References to condominiums being dropped if the new Parcel 1 units are, in fact, intended to be apartment units;
- 25) If the new Parcel 1 units are to be condominiums, the a condominium Preliminary Plat-Site Plan being submitted for TAC review and Planning Commission approval; and
- 26) A Site Plan being approved for the proposed Parcel 1 Clubhouse prior to Final Plat review.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

### **3. Racine Property, Lots 1-54, Theodore and Washington Schoolhouse Roads, Final Plat, Wilson Deegan & Associates, Inc., Fifth Election District.**

Jeff Deegan, Wilson Deegan & Associates, David Dodge, and Rick Bechtel, Esq. appeared and presented an overview of the project. Mr. Bechtel stated that they are asking for an extension of the Preliminary Plat approval rather than Final Plat approval. The reason for the request of an extension is due to the fact that Final Plat approval was not granted for this project last month because of the lack of a GAP. Mr. Bechtel said they were there today to admit to making a mistake. Mr. Bechtel explained that Mr. Deegan does most of his work in Baltimore and Harford Counties. In Harford County, you can obtain Final Plat approval conditioned on the MDE issuing a GAP. In Cecil County that is not the case. Mr. Deegan assumed, in error, that the codes were the same. Discussion ensued regarding the mistake, repercussions of the mistake and the necessity of the extension of the Preliminary Plat approval.

At this time, Mr. Dodge and Mr. Deegan gave an overview of the progress they have made with this project thus far.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat<sup>8</sup> (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC 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 TAC review;
- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC 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 TAC review.

The Preliminary Plat, proposing only 54 lots on 181.71 acres, was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Final Plat check print being approved prior to submission of the Final Plat for Planning Commission review;
- 4) All acreage discrepancies being resolved on the Final Plat;
- 5) The FRAs being depicted on the Final Plat;
- 6) A note to the effect that proposed Lot 37 must be denied access to Washington Schoolhouse Road being included on the Final Plat;
- 7) A note to that effect that proposed Lot 36 cannot be further subdivided appearing on the Final Plat;
- 8) The FCP and Landscape Plan being approved prior to Final Plat review;
- 9) All details of the FCP and Landscape Plan matching those of the Final Plat;
- 10) Documentation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to Final Plat approval;
- 11) Consistent with §186.1, the 10' street tree planting easement being depicted and/or noted on the Final Plat; and

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<sup>8</sup> A similar Concept Plat 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
- 2) A Traffic Impact Study being performed on Theodore Road and Washington Schoolhouse Road in the vicinity of the proposed development.

Subsequently, that similar Concept Plat proposal was DISAPPROVED on 6/17/02. The Planning Commission wanted the developer to relocate the entrance to Drive B from Washington Schoolhouse Road to Theodore Road.

12) A mid-block turnaround being included on the Final Plat design for Farmstead Drive.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 7/19/04 Preliminary Plat approval that was set to expire on 7/19/06 was granted on 5/15/06, extending Preliminary approval until 5/15/07. That extension was allowed to expire, but the Planning Commission granted a one year extension on 5/21/07, to expire on 5/21/08.

The Final Plat was disapproved on 4/21/08 because the GAP had not been obtained, and because it still has not the applicant has requested that this submission be considered as a Preliminary Plat extension.

If another one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 5/19/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Doordan stated that the Health Department comments that were issued for this meeting were from the review of the Final Plat. Mr. Doordan asked Mr. von Staden, DEH, if he had any additional comments for the applicants in regards to a Preliminary Plat Extension. Mr. von Staden said no but he did recommend that the engineer/surveyor get a copy of his comments. Mr. Doordan asked if he should read the comments aloud. Mr. von Staden said that is not necessary, the applicant should pick up a copy of the comments. See attached.

Vice Chair Bowsbey asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendations of the staff:

The **GRANTING** of a one (1) year extension of Preliminary Plat approval, to expire on **5/19/09**.

A motion for the granting of a one year extension was made by Mr. Doordan.  
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**4. Chesapeake Cove, Tabled from February 2008 PC meeting, Lots 2-11, Oldfield Point Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Third Election District.**

James Keefer, Morris & Ritchie Associates and Tom O’Laughlin, representative for the owner, appeared and presented an overview of the project. There were some minor outstanding issues with DPW that have been added to this plan. Specifically, some grading associated with the proposed road and the improvements on Oldfield Point Road was among the issues. There are also some issues that they continue to work out with the Critical Area Commission. Those issues will be finalized before Final Plat.

Mr. Edwards asked if the acreage in the Critical Area exceeds the rule. Mr. Keefer said their density in the Critical Area is based on the grose area. There is 121 acres on this property which yields 6 units.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat, proposing 10 lots (2-11) on 99.96 acres<sup>9</sup>, for a proposed density of 1/9.99, was approved on 9/17/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
- 2) Documentation of the JD’s completion being received prior to the Planning Commission’s review of the Preliminary Plat;
- 3) A Variance for the driveway on proposed Lot 5 being obtained prior to the Planning Commission’s review of the Preliminary Plat; and
- 4) The wetlands/tributary stream issue being resolved prior to the TAC’s review of the Preliminary Plat.

The boundary line survey has been completed.

Previously, staff recommended that this plat be tabled because 2 issues were unresolved:

- 1) Some areas depicted as wetlands, could have been tributary intermittent streams – which would entail significantly increasing the buffers<sup>10</sup>. Subsequently, a 2<sup>nd</sup> field site visit was conducted on 2/8/08 with an expert from MDE, and his determination has been agreed to and is reflected on the plat.<sup>11</sup>
- 2) There remained CBCAC issues regarding the FIDS survey (the most recent guidance being used), so a subsequent site visit was conducted on 5/12/08. Documentation of all FIDS issues having been resolved with the CBCAC must be submitted prior to Final Plat review.

The Concept Plat’s depicted protective zones around 2 Bald Eagle’s nests have been removed, but this Preliminary Plat is otherwise consistent with the approved Concept Plat.

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<sup>9</sup> The SR zone permits a density of 1 du/ 1 ac.

<sup>10</sup> 25’ buffers are required for wetlands; 110’ buffers are required for intermittent tributary streams in the Critical Area.

<sup>11</sup> Per the 9/14/07 CBCAC letter, if some of the wetlands are actually tributary streams, then 110’ buffers would be required.

In a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle's nest.<sup>12</sup>

In a 10/1/07 letter, the Planning Director wrote that OPZ found<sup>13</sup> that “the plats ... must show the required protective zones,” and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles' nests could be added to the plat in lieu of the zones' depiction. A 10/19/07 letter from the applicant's counsel proposed said language, which, now found in Site Data Notes # 25 & 26, was found to be satisfactory.

Should the major subdivision proposal receive Final Plat approval prior to the minor subdivision approval of proposed Lot 1, then proposed Lot 1 could be approved only through the major subdivision process.

5 lots<sup>14</sup> are proposed in the Critical Area RCA overlay zone, which has a permitted density of 1/20. Site Data Note # 5 tells us that there are 121.25 CA acres overall,<sup>15</sup> and 62.97 for lots 2-11. That wording should be changed because not all of those lots are in the Critical Area. Site Data Note # 7 reveals that the overall proposed CA density is 1/20.2.

Site meetings/field inspections were conducted with CBCAC & MDE staff on 11/2/07 and 2/8/08 to iron out tributary stream issues cited in a 9/14/07 letter. In addition, yet unresolved CBCAC-Critical Area Program issues could affect this project. CBCAC written comments were previously received and a joint review of draft text took place on 11/15/08.

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.<sup>16</sup> Steep slopes have been shown.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The JD's being completed prior to Preliminary Plat review by the Planning Commission was a condition of Concept Plat approval. However, JD's now are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is

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<sup>12</sup> That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

<sup>13</sup> As stated in the referenced letter, the finds was “based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program.”

<sup>14</sup> Including proposed Lot 5.

<sup>15</sup> Including proposed minor subdivision Lot 1.

<sup>16</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission.<sup>17</sup> If required, a JD is required to be completed prior to recordation.

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

15% common open space is required; 24.13% is proposed.<sup>18</sup> The C.O.S. sensitive areas<sup>19</sup> thresholds have been included on the plat. "Common open space" must be consistently labeled and referenced as such.

20% landscaping of the development envelope is required in the SR zone, but interior sidewalks were not recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road, as shown.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides the proposed internal road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Impervious cover calculations have been included in the Lot Area Table.<sup>20</sup> The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size.<sup>21</sup>

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35' in height. 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.<sup>22</sup>

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.

No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35' in height.

The FSD and Conceptual Environmental Assessment were approved on 7/19/07. The PFCP/PEA was approved on 12/5/07.

The FCP, Landscape Plan and EA 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 street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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<sup>17</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>18</sup> That calculation includes proposed Lot 5's 13.59 acres.

<sup>19</sup> Per §176.2.c & d, 15% of the required C.O.S. shall not consist of perennial or intermittent stream buffers, nontidal 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 nontidal or tidal wetlands.

<sup>20</sup> No more than 15% of the surface area can be **impervious** in the **RCA**.

<sup>21</sup> For any proposed lots **one acre or less** in size the impervious cover limitation is **25%** (§200.8.a).

<sup>22</sup> While proposed Lot 5's dwelling location is outside the CA buffer, the proposed driveway would cross the wetlands/expanded CA buffer. A Variance would be required.

The Chesapeake Cove Lane road name has been approved.<sup>23</sup>

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.

The GAP must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittal
2. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the Final Plat.
3. With Chesapeake Cove Lane proposed as a county minor road, all driveways accessing it must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
4. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Chesapeake Cove Lane. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
5. No Road Code Variances have been requested and the major road issues are resolved, to the Department's satisfaction. However, the 200 linear foot area of Oldfield Point Road improvements has not been shown on the preliminary plat as required. With no variances requested the applicant will be held to all Road Code requirements as dictated by the DPW. Mr. Woodhull requested that the applicant to identify the extent of the 100' improvement on the Final Plat.
6. Sight distance requirements (intersection & stopping) for the proposed access point on to Oldfield Point Road have been submitted and approved.
7. ~~The sewage pressure lines for Lots 4 & 5 run under the cul-de-sac bulb of Chesapeake Cove Lane must be routed through an 8" ductile iron pipe (DIP) with removable water tight seals on both ends. The DIP pipe will be extended 2' outside of the County ROW. Concrete monuments will be provided at either end of the pipe and shall have a brass plate indicating the septic line. The minimum cover for the 8" DIP is 42".~~ The Private utility easement for the sewage pressure lines for Lots 4 & 5 run across County ROW has been indicated on the preliminary plat as required. It must also be shown on the final plat.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 8.4 Requirements for Public Works Agreements.

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<sup>23</sup> Its location is consistent with §7.2.12.E.4.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowlsbey asked if anyone would like to speak in favor of this project. No one spoke. Vice Chair Bowlsbey asked if anyone would like to speak in opposition of this project. Arlene Baxter, 379 River Road, Elkton, MD appeared in opposition of this project. Ms. Baxter stated that her home is located across the river from the proposed Chesapeake Cove subdivision. Her concern is that she has been in some of the homes on Oldfield Point Road that have similar soils as the soil map for this project. She is concerned about the structural integrity of the proposed homes in the highly erodible soils. Mr. Whittie said they did not look at that as far as the Preliminary Plat goes. Mr. Di Giacomo stated that Cecil Soil Conservation has reviewed this plat twice and no concern was made regarding this matter. Discussion ensued.

Mr. Wallace asked if DPW was satisfied with the comments that they made at the TAC meeting last fall regarding too many lots applied to the mini road. Mr. Woodhull said that has been addressed.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) The pending Critical Area issues being resolved prior to the Planning Commission's review of the Final Plat;
- 2) Health Department requirements being met;
- 3) DPW requirements being met;
- 4) The FCP, Landscape Plan & EA being approved prior to Final Plat review by the Planning Commission;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;

- 6) Based upon the 5/12/08 site meeting, all FIDS issues being resolved prior to Final Plat review by the Planning Commission; and
- 7) All “common open space” being consistently labeled and referenced as such.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**5. Stewart’s Landing (f/k/a Lands of Stewart), Lots 1-30, Oldfield Point Road, Final Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

James Keefer, Morris & Ritchie Associates, Inc. and Clark Spirey appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR<sup>24</sup>

Density: The Concept Plat, proposing 30 lots on 44.22 acres<sup>25</sup>, for a proposed density of 0.68/1, was approved on 9/19/05,<sup>26</sup> conditioned on:

- 1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
- 2) The JD being completed prior to the Planning Commission’s review of the Preliminary Plat.

The Preliminary Plat was approved on 2/20/07, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) This site’s being included in the Master Water and Sewer Plan prior to the Planning Commission’s review its Final Plat;
- 4) The FCP and Landscape Plan’s being approved prior to the Planning Commission’s review its Final Plat;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final and Record Plats;
- 6) The C.O.S. sensitive areas thresholds being calculated and submitted to OPZ prior to the Planning Commission’s review its Final Plat;
- 7) The Final and Record Plats’ containing a statement (to be) signed by the Health Department, approving authority, to the effect that use of the community water supply system is in conformance with the Master Water and Sewer Plan;
- 8) The Final and Record Plats’ containing a statement, (to be) signed by the owner, to the effect that such facilities will be available to all homes/lots offered for sale; and

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<sup>24</sup> The SR zone permits a maximum base density of 1 du/ 1 ac. Community facilities allow for a permitted density of 2/1.

<sup>25</sup> The Preliminary Plat’s Site Data Note # 6 indicated that the **boundary line survey** has been completed, and the acreage had changed to 42.52 acres, adjusting the proposed density to **0.71/1**.

<sup>26</sup> The **JD** was completed on 5/17/06.

9) Verification of water and sewer allocation being received prior to the Planning Commission's review its Final Plat.

32.39% C.O.S. is proposed<sup>27</sup>; the sensitive areas threshold is within permissible parameters.

The SR zone requires 20% landscaping of the development envelope. Sidewalks were recommended on at least one side of all internal roads and along Oldfield Point Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road.

Rows of street trees w/10' planting easements are required, outside the right-of-way, along both sides of all internal roads, as shown for a portion of Stewart's Landing Drive. The Record Plat must show the street tree planting easement along both sides of all internal roads.

The FSD was approved on 9/8/05. The PFCP was approved on 2/15/07.

The FCP and Landscape Plan were approved on 2/11/08 & 3/5/08, respectively.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

The road names (Stewart's Landing Court & Stewart's Landing Drive) have been approved.

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.

This site has been included in the Master Water and Sewer Plan.

The Record Plat shall again contain a statement signed by the Health Department, approving authority, to the effect that use of the community water supply system is in conformance with the Master Water and Sewer Plan.

The Record Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all homes/lots offered for sale.

Verification of water allocation has been received.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only minor comments and administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

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<sup>27</sup> 15% is required. C.O.S. sensitive areas thresholds were not included on the Preliminary Plat, because, per Site Data Note #21, no sensitive areas exist on site. However, §176.2.d includes steep slopes among the sensitive areas, and §2 (Subdivision Regulations) defines steep slopes as those with a slope >15%, and slopes >15% are depicted in areas of common open space (though the plat is difficult to read in that regard). Therefore, those thresholds should have been calculated and included on the Preliminary Plat.

Mr. Doordan read the comments of the Health Department. See attached.

Vice Chair Bowlsbey asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. 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 being placed in escrow for improvements prior to recordation;
- 4) The Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the Record Plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) The Record Plats' containing a statement (to be) signed by the Health Department, approving authority, to the effect that use of the community water supply system is in conformance with the Master Water and Sewer Plan;
- 7) The Record Plats' containing a statement, (to be) signed by the owner, to the effect that such facilities will be available to all homes/lots offered for sale; and
- 8) The Record Plat showing all 10' street tree planting easements.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

General Discussion:

Mr. Wallace asked Mr. Sennstrom about the changes to the Mineral Extraction that the Planning Commission is to consider. Discussion ensued.

Mr. Doordan reminded the commission members that the Comprehensive Plan Oversight Committee meeting minutes are available for review and if they may have any comments pertaining to the oversight committee, they can be addressed through him.

A motion to adjourn the May Planning Commission meeting was made by Mr. Edwards.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

The May Planning Commission meeting adjourned at 1:41 p.m.

Respectfully Submitted:

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Jennifer Bakeoven

**CECIL COUNTY PLANNING COMMISSION**  
**Meeting Minutes**  
**June 16, 2008**

**Present:** Bill Mortimer; Joyce Bowlsbey; Guy Edwards; B. Patrick Doordan; Wyatt Wallace; Joe Janusz; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Bill Counts, Court Reporter.

**Absent:** H. Clay McDowell.

**Call to Order:** Chairman Mortimer called the meeting to order at 12:15 p.m.

**Approval of the Minutes:** Mr. Doordan made a motion for approval. The motion was seconded by Mr. Edwards. All approve. Motion carried.

Chairman Mortimer made an announcement regarding the withdrawal of the number two item on the agenda, Lands of Herschell B. Claggett. Also, the number three item, Charlestown Crossing to read "South of Stream" rather than amended Preliminary Plat and an "Information Only" item for their submittal.

**1. West Creek Village, Phase 3, Fletchwood Road, Final Plat, McBride & Zeigler, Inc., Fourth Election District.**

Parley Hess, McBride and Zeigler, appeared and asked that this project be tabled until the outstanding issues with DPW and Planning and Zoning are resolved.

Chairman Mortimer asked if the staff had any issues with this request. Mr. Woodhull and Mr. Di Giacomo said they do not.

Mr. Di Giacomo recommended this project be tabled until the outstanding issues eluded to by Mr. Hess can be resolved.

A motion for the tabling of this project was made by Mr. Doordan.  
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**2. Lands of Herschell B. Claggett, Sr. (Corrin Farm), Lots 4-6, Glebe Road, Final Plat, Michael Scott, Inc., First Election District.**

WITHDRAWN

**3. Charlestown Crossing, South of Stream, MD Rte. 40, Information Item, Taylor Wiseman & Taylor, Fifth Election District.**

Bob McAnally, Taylor Wiseman & Taylor and Mike Vaughan, representing the Partnership and the owners, appeared and presented an overview of the project. Mr. McAnally gave a presentation of the alternate layout and an overview of the changes.

Mr. Woodhull, DPW, read the comments of the department:

The agenda identifies this submittal as Phase 1 while it appears that by plat title and plan views this is in fact an amendment to Phases 6, 7, & 8. The Department has no objection, in principal with the amendment of the preliminary plat for these specific phases. However the amended street layout proposed in Phases 6, 7, & 8 is substantially changed from the previously approved layout. Our previous comments will be included in the minutes but not be read at this time:

1. *The Department understands that the water supply for this development will be a private system with an onsite tower and/or tankage. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.*
2. *A SWM plan, Road & Storm Drain plan, Sanitary Sewer Collection & Pumping System/Force Main plan, Water Distribution System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for final plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.*

*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

*Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*

*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

3. *If stormwater discharge is directed off of the site on to adjacent property owners the Developer must follow the requirements of Section 251-13 and Section 251-15.D of the Cecil County SWM Ordinance.*
4. *The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.*

5. *The 100-year flood plain must be plotted by elevation (rather than graphically from the FEMA maps) on the construction drawings. This requires an engineer's analysis.*
6. *Any proposed sewer alignments outside road rights-of-way are required to have an access road along them. Access road construction may be gravel, 10" depth, with grass cover.*
7. *All driveways must be paved at least to the right of way and those accessing Charlestown Crossing Boulevard and Dove Road, must be designed with on-lot turnaround capability. The Developer is responsible to complete all driveway paving within the road right-of-way at the time of surface course installation for the internal streets. This requirement includes vacant but platted lot driveways. All driveways exceeding 5% up-gradient-slope must be paved to the crest. If the development is phased this requirement will apply to each individual phase as it is completed. The Lot Grading Plan and Street Construction Drawings must include notes to this effect.*
8. *If any of the proposed internal streets have wetlands crossings, a geo-technical investigation of the suitability of the sub-grade soils will be required.*
9. *The stream crossing for Charlestown Crossing Boulevard will require an MDE permit and is to be designed to pass the 100-Year storm without roadway overtopping. Re-map the 100-year flood plain impacted by the road crossing as called for in Comment #6 and based upon the crossing engineer's hydraulic design.*
10. *It appears that this crossing may involve a single span in excess of 100'. This may be beyond the capabilities of a bottomless pre-cast arch and, therefore, a bridge may be required. The road design must address this. Whatever product is used to cross the stream the Department requires borings to be taken, at the point of abutment locations, and indicating adequate bearing capacity exists. Design of the crossing should not proceed prior to preliminary agreement from the DPW on the crossing type.*
11. *Any open space adequately sized and/or proposed for active recreation that abuts "Collector" roads should be provided with some form of decorative barrier to separate active open space and/or playgrounds and tot lots from travel ways. This also should be considered for any such open space provided on "Minor" roads near their intersection with "Collector" Roads. The Department requires that these 'barriers' be shown on the street construction drawings and included in the PWA's for each section/phase of development.*
12. *An I&M Agreement is required for all SWM facilities.*
13. *Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA to cover the same.*
14. *Public Works Agreements will be required for all public infrastructure shown.*

Mr. Di Giacomo, P&Z, read the comments of the department:

This information item involves the possible layout modification to an approved Preliminary Plat.

Zoning: SR, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal

Density: Per §256 of the Zoning Ordinance, the PUD "Sketch Plat/Special Exception Application" was granted a Special Exception on 9/28/04 by the Board of Appeals<sup>1</sup> – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;

<sup>1</sup> Because a PUD is permitted in the SR zone only by Special Exception

- 6) The nature of the proposed uses in the “employment” area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots<sup>2</sup> at a density of 2.63/1, was approved<sup>3</sup> on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;

<sup>2</sup> On 224.73 SR-zoned acres

<sup>3</sup> The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and
- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, 1-year extensions were granted on 3/19/07 and 1/23/08.

A Final Plat, proposing for 50 dwelling units, is also on today's agenda.

Additional comments will be forthcoming at such time as the proposal is submitted for review by the Technical Advisory Committee (TAC).

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo stated that the recommendation of the staff is that this amended Preliminary Plat go before the TAC and the Planning Commission.

A motion was made by Mrs. Bowsbey.  
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

Procedurally, a motion was made requiring the proposed amended Preliminary Plat to be reviewed by the TAC prior to the Planning Commission rendering a decision on an amended Preliminary Plat.

#### **4. Charlestown Crossing, Phase 1 and Wastewater Pumping Station Parcel, MD Rte. 40, Final Plat, Taylor Wiseman & Taylor, Fifth Election District.**

Robert McAnally, Taylor Wiseman & Taylor and Michael Vaughan, appeared and presented an overview of the project.

Discussion ensued regarding water allocation. Mr. Woodhull gave the position of the Department of Public Works.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.9 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal

Density: The SR zone permits a base density of 1 du/ 1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development.

Per §256 of the Zoning Ordinance, the PUD “Sketch Plat/Special Exception Application” was granted a Special Exception on 9/28/04 by the Board of Appeals<sup>4</sup> – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the “employment” area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with

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<sup>4</sup> Because a PUD is permitted in the SR zone only by Special Exception

the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots<sup>5</sup> at a density of 2.63/1, was approved<sup>6</sup> on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and
- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

Per §4.1.18, 1-year Preliminary Plat extensions were granted 3/19/07 and 1/23/08.<sup>7</sup>

This Final Plat, for 50 lots only, is generally consistent with the approved Preliminary Plat.

As was previously noted, since no commercial uses are proposed in the SR zone, §§ 253.1 & 253.2 PUD requirements<sup>8</sup> are MOOT.<sup>9</sup>

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<sup>5</sup> On 224.73 SR-zoned acres

<sup>6</sup> The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

<sup>7</sup> Unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat’s validity is again extended in the interim, said validity will expire on 1/23/09.

<sup>8</sup> PUD’s must adhere to the requirements of ARTICLE’s XII and XVII of the Zoning Ordinance & §6.0 of the Subdivision Regulations.

The Special Exception that was granted allowed 176 townhouses.<sup>10</sup>

The normal minimum SR lot size is 12,000 ft<sup>2</sup> and the setbacks are 30-10-40. For townhouses, the minimum SR PUD lot size is 1,800 ft<sup>2</sup> and the setbacks are 20-15 (end units) -40. §254 of the Zoning Ordinance allows flexibility in setbacks, lot size, yard requirements, etc. in PUDs.<sup>11</sup>

The proposed community center must be served by water & sewer systems approved by the Health Department. A major site plan submittal shall be required for the community center. Any major site plan must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

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

As previously commented, a number of proposed lots include non-tidal wetlands and buffers. How does the design of proposed Lots 62-64 avoid the wetlands and buffers? Mr. McAnally explained.

30% common open space is required, 47% was proposed. In what phase will the common open space be provided? Mr. McAnally said it will be provided when the northern portion of the stream is finished.

The 10' street tree planting easement is neither noted nor depicted.<sup>12</sup>

An FSD and a conceptual Environmental Assessment for the portion within the Critical Area were approved on 9/17/04. The site contains FIDS habitat, but it is not home to any of rare, threatened, and endangered species.

The PFCP and Preliminary Environmental Assessment have been approved.

The FCP/ Landscape Plan for Phase 1 (north of the stream) was approved on 4/29/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final/Record Plats.

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 documentation has been received.

Sewer capacity for 50 lots has been verified.

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<sup>9</sup> §248 reveals that the two main rationales for permitting the higher-density PUDs are: 1) to offer a well-designed variety of residential structure types, "including detached single family dwellings, duplexes, semi-detached dwellings, townhouses and apartments", and 2) to "permit certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD." Since **only 2** residential structure types and **no commercial** uses to serve the day to day needs of the residents are, in fact, proposed in the **SR** zone, it is not readily obvious what advantages accrue to the County from this proposal in exchange for the higher permitted density.

<sup>10</sup> In the **SR** zone, no more than **20%** of the PUD dwelling units can be **townhouse** or apartment units.

<sup>11</sup> **In addition**, the applicant has invoked the residential clustering provisions of **§6.1** of the Subdivision Regulations, which **also allows for flexibility** in setbacks, lot size, yard requirements, and the like.

<sup>12</sup> Rows of street trees with **10' planting easements** are required, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The Record Plat shall again 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 Master Water and Sewer Plan.<sup>13</sup>

The Record Plat shall also again contain a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

Mr. Woodhull, DPW, read the comments of the staff:

The 50 dwelling units comprising Phase 1A have sewer allocation and all plans except the Sewage Pump Station (SPS) plan are technically complete. Only administrative issues and minor comments on the SPS plans remain outstanding. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature.

Mr. Woodhull asked the applicant if they have the permits from MDE for the stream crossing for Charlestown Crossing Boulevard. Mr. McAnally said they do not have it because MDE said they won't issue the permit until the construction plans are approved.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) The 10' street tree planting easement being depicted and noted on the Record Plat;
- 5) Deed restrictions for the long-term protection of the street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's containing 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 Master Water and Sewer Plan;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) A Maintenance Association for the maintenance of the private mini-roads being established prior to recordation; and
- 11) No lots fronting on any of the private roads.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

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<sup>13</sup> The Master Water & Sewer Plan identifies this site as W2 and S2.

All approve. Motion carried.

## **5. Stanfield, Section 2, Lots 9-21, Middle Road, Final Plat, McCrone, Inc., Fourth Election District.**

Michael Burcham, McCrone, Inc. and Mary Sue Slagle, owner appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: This section's Concept Plat<sup>14</sup> was approved at a density of 1/5<sup>15</sup> on 9/18/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat; and
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat<sup>16</sup> was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) and street trees being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 4) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and
- 5) The Bufferyard C requirement being modified because of sight distance safety considerations.

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.<sup>17</sup> Slopes greater than 15% have been shown.

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<sup>14</sup> The original Concept Plat, under the name "Lands of Stanley L. Barczewski" and zoned NAR, proposing bonus density, with 26 lots on approximately 84 acres, was approved on 7/18/94. It subsequently expired.

<sup>15</sup> The original Preliminary and Final Plats, for Lots 1-8 only, were approved on 2/21/95 and 4/17/95, respectively. The fourth condition of the 4/17/95 Final Plat approval was "common open space being recorded with the next section." Thus, based upon 83.971 acres, at least 12.6 acres of common open space must now be provided, regardless of whether the Planning Commission now grants bonus density, or not. In fact, 14.8 acres of common open space is now proposed.

The fifth condition of Final Plat approval was "the large lot being included on the plat for the final section." If the Planning Commission does not now grant what amount to overall bonus density, then that condition will be moot. If it does, then proposed Lot 21 would serve as the large lot, and its 40 acres would consist of 47.64% of the original 83.971 acres.

Together, the proposed 14.8 acres (17.63%) of common open space and the large lot's 40 acres (47.64%) comprise 65.27% of the original project area, and both of the above conditions have been satisfied – although the original Concept Plat's density approval, upon which condition # 5 was based, has long since expired.

As approved by the Planning Commission, the total number of Stanfield lots would be 22 – 4 fewer than originally approved on 7/18/94 – and yielding an overall proposed density of 1/3.82.

<sup>16</sup> The boundary line survey resulted in the acreage dropping below 70; therefore, only 13 **new** lots were proposed to remain consistent with the Concept Plat's density approval.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. As the field-delineated wetlands are located in the proposed common open space, per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, a JD need not be done, unless a permit is required.

No landscaping is required in the NAR zone, and no sidewalks were recommended.

A modified Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Middle Road.

The 10' street tree planting easement has been shown.<sup>18</sup>

The original FSD, approved on 7/8/94, expired. A new FSD was approved on 9/11/06.

The PFCP was approved on 2/20/07, but its details were at odds with the Preliminary Plat's. A revised PFCP was approved 5/29/07.

The FCP/Landscape Plan was approved 5/14/08; however, the wetlands shown do not match those shown on the Final Plat.<sup>19</sup>

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

The road name Stanfield Drive was previously approved.

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

Covenants prohibiting the subdivision of the potential large lot must be recorded and noted on the plat prior to recordation.

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 contiguous operating farm notice has again been provided – as Note #14.

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<sup>17</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>18</sup> Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads.

<sup>19</sup> Additionally, the forest retention area has not been shown on the final plat as "Forest Retention Area for Stanfield Lots 9-21" and "Forest Retention Area to be retained for future development".

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 4) The Landscape Agreement being executed prior to recordation;
- 5) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
- 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; and
- 7) The Record Plat's details and those of the FCP/Landscape Plan matching up.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mrs. Bowsbey.

All approve. Motion carried.

## **6. The Woods at Tome, Lots 1-47, Cemetery Road, Concept Plat Extension, McCrone, Inc., Fifth Election District.**

Michael Burcham, McCrone, Inc. appeared and presented an overview of the project. Mr. Burcham stated that the plan originated through his previous clients, Benchmark Builders. Since receiving Concept approval, they have not followed through with their contract to purchase the property. The owner of this property is the Jacob Tome Institute. They are currently looking for a new developer.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: DR

The Concept Plat<sup>20</sup> was approved at a proposed density of 2.04/1 on 6/20/05, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;

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<sup>20</sup> Proposing 47 lots on 23.05 acres.

- 3) The common open space sensitive areas thresholds being calculated and included prior to the TAC's review of the Preliminary Plat; and
- 4) The stream buffer waiver for the Tome Woods Way entrance being granted, per §174.1.b (2).

§4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval. Therefore, a one-year extension was granted on 6/18/07. Unless the extension now requested is granted, Concept Plat approval will expire on 6/18/08. If granted, this extension would expire on 6/16/09.

§4.0.10 of the Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If said extension is granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations."

No such changes have occurred that would affect this project.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. We request that the approval be conditioned on the fact that the comments made at the 6-18-07 Planning Commission be considered as read and be included in the minutes. It is the developer's responsibility to comply with these comments, several of which require action by the developer prior to submitting the preliminary plat for this project:

1. *The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.*
2. *A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.*

*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

*Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*

*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*

- 3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.*
- 4. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. Permanent Stormwater Management facilities may not be placed within a perennial stream buffer. Show location of perennial stream buffer at southwest corner of site on the stormwater management plans and adjust stormwater management facility accordingly.*
- 5. Applicant must provide sight distance measurements (intersection & stopping) for the Cemetery Road access to DPW prior to preliminary plat submittal to the TAC. Please mark the proposed entrance location in the field by flagging or stake on the roadside bank.*
- 6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.*
- 7. Section 3.07.15 of the Road Code directs that Cemetery Road must be upgraded for a distance of 100' either side of the point of intersection between Cemetery Road and the proposed road. The improvements required must address roadside drainage issues and pavement distress at a minimum. Additional improvements may be required if determined necessary by the DPW. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.*
- 8. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.*
- 9. The Department of Public Works requires that any Road code Variances sought **must** be requested and the major road issues be resolved, to the Department's satisfaction and shown on the preliminary plat **prior** to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.*
- 10. The preliminary plat presented to the Planning commission **must** reflect the entrance & onsite road configuration agreed to by the Department. If offsite road improvements are required the preliminary plat **must** also contain a note indicating the type of improvements as well as the extent of offsite road improvements agreed to by the Department.*
- 11. On Tome Woods Way, applicant must identify that the horizontal curvature geometry shown meets Section 3.04.1 of the Road Code in regards to sight lines remaining within the right-of-*

way. From a graphical scale check, the design does not appear satisfactory and must be shown by the engineer to meet the geometric requirements before proceeding to Planning Commission with a Preliminary Plat.

12. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
13. Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs. The Department has concerns about on street parking due to the small lot sizes proposed. The pavement width may need to be widened to accommodate this.
14. A separate conceptual sanitary sewer routing is required and must be submitted to the Department prior to TAC submittal for Preliminary Plat. An interconnect to the Thomas Avenue sewer is not likely to be approved.
15. A Protocol Three offsite Road Condition Survey is required for Cemetery Lane and Thomas Avenue and must be submitted to the Department of Public Works along with an Initial Road Improvements Proposal prior to submittal of a Preliminary Plat to TAC.
16. Subdivision entrance geometry design must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. The guardrail on the east side of the culvert under Cemetery Lane, as well as the culvert must be addressed. Is the existing culvert under Cemetery Lane, just north of the proposed entrance, identified for any historic significance?
17. The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.
18. The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all private SWM facilities.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo stated a correction of his comments. The comment being:

“If granted, this extension would expire on 6/16/09.”

In August 2007, an amendment was made to the Subdivision Regulation that stipulates a Concept Plat Extension, if granted, would be extended one year from the date the Concept Approval was given. Therefore, if the said extension is granted, it will expire on 6/20/09.

Mr. Di Giacomo, read the recommendation of the staff:

The **GRANTING** of an extension of Concept Plat approval, to expire on 6/20/09.

A motion for the granting of an extension was made by Mr. Doordan.  
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

## **7. Chandlee Mill, Lots 3-8, Chandlee Road, Final Plat, McCrone, Inc., Ninth Election District.**

Don Sutton, McCrone, Inc., and Clay McDowell, owner appeared and presented an overview of the project. Mr. Sutton stated that they are requesting a waiver of the bufferyard C requirement along Chandlee Road. It will aid in the existing sight distance for the entrance to Lot 8 and also the entrance to McDowell Farm Trace. It will also help preserve the character of the area that is there currently.

Mr. McDowell presented the Planning Commission members with pictures of the area showing the adjacent properties. Discussion ensued on the request of the waiver of the bufferyard C requirement.

Mr. Di Giacomo, P&Z, read the comments of the department:

Upon inspection, this proposal was found to be in compliance with §3.8 of the Subdivision regulations regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat for 8 lots On 40.08 acres was approved on 5/15/06 at a density of 1/5.01, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 3) The proposed mini-road name, McDowell Farm Trace, being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) Bufferyard C requirements being waived as may be deemed necessary.

The Lots 1 & 2 Preliminary Plat was approved on 9/18/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Bufferyard C requirements being modified as necessary for safety considerations; and
- 4) The proposed mini-road name, McDowell Farm Trace, being approved prior to the Planning Commission's review of the Preliminary Plat.

The Lots 3-8 Preliminary Plat was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met; and
- 2) DPW requirements being met.

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

Stream and wetlands buffers have been depicted.

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

The site is not home to any rare, threatened, or endangered species.

No common open space was required; 2.36 acres were proposed for a stormwater management facility – just to the north of proposed Lot 2. Will that stormwater management facility be necessary to support the development of these proposed lots? No.

No landscaping of the development envelope is required in the NAR zone, and no sidewalks are recommended.

A combined entrance on Chandlee Road is proposed for proposed Lots 1 & 2.

The approximate location of the Colonial Pipeline has been depicted.

Bufferyard Standard C requirement was modified as part of Preliminary Plat approval.

The required Bufferyard Standard A has been illustrated along the border of the adjacent Peoples property.

The FSD was approved on 5/11/06. The PFCP was approved on 9/11/06.

The FCP and Landscape Plan were approved on 5/3/07.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal mini-road name, McDowell Farm Trace, has been approved.

Access to common open space between or beside 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.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

The contiguous operating farms notice has been provided on the plat.

Mr. Woodhull, DPW, read the comments of the departments:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. The record plat must also contain the following note: "The proposed internal road will not be dedicated for public ownership or maintenance. The Mini Road Maintenance Association shall retain title to the road and all maintenance responsibilities."

Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mrs. Bowsbey asked if \$50.00 per house for the HOA would be sufficient to maintain the stormwater management facility. Mr. Di Giacomo said that is what is required. The \$50.00 is not intended to cover all costs of the SWM facility. It is intended to get the HOA up and running.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 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;
- 6) A Mini-road Maintenance Association for the maintenance of the mini road being established prior to recordation with the owners of all lots accessing the mini road becoming members; and
- 7) Waiver of the bufferyard C requirement, as requested.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **8. Stoney Acres, Lots 1-6, MD, Rte. 274, Final Plat, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.9 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RR

The Concept Plat, proposing 6 lots, a private mini road, and common open space on 7.09 acres, for a proposed density of 1/1.18, was approved on 6/20/05, conditioned on:

- 1) The boundary line survey being completed prior to TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;  
and
- 3) The Natural Heritage letter's being received, and any issues raised by the letter being addressed, prior to PFCP approval.

A Preliminary Plat,<sup>21</sup> proposing 5 lots, an area reserved for future development, a private mini road, and common open space on 7.09 acres, was reviewed by the Planning Commission on 10/17/05, and approved, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) North arrows being corrected to point north;
- 4) The adjacent property information being corrected; and
- 5) The misspelling of Kirks Mill Lane being corrected in the vicinity map.

A Lot 2 Preliminary Plat was approved on 3/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FRA boundaries on the FCP and the Final plat matching up; and
- 4) All north arrows consistently pointing north on the Final and record Plats.

The area shown as reserved for future development on the Preliminary Plat approved on 10/17/05 corresponds to the proposed Lot 2 in the Concept Plat and the Preliminary Plat approved on 3/20/06.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, a Preliminary extension was granted on 9/17/07 and will expire on 9/17/08, unless again extended or a Final Plat is recorded in the interim.

No common open space is required for fewer than 10 lots; 14.9% is proposed in order to accommodate stormwater management facilities.

No landscaping is required in the RR zone, and no sidewalks were recommended. The JD was received on 10/6/05.

The 10' street tree planting easement has been shown.<sup>22</sup>

The FSD and PFCPs have all been approved.

The FCP/Landscape Plan was approved on 5/14/08. The plat does not reference the offsite afforestation area on the Larson's Reserve at Andora property.

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, with the metes and bounds description of the FRA being shown on the Record Plat.

The Pebble Lane road name was previously approved.

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

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<sup>21</sup> A Preliminary Plat, also proposing 6 lots, a private mini road, and common open space on 7.09 acres, was reviewed by the TAC on 8/3/05. A Preliminary Plat was submitted for Planning Commission review on 9/19/05, but withdrawn.

<sup>22</sup> Rows of **street trees** with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Pebble Lane.

A Mini-road Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots becoming members.

The contiguous operating farm notice has been provided on the plat.

Mr. Woodhull, DPW, read the comments of the department:

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, 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 the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 6) A Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the mini-road becoming members;
- 7) The Record Plat's referencing the offsite afforestation area; and
- 8) Lot 3 also being referenced in the final note under the notes column regarding Lot 2 being denied access to the adjacent easement.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **9. Bracebridge Hall, Information Only Item, Preliminary Review of Growth Allocation Request, Grove Neck Road, Morris & Ritchie Associates, Inc., First Election District.**

Chairman Mortimer asked if the applicants for this project were present. No one spoke.

Mr. Di Giacomo read the comments of the department as an overview of the project.

This information item involves the possible modification to an approved and recorded subdivision.

Zoning: SAR & RCA

Density: The Concept Plat was approved at 1/5 bonus density<sup>23</sup> on 7/19/04, conditioned on:

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<sup>23</sup> The SAR zone then permitted a maximum base density of 1 du/ 8 ac., or 1/5 if bonus density is granted. The RCA overlay zone permitted a density of 1/20.

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 2) A sensitive species survey being done prior to the Planning Commission's review of the Preliminary Plat;
- 3) A JD being done prior to the Planning Commission's review of the Preliminary Plat;
- 4) A note being placed on the plat to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 5) A Traffic Impact Study (TIS) being completed prior to the TAC's review of the Preliminary Plat;
- 6) A mid-block turnaround being required on Gettysburg Drive (outside the Critical Area in so far as possible) and a mid-block turnaround being waived on McGill Creek Farm Lane; and
- 7) Water quality issues being met.

A Preliminary Plat with a slightly revised layout was presented to the Planning Commission, for informational purposes only, on 11/21/05.

A 1-year extension of Concept Plat approval was granted on 5/15/06.<sup>24</sup>

The Preliminary Plat, proposing 106 lots on 530.502 acres<sup>25</sup> at a density of 1/5.005, was approved on 8/21/06,<sup>26</sup> conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP, Landscape Plan and Final Environmental Assessment being completed prior to Final Plat review(s);
- 4) The requested (7/11/06 letter) details and plat copy being supplied to the CBCAC staff prior to Final Plat review;
- 5) The adjacent agricultural operations notice being placed on the Final and Record Plats;
- 6) 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 Final and Record Plats; and
- 7) Bald Eagles Nest Zone 3's critical dates being listed on the Final/Record Plats.

The Final Plat was approved on 4/16/07 conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) The Critical Area designation, density and boundary being included on the Record Plat;
- 5) The Record Plat noting the §3.2B exemption;
- 6) The adjacent agricultural operations notice being placed on the Record Plat;
- 7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 8) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 9) A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members; and

<sup>24</sup> A Preliminary Plat was reviewed by the TAC on 4/5/06.

<sup>25</sup> 26.711 acres of tidal wetlands had been deducted for a net tract area of 530.502 acres.

<sup>26</sup> The Critical Area Commission staff raised an issue regarding the RCA density calculation, because some lots outside the Critical Area would be served by a SWM facility inside. In the absence of specific citations regarding the interpretation of CA density calculation in the County or state CA Programs, and in the absence of precedents of its application, staff did not perceive that issue as the basis of any recommendation of disapproval of a Preliminary Plat. Subsequently, documentation was received on 1/17/07 that all CA issues had been satisfactorily addressed.

10) Permits being obtained for any wetland or stream impacts prior to recordation.

The Record Plat was signed on 9/12/07.

Additional comments will be forthcoming at such time as the proposal is submitted for review by the Technical Advisory Committee (TAC).

Kate Schmidt, CBCAC, read her comments regarding this project. Ms. Schmidt said the Critical Area Commission would welcome comments from the Planning Commission members regarding this proposal.

Mr. Janusz made a motion that the Commission seize discussion of this matter since the applicants did not appear for the hearing, that they not accept the information given and that no recommendation be made accordingly.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

A motion to adjourn the June Planning Commission meeting was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

The June Planning Commission meeting adjourned at 1:30 p.m.

Respectfully Submitted:

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Jennifer Bakeoven

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

July 21, 2008

**Present:** Bill Mortimer; Joyce Bowsbey; Guy Edwards; B. Patrick Doordan; Wyatt Wallace; Joe Janusz; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopolous, Court Reporter.

**Absent:** H. Clay McDowell.

**Call to Order:** Chairman Mortimer called the meeting to order at 10:00 a.m.

**Approval of the Minutes:** Mr. Doordan made a motion for approval. The motion was seconded by Mr. Wallace. All approve. Motion carried.

Chairman Mortimer announced that today's meeting will be the last meeting that Joyce Bowsbey will be attending as a Planning Commission member. Chairman Mortimer thanked Mrs. Bowsbey for her service on the commission.

### **1. West Creek Village, Phase 5, Fletchwood Road, Final Plat, McBride & Zeigler, Inc., Fourth Election District.**

Ken Simmons and Jeff Semans, both with Persimmon Partners, appeared and presented an overview of the project. Mr. Semans said the reason for the extension request is that the Public Works agreement has not yet been signed, however all construction plans, including the Final Plat have received conditional approval.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM<sup>1</sup>

Density: The Section 4 – Section 5 Concept Plat Concept Plat<sup>2</sup> was approved at a density of 2.32/1 on 4/20/05, conditioned on:

- 1) The JD Being completed prior to Preliminary Plat review by the Planning Commission;
- 2) The boundary line survey being complete prior to Preliminary Plat review by the TAC;
- 3) A sidewalk along the Fletchwood Road frontage being included in the final design;
- 4) All stream buffers being depicted on the Preliminary Plat prior to TAC review;

The Section 5 Preliminary Plat was approved on 9/19/05, conditioned on:

- 1) Health Department requirements being met; and

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<sup>1</sup> The **RM** zone permits a base density of 2 du/ 1 ac., or 6/1 with community facilities, or 12/1 for townhouses.

<sup>2</sup> The first Persimmon Creek Concept Plat was approved on 12/18/90. The last Record Plat from previous sections was signed on 5/6/99. Therefore, the original Concept Plat has expired.

2) DPW requirements being met.

Per §4.1.18, a 1-year Preliminary Plat extension was granted on 8/20/07 (expires 8/20/08).

Subsequently, a Section 5 Final Plat was approved on 9/17/07, conditioned on:

- 1) That Health Department requirements being met;
- 2) That 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 being lot placed in the HOA escrow for improvements prior to recordation;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) The Record Plats' containing 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 Master Water and Sewer Plan;
- 7) The Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to the buyers of all lots offered for sale;
- 8) The Record Plat's reflecting the sidewalk along Fletchwood Road; and
- 9) The Record Plat's referencing Minor Subdivision #2337 and Rezoning File # 04-21.

§4.1.17 provides that "The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may request an extension in accordance with Section 4.1.18."

§4.1.18 of the Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

We report that there have been no such pertinent changes.

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	440	571	1097
Capacity	504	754	944
% Utilization	87%	76%	116%

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. All outstanding issues with the Department of Public Works must be addressed prior to the final plat submittal. We request that the Planning Commission approval be conditioned on the fact that all outstanding issues with the Department of Public Works be resolved.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The granting of an additional 1-year extension of Preliminary approval, to expire on 7/21/09.

A motion for the granting of a 1-year extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **2. Pleasanton Estates, Lots 1-4, Middle Neck Road, Preliminary –Final Plat, American Engineering, Inc., Second Election District.**

Stan Granger, American Engineering, Inc. and Louisa Pleasanton, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, proposing 4 lots plus remaining lands on 40.19<sup>3</sup> acres, for a proposed density of 1/8.038<sup>4</sup>, was approved on 11/20/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The Bufferyard A 100' BRL being depicted as necessary on all subsequent plats;
- 4) Note # 9 has being corrected as appropriate on all subsequent plats; and
- 5) The cul-de-sac bulb being moved to the approximate location of the lot 2 and 3 boundary.

The down zoning that went into effect in January 2007 will preclude further subdivision of the remaining lands.

The plat shows that the proposed development is not within the Critical Area.

The boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices

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<sup>3</sup> The 40.19 figure is based upon the acreage of that portion of the property not encumbered by a **MALPF Easement**.

<sup>4</sup> The **SAR** zone then permitted a maximum base density of **1 du/ 8 ac**.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>5</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>6</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required for only 4 lots. No landscaping is required and no sidewalks were recommended.

The FSD was approved on 11/14/06.

FCP and Landscape Plan were approved on 12/12/07.

Any 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, with the metes and bounds description of the FRA being shown on the Record Plats.

Per §4.1.22 (a), each plat sheet submitted has been sealed.

The new proposed mini-road name, 'Screaming Polly Lane,' has also been approved.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

The contiguous operating farm notice has been provided on the plat as Note 12.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

<sup>5</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>6</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

Mr. Woodhull, DPW, read the comments of the department:

All plans for this project are technically approved and only administrative issues remain outstanding. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Wallace asked if the mini road is a county or private road. Mr. Woodhull said it will be a private road and the HOA will be responsible for the maintenance.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) A Mini-road Maintenance Association, for maintenance of the mini road, being established prior to recordation, with the owners of all lots accessing the mini-road becoming members;
- 4) Any Landscape Agreement being executed prior to recordation; and
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats.

Chairman Mortimer asked Mr. Di Giacomo if he felt comfortable with this project presented as a Preliminary-Final Plat. Mr. Di Giacomo said yes.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

### **3. Springhill, Section Two, Lots 5-18, 23 &24, Springhill Road, Preliminary Plat, American Engineering, Inc., Sixth Election District.**

Cordell Willen, American Engineering and James Sherrard, General Manager, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The original Spring Hill Concept Plat proposing 19 lots on 98.501 acres<sup>7</sup> for a density of 1/5.18, was approved on 12/21/98, conditioned on:

- 1) Amber Court being realigned to minimize the impact on the existing forest, and
- 2) The number of panhandle lots being re-evaluated and if at all possible, being reduced to two.

The Section 1 Preliminary and Final Plats were approved on 4/19/99 and 8/16/99, respectively. Section 1 consisted of Lots 2 & 19-22.

Subsequently, another Spring Hill Concept Plat (for Section 2) for the remaining lots<sup>8</sup> was reviewed by the TAC on 3/7/01 and approved by the Planning Commission 3/19/01. It still showed an overall total of 19 lots (5 in Section 1 and 14 proposed in Section 2) on 98.501 acres.

The Springhill Section 1 (approved 8/16/99) Record Plats were signed on 10/17/02.<sup>9</sup>

The Section 2 Preliminary Plat was approved on 4/16/01, but it expired because §4.1.17 stipulates that Preliminary Plat approvals are valid for two years – if a Final Plat is not recorded within that timeframe. Per §4.0.9, the 12/21/98 & 3/19/01 Concept Plat approvals have expired, as well.

Consequently, a Section 2 Concept Plat was submitted and reviewed by the TAC on 11/3/04. However, it was not subsequently submitted for Planning Commission approval. It proposed 14 lots, which, if approved, together with Section 1's 5 lots, would have yielded an overall Springhill proposed density of 1/5.1842 – based on 98.501 acres.

The Section 2 Concept, proposing 16 new lots on the remaining 88.417 acres, yielding a density of 1/5.526,<sup>10,11,12</sup> was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) A modified TIS being completed prior to the TAC's review of the Preliminary Plat.

This Preliminary Plat is consistent with the approved Concept Plat.

Per §4.1.22 (a), each plat sheet submitted has been sealed.

The boundary line survey has been completed.

Steep slopes have been shown<sup>13</sup>.

The 100-year floodplain and stream buffers have again been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream

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<sup>7</sup> The actual acreage was 105.5, but the 98.5 figure was erroneously used on Springhill submittals through 11/3/04. The error occurred through the renumbering of lots 2 and 4, one a minor, and the other a major subdivision lot.

<sup>8</sup> 14 – based upon the 98.5 acre figure.

<sup>9</sup> This Record Plat cited the erroneous 98.5 acres of remaining lands, so it must be modified.

<sup>10</sup> Based on the original 105.528 total acres, 21 total lots would yield a density of **1/5.025**, but the original Concept Plat's density approval has expired.

<sup>11</sup> The NAR zone then permitted a maximum base density of 1 du/ 5 ac. It is now **1/10**, with no opportunity for bonus density.

<sup>12</sup> NAR bonus density was not an issue.

<sup>13</sup> 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.

impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>14</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

15% common open space is required; 27.9% (29.446 acres) is proposed. No landscaping is required in the NAR zone and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Ridge, Spring Hill, and Slicer's Mill Roads.

The 10' street tree planting easement has been shown.<sup>15</sup>

A 5-yr. extension of the 2/9/99 & 3/15/99 FSD were approvals was granted on 3/15/04.

The FCP<sup>16</sup> and Landscape Plan were approved on 2/25/08.

A Landscape Agreement for the bufferyards and street trees 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed road names have been approved.

The contiguous operating farm notice has been provided as Note 14. The Bufferyard Standard A 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. All lot owners in Sections 1 and 2 must become members.

School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	133%	92%	125%

<sup>14</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>15</sup> Rows of **street trees** with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads.

<sup>16</sup> The **PFCP** was approved on 4/10/01, but its roadway and lot configurations have changed.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Identify all Access, Inspection & Maintenance, and drainage easements on the preliminary plat presented to for Planning Commission review.
3. ~~How is SWM being addressed? The Department has concern about runoff on the Amber Court lots.~~
4. Is open section road is proposed? If so shoulders & roadside ditching must be identified on the plat. This project will have curb and gutter.
5. The modified TIS has been approved.
6. Section 3.07.15 of the Road Code nominally directs that Spring Hill Road be upgraded to a Minor Collector or Equivalent Standard for a distance of 100' either side of the points of intersection between Spring Hill Road and Amber Court & Natalie Way.
7. The Applicant has submitted a Protocol 3 road condition survey & road improvements plan for Spring Hill Road from Ridge Road to Horse Shoe Road. The offsite road improvement issues were discussed at the 6/12/08 site meeting and agreed to by the Developer & the Department. The Developer will be responsible for the following:
  - a. Removal of the lower entrance into the field on the westerly side of Spring Hill Road. The culvert and rocks will be removed and replaced with grass or rip rap channel.
  - b. The existing drainage problems along the south side of Ridge Road and the westerly side of Spring Hill Road intersection will be addressed.
  - c. The easterly side of Spring Hill Road 100' north & south of Amber Court and Natalie Way the travel lane will be widened to 10' and a 2' gravel shoulder will tie into existing grade.
  - d. Cost of signage in the area of steep slope along Spring Hill Road will be bore by the developer and the county roads division will place the signs.
8. Sight distance measurements have been approved for both Natalie Way and Amber Court intersections with Spring Hill Road.
9. The proposed acceleration & deceleration lanes shown are in non-compliance with the Road Code. The default minimum is a 100' long 10' wide paved section measured from the point of curvature of the entrance curves. That needs to be corrected on the Final Plat.
10. Traffic barriers are required at the cul-de-sac islands proposed as SWMA.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 11.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 11.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 11.3 Requirements for Utility relocations.
  - 11.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 11.5 Requirements for Public Works Agreements.
  - 11.6 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The ~~Final Plat must include the Lot Grading Plan standard note and the~~ Lot Grading Plan must include the standard construction limits note.
  - a. ~~Final Plat: —“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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”~~
  - b. Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. Requirements being met;
- 2) DPW requirements being met; and
- 3) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **4. DeLyn Acres, Lots 1-3, Glebe Road, Final Plat, Michael S. McAllister, Surveyor, First Election District.**

Mike McAllister, Surveyor, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The SAR zone permits a maximum base density of 1 du/ 20 ac. The Concept Plat,<sup>17</sup> proposing 3 lots on 27.91 acres, for a proposed density of 1/9.3,<sup>18</sup> was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 9/17/07, condition on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Documentation of the JD being received prior to Final Plat review, unless receipt of written documentation on the Corps' JD policy determines the removal of that condition of Concept Plat approval to be appropriate;
- 4) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat; and
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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

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'.

Currently, the policy regarding JD's is as follows: A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project

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<sup>17</sup> Parcel 408 has exhausted minor subdivision eligibility with the approval of Minor Subdivision 708 (Parcel 438 1/25/80) and major subdivision known as Lands of Lilley & Surgent (Parcel 460 Lots 1B, 1C, 2A, 2F, 3B, &4A).

<sup>18</sup> At that time, the SAR density was 1/8, so bonus density was not an issue.

meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>19</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

Thus, the third condition of Preliminary Plat approval has been rendered moot.

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, and has been provided, along the road frontages of Glebe Road.

Per §187.2, bufferyards to separate the different zoning districts from one another are depicted and noted (Note #14).

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 12/11/06. The PFCP was approved on 8/24/07.

The FCP/Landscape Plan has 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The contiguous operating farms notice has been provided in Note # 12.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to the issuance of a grading/building permit for any of the lots created by this subdivision. The fees for design review of this project must be provided at the time of first design submittals.

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<sup>19</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

2. The Sight distance submittal was approved on 10/2/07.
3. The required standard lot grading note has not been provided on the final plat. The Department will not sign the record plat until this note has been included.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, 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 the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on Record Plats; and
- 5) Per Note # 8, the JD being submitted along with any required permits prior to recordation.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**5. Chesapeake Club, Lots 344-876, Irishtown Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc., and Mike Pugh, Project Manager, appeared and presented an overview of the project. Mr. Burcham stated that the Preliminary Plat status for this project expired five days ago. Mr. Pugh stated that there has been no changes made to this plat.

Mrs. Demmler asked Mrs. Campbell for clarification on reviewing expired plat approvals. Mrs. Campbell stated that precedent was set with past expired plats being granted extensions. Discussion ensued regarding expired plat.

Mr. Di Giacomo, P&Z, read the comments of the department:

This is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning = 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.

Revised Concept Plats were approved 12/20/93, 6/20/94 (with no conditions), 3/16/98, and 9/16/02. These revised Concept Plats have all adhered to the originally-approved density of 3.5/1, and they have reflected only slight changes in design, layout, and structure types.

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was approved on 4/27/04.

The Preliminary Plat for proposed Lots 344-876 was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Sidewalks or walkways, in keeping with the designs of completed sections, being included;
- 5) Water allocation must be confirmed by the Town of North East prior to Final Plat approval;
- 6) Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat approval;
- 7) A revised Preliminary Plat showing fire hydrant locations being submitted for North East Volunteer Fire Company, Emergency Services, and DPW review prior to Final Plat review;
- 8) A TIS being completed and reviewed, and a consensus being reached among DPW, OPZ, and SHA as to needed improvements, prior to Final Plat review;
- 9) The Final Plat's noting and showing both rear and side access easement for those townhouses that do not back up to common open space; and
- 10) The details of the cross easement agreement areas being shown on the Final and Record Plats.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, a 1-year extension was granted on 7/16/07; it expired on 7/16/08 (last Wednesday).

Had it not expired, the Planning Commission would be guided by §4.1.18, which stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations."<sup>20</sup>

The Subdivision Regulations are silent on expired Preliminary Plat extensions; however, the project currently has no standing.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

While the preliminary plat approval has expired the Department has no justification on which to deny the extension requested. We request that the Planning Commission approval be conditioned on the fact that the following comments be considered as read and that they are included in the minutes:

1. The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. We also recommend

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<sup>20</sup> If the Planning Commission chooses to be guided by §4.1.18, then staff reports no such changes relating to Preliminary Plats since the 7/16/07 extension.

that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.

2. No further capacity can be allocated for flows to the existing De La Plaine pumping station for this project phase. An upgrades design is under review; however, the upgrades will be privately funded at this time. Applicant proceeds at their own risk if they do not secure the improvements design and effect the financing of the same. In such a case, no final plat can be approved without public sewer allocation, which will be tied to the required upgrades at the De La Plaine pumping station. The Washington Street sanitary pumping station upgrades are scheduled for fiscal years 2005 and 2006. The applicant is cautioned that any public sewer allocation for this phase may, in addition to the De La Plaine pumping station upgrades, also depend upon the timing and completion of the Washington Street SPS upgrades. If the County does not proceed with the Washington Street SPS upgrades, the Developer will need to assume the costs of the same, to the extent that upgrades are determined necessary for the Chesapeake Club Sanitary sewer flows. A benefit assessment for the north east sanitary sewer sub district improvements project and SPS improvements is anticipated and will likely be applicable to each unit of this project proposal.
3. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."

Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."

4. ~~A preliminary sewer layout was provided on July 12, 2005 to the Department of Public Works. It is anticipated that a response will be forwarded to the applicant in the next thirty days. Off-road sanitary sewer collection system and force main alignments must be made accessible and~~

~~maintainable along with a minimum 12' wide gravel access road. It is not evident how the current layout provides these features to the Department and the applicant will need to resolve these issues to the Department's satisfaction before any infrastructure design submittals can be reviewed by the Department. Discuss phasing in terms of construction traffic access through the established subdivision streets and the timing of the new access locations on Irishtown Road.~~

- ~~5. Please discuss the anticipated phasing of this plat's infrastructure and development. Provide a phasing plan on the preliminary plat for planning commission review.~~

~~An amended Road Code Variance request must be submitted by the Developer's consulting~~

~~engineering in accordance with criteria established on August 12, 2005 in consultation with the~~

~~Director of the Department of Public Works. The applicant and the planning commission can~~

~~expect layout changes to the current preliminary plat roadway network~~

6. Does this preliminary plat identify the proposed street pavement widths? By scaling, the paved widths shown for the collector streets are incorrect and not approvable without a Road Code Variance. The proposed streets are shown as closed section.
7. Identify the proposed sidewalk limits for record. I.e., one side, both sides, to be determined, etc. Will a separate bike/pedestrian access be provided, or will the sidewalk serve this purpose?
8. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. For the town home units, how many off-street parking spaces will be provided on each town home lot?
9. In all cases where the lot layouts proposed hereon contain dual or multiple frontages, the lots should access the new roadways of lower use classification.
10. Bay Club Parkway shall be designed as a residential major collector road from Grand Slam Court, north to Irishtown Road. For a parkway, why is no monumental entrance or center island theme proposed?
11. Blue Heron Drive from Fairway Oaks Lane (south leg), north to Irishtown Road, is to be designed as a residential major collector road.
12. Applicant must request and receive public sewer allocation for the residential units shown prior to submittal for final plat approval by the planning commission.
13. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.
14. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
15. Access should be provided, separate from public drainage and utility easements, to all stormwater management facilities. The combined width of any adjacent public drainage and private stormwater access easements should not be less than 30 feet. Revise access for Stormwater Facility off Gallery Drive.
16. Section 3.07.15 of the Road Code requires that Irishtown Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum bypass, acceleration and deceleration lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
17. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope

form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

18. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
19. Subdivision entrance geometry design off Irishtown Road must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. The Developer will be responsible to repair any damage to existing county roads within the Chesapeake Club development created by construction traffic associated with this phase of development. Once a phasing plan is submitted, the Department will comment upon the timing of the Irishtown Road entrance constructions relative to the overall project phasing.
20. Pre-design geotechnical evaluation and borings along the proposed road perennial stream, intermittent stream, and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.
21. The Department recommends that the applicant's engineering and management personnel conduct a pre-design meeting with the Department before beginning the site infrastructure design
22. The Department recommends that the Town require a PWA for the water.
23. Public works agreements are required for the internal streets & storm drains and sanitary sewer work.
24. An Inspection & Maintenance Agreement is required for the private SWM facilities.
25. A TIS is required and shall include the two (2) Irishtown Road access locations, as well as Irishtown Road at 272 and Irishtown Road at Old Elk Neck Road. Offsite Road Improvements to Irishtown Road will be required to be performed by the applicant; the scope and limits of which are to be determined prior to site engineering and final plat submittal. Applicant shall conduct a meeting with the DPW regarding the requirements for an offsite road condition survey and improvements proposal before proceeding with site engineering.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The recommendation must be not granting an extension of an extension that has already expired, and has no standing.

A motion for the granting of a 1-year extension was made by Mr. Doordan.

The motion was seconded by Mrs. Bowsbey.

Members in favor of granting the extension included Mr. Doordan, Mrs. Bowsbey and Chairman Mortimer.

Members in opposition of the granting of an extension included Mr. Janusz, Mr. Wallace and Mr. Edwards.

Discussion ensued regarding the granting of an extension for this project.

A motion for the granting of a 1-year extension was made by Mr. Doordan.

The motion was seconded by Mrs. Bowsbey.

Members in favor of granting the extension included Mr. Doordan and Mrs. Bowsbey.

Members in opposition of granting the extension included Mr. Janusz, Mr. Wallace and Mr. Edwards.

The motion for approval failed.

A motion for disapproval of a 1 year extension was made by Mr. Edwards.  
The motion was seconded by Mr. Wallace.

Members in favor of not granting an extension include Mr. Janusz, Mr. Wallace and Mr. Edwards.  
Members in opposition of not granting the extension include Mr. Doordan and Mrs. Bowlsbey.

The granting of a 1 year extension of the Preliminary Plat approval was denied.

## **6. Chesapeake Club, Area H-2 & H-3, Lots 188-343, Irishtown Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Pugh, Project Manager and Mike Burcham, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning = RM.

The original Concept Plat was approved 5/19/87<sup>21</sup> for 1440 units on 411 acres, for a proposed density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A series of revised Concept Plats have been approved subsequently. They have all adhered to the originally-approved density of 3.5/1, and they have reflected changes in only design, layout and structure types.

An Area H Preliminary Plat for proposed lots 110-216 was approved on 5/20/02.

A revised Concept Plat<sup>22</sup> was approved on 9/16/02, and an Area H-1 Final Plat for proposed lots 128-187 was approved on 1/22/04.

The Areas H-2 & H-3, Lots 188-343, Fairway Links, Preliminary Plat Preliminary Plat was approved on 4/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Sidewalks or walkways, in keeping with the designs of completed sections, being included;
- 5) Water allocation must be confirmed by the Town of North East prior to Final Plat approval;

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<sup>21</sup> Concept Plats approved prior to 7/25/89 remain valid.

<sup>22</sup> Keeping the density approval intact, revisions updating the layout only have been approved over time.

- 6) Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat approval;
- 7) The approximate locations of the townhouse structures being show on the Final Plat; and
- 8) Note # 11 being revised to provide the correct number of overflow parking spaces.

Pursuant to §4.1.18, a 1-year Preliminary Plat extension was granted on 3/20/06.

An Area H-2 Final Plat for proposed Lots 188-203, 250-288, 311-313 & 332-343 was approved on 10/16/06, 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 recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) A Landscape Agreement being executed prior to recordation;
- 6) Maintenance of the common overflow parking areas being the responsibility of the HOA, and a note to that effect appearing on the Record Plat;
- 7) The Record Plats containing a statement signed by the Health Dept., approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and
- 8) The Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all homes and townhouses offered for sale.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. "The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation."

No record plat was recorded subsequent to the 10/16/06 Final Plat approval. Therefore, the 3/20/06 Preliminary Plat extension expired on 3/20/07.

Had it not expired, the Planning Commission would be guided by §4.1.18, which stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations."<sup>23</sup>

The Subdivision Regulations are silent on expired Preliminary Plat extensions; however, the project currently has no standing.

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<sup>23</sup> If the Planning Commission chooses to be guided by §4.1.18, then staff reports no such changes relating to Preliminary Plats since the 3/20/06 extension.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

While the preliminary plat approval has expired the Department has no justification on which to deny the extension requested. We request that the Planning Commission approval be conditioned on the fact that the Department's comments be considered as read and that they are included in the minutes.

1. It is the Departments understanding that the Town of North East will be responsible for the water mains. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
2. A SWM plan, Street & Storm Drain plan, Mass and Final Grading plan and Sanitary Sewer Plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
3. Identify the 8" sewer main and SMH 88, associated with Area H-1 construction, on this plat.
4. The Department has issued a sanitary sewer allocation update letter where by 167 ELU would be available for Areas H-1, H-2, & H-3. The 60 lots in Area H-1 added to the 162 lots proposed for Areas H-2 & H-3 equals 222 lots, therefore a deficit of 55 lots (222-167 = 55) will remain after the existing allocation is depleted.
5. ~~In order to minimize the reliance on force mains and pump stations in developing the remainder of this property the Department request a strategic plan or if you like a concept of sewer service for all further areas of the Chesapeake Club be submitted for review. All possibilities should be explored including the possibility of connecting to the Village at North East. Such a plan should be provided prior to submittal of future sections.~~
6. The public Pumping Station must have fee simple access to a county or state road right-of-way, and a lot boundary must be show – i.e. the public SPS site will not be on open space.
7. All sanitary sewer mains located outside of the County's ROW must be ductile iron and an access-way is required along its entire length.
8. All lots must connect to the sanitary sewer main at the street in front of the units (this is particularly in reference to Units 224-234).
9. The sanitary sewer line must be run to a manhole located beyond the temporary Tee Turnaround on Bay Club Parkway.
10. The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.
11. Tournament Circle is not compatible with the bike/pedestrian path system proposed and the Department will not support their use in this location. If the Planning Commission requires sidewalks the Department will require that they be located as shown on Standard R-5 of the Road Code.
12. The bike/pedestrian path is acceptable to the Department of Public Works for the remainder of the internal streets in Areas H-2 & H-3. The extent of their use must be delineated on the plat for clarity.

13. 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.
14. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
15. Outlet culverts must be extended to the SWM facility.
16. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 16.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 16.3 Requirements for Utility relocations.
  - 16.4 Requirements for Public Works Agreements
  
  - 16.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  
  - 16.6 Requirements for County Roads.
  
  - 16.7 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
  - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the street & storm drainage construction and the public & private sanitary sewer and water system construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Theodore Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The recommendation must be not granting an extension of an extension that has already expired, and has no standing.

A motion for the granting of a 1 year extension was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **7. Silverado, Lots 5-75, Razor Strap Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc. and Tom Montgomery, owner, appeared and presented an overview of the project. Mr. Burcham stated that this plat has expired. Discussion ensued regarding extending expired plats.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

Density: The RM zone permits a maximum base density of 6 du/ 1 ac. with community facilities, and up to 12/1 for townhouses. The Concept Plat, proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The TIS being completed prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat, also including some of the adjacent lands of Jansen<sup>24</sup>, was approved on 4/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review;
- 5) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
- 6) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
- 7) An amended TIS has been submitted, reviewed, and its conclusions and recommendations agreed to;

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<sup>24</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

- 8) The Stoney Run Creek Road teardrop turnaround design, without the §29.5.a (2) bufferyard requirement, being conditionally approved contingent upon future adjacent Northwoods sections showing the adjacent Northwoods area as common open space; and
- 9) Fire hydrant locations being finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 4/17/06 Preliminary Plat approval expired on 4/17/08.

Had it not expired, the Planning Commission would be guided by §4.1.18, which stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations.”<sup>25</sup>

The Subdivision Regulations are silent on expired Preliminary Plats; however, the project currently has no standing.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the departments:

While the preliminary plat approval has expired the Department has no justification on which to deny the extension requested. The current sanitary sewer allocation of 50 ELU was granted on 2/6/08. What is the status of water allocation for this development? Mr. Montgomery said the town told them that water is available. They have not formally applied for water yet. All outstanding comments from the 4/17/06 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

1. It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
2. Based upon the current permitted capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval(concept through final) no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk.

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<sup>25</sup> If the Planning Commission chooses to be guided by §4.1.18, then staff reports no such changes relating to Preliminary Plats since the 4/17/06 approval.

3. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
4. The offstreet parking lots shown will require a road code variance.
5. A Road Code Variance has been submitted addressing this issue.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
7. Upgrades to Razor Strap Road beginning approximately 1,000ft west of the proposed entrance are funded in the Cecil County CIP for fiscal years 2006 and 2007. At this time, the design is complete, with right-of-way acquisition being performed by Cecil County. The overall improvements project may be phased. The applicant should plan for upgrading Razor Strap Road at a minimum from the proposed entrance to the point where county improvements begin.
8. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.
9. The Department recommends that the Town require a PWA for the water.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 10.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 10.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 10.3 Compliance with Section 3.07.15 of the Cecil County Road Code.

10.4 Requirements for Utility relocations.

10.5 Requirements for Public Works Agreements.

10.6 Requirements for Stormwater Inspection and Maintenance Agreements.

10.7 Requirements for County Roads.

10.8 Requirements for Final Plat - Public Water and Sewer Allocation.

10.9 Requirements for Sewer Service Cleanouts – Location

***Notes and requirements identified for record:***

1. The Final Plat must include the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
  - a. ~~*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*~~
  - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
  - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road equivalency for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
8. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The recommendation must be not granting an extension of a Preliminary Plat that has already expired, and has no standing.

A motion for the granting of a 1-year extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

Members in favor of the granting of an extension include Mr. Doordan, Mrs. Bowsbey and Mr. Janusz.

Members in opposition of granting an extension include Mr. Wallace and Mr. Edwards.

A 1-year extension was granted.

**8. Bayline Estates, (f/k/a Butlers Crossing), Section 3, Lots 13-19, Joe Meltz Road, Preliminary Plat Extension, McCrone, Inc., First Election District.**

Don Sutton, McCrone, Inc., appeared and presented an overview of the project. Mr. Sutton stated that this plat expired five days ago. Mr. Sutton gave an explanation of all of the plats that were presented that are expired. Discussion ensued.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

The Concept Plat, proposing 7 lots, roadway rights-of-way, and common open space on 61.08 acres, for a proposed density of 1/8.73, was approved on 7/18/05, conditioned on:

- 1) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots;
- 2) A Jurisdictional Determination (JD) being completed, and submitted to the Office of Planning & Zoning, prior to preliminary plat review by the Planning Commission; and
- 3) The FSD being revised to show the wetlands on proposed Lots 14 and 15.

The Preliminary Plat was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots; and
- 4) The forest conservation plan and landscape plan being approved prior to final plat review.

The original Butler's Crossing Concept Plat (Lots 4-11) was approved on 11/16/98, at a density of 1/21.2, conditioned on:

- 1) The limits of the County maintenance of Joe Meltz Road being verified prior to preliminary plat review by the Technical Advisory Committee;
- 2) A paved road provided by the developer being extended a sufficient distance to provide an entrance to Lot 10 eliminating the need for a panhandle lot; and
- 3) Elimination of the street tree requirement.

A Butler's Crossing Preliminary Plat for Lots 4-10 was approved on 12/20/99, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Bufferyard A being provided to separate residential use of the portion of Lot 8 in the vicinity of the proposed dwelling from the agricultural operation of the Peverly property to the west,
- 4) Landscape plan for any remaining bufferyards being approved prior to Planning Commission review of the final plat;
- 5) Landscape Agreement being executed prior to recordation;
- 6) Permit being obtained from the Maryland Department of the Environment and the Corps of Engineers for the stream crossing of Lot 8, prior to recordation;
- 7) Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission;
- 8) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 9) A jurisdictional determination being received prior to final plat review by the Planning Commission; and
- 10) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided.

The Final Plat for Section 1, Lots 4-7 & 10, was approved on 3/20/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) 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;
- 5) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided; and
- 6) Persistent misspellings being corrected.

The Final Plat for Section 2, Lots 8 and 9, was approved on 10/16/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) 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;
- 5) The title block on sheet 2 being corrected; and
- 6) A copy of the stream crossing authorization being forwarded to the Office of planning and Zoning for inclusion in the file, prior to recordation.

A Concept Plat for Section 3, lots 11-18, was approved on 5/20/02 at a density of 1/8.42, conditioned on:

- 1) The proposed mini-road's name being approved by the County's Emergency Management Agency prior to Planning Commission review of the preliminary plat.

A Section 3 Preliminary-Final Plat for lots 11 and 12 was approved on 12/16/02, 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 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; and
- 5) The standard forest retention note being placed on the record plat.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 8/15/05 Preliminary Plat approval was set to expire on 8/15/07, but a one-year extension was granted on 7/16/07. It expired last Wednesday, 7/16/08.

Had it not expired, the Planning Commission would be guided by §4.1.18, which stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations."<sup>26</sup>

The Subdivision Regulations are silent on expired Preliminary Plat extensions; however, the project currently has no standing.

School information:                      Elementary                      Middle                      High School

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<sup>26</sup> If the Planning Commission chooses to be guided by §4.1.18, then staff reports no such changes relating to Preliminary Plats since the 7/16/07 extension.

	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

Mr. Woodhull, DPW, read the comments of the department:

1. While the preliminary plat approval has expired the Department has no justification on which to deny the extension requested. All plans are technically complete and only administrative issues remain outstanding.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The recommendation must be not granting an extension of an extension that has already expired, and has no standing.

Mr. Doordan stated that he is looking at the extensions from the developer's point of view. He feels the developers should not have to pay for the errors that the engineering and surveying companies are making. He also stated that this project generated no problems in the community.

A motion for the granting of a 1-year extension was made by Mr. Doordan.

The motion was seconded by Mrs. Bowsbey.

Mr. Wallace stated that he feels McCrone, Inc. is a very reputable company and very trusted by their clients. He believes that only under certain circumstances should an expired plat be considered for any approval.

Members in favor of the granting of an extension include Mr. Doordan, Mrs. Bowsbey and Mr. Janusz.

Members in opposition of granting an extension include Mr. Wallace and Mr. Edwards.

A 1-year extension was granted.

Mr. Wallace stated that he feels that the Planning Commission has not been consistent with the voting at today's meeting, letting two expired plats gain approval while one did not. Chairman Mortimer said he feels there should be some sort of penalty for presenting an expired plat. Mr. Janusz concurred. Discussion ensued regarding the accepting of expired plat.

Mr. Doordan asked if the Planning Commission could revisit the Chesapeake Club Lots 344-876 submittal. Mr. Sennstrom said the Planning Commissions previous ruling on that plat must remain due to this being a public meeting and interested members of the public may have left the meeting after that plat was heard.

Chairman Mortimer stated that he is okay with the fact that the commission denied on of the expired plats. He stated that if he was voting, he would have denied all of them. The Planning Commission is trying to infuse responsibilities and competence into what is presented. This is a waste of the public's time.

**9. Bayline Estates, (f/k/a Butlers Crossing), Section 4, Lots 13-17 & Resubdivision of Lots 12, Joe Meltz Road, Final Plat, McCrone, Inc., First Election District.**

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

The Concept Plat, proposing 7 lots, roadway rights-of-way, and common open space on 61.08 acres, for a proposed density of 1/8.73, was approved on 7/18/05, conditioned on:

- 1) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots;
- 2) A Jurisdictional Determination (JD) being completed, and submitted to the Office of Planning & Zoning, prior to preliminary plat review by the Planning Commission; and
- 3) The FSD being revised to show the wetlands on proposed Lots 14 and 15.

The Preliminary Plat was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots; and
- 4) The forest conservation plan and landscape plan being approved prior to final plat review.

The original Butler's Crossing Concept Plat (Lots 4-11) was approved on 11/16/98, at a density of 1/21.2, conditioned on:

- 1) The limits of the County maintenance of Joe Meltz Road being verified prior to preliminary plat review by the Technical Advisory Committee;
- 2) A paved road provided by the developer being extended a sufficient distance to provide an entrance to Lot 10 eliminating the need for a panhandle lot; and
- 3) Elimination of the street tree requirement.

A Butler's Crossing Preliminary Plat for Lots 4-10 was approved on 12/20/99, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Bufferyard A being provided to separate residential use of the portion of Lot 8 in the vicinity of the proposed dwelling from the agricultural operation of the Peverly property to the west,
- 4) Landscape plan for any remaining bufferyards being approved prior to Planning Commission review of the final plat;
- 5) Landscape Agreement being executed prior to recordation;
- 6) Permit being obtained from the Maryland Department of the Environment and the Corps of Engineers for the stream crossing of Lot 8, prior to recordation;

- 7) Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission;
- 8) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 9) A jurisdictional determination being received prior to final plat review by the Planning Commission; and
- 10) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided.

The Final Plat for Section 1, Lots 4-7 & 10, was approved on 3/20/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) 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;
- 5) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided; and
- 6) Persistent misspellings being corrected.

The Final Plat for Section 2, Lots 8 and 9, was approved on 10/16/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) 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;
- 5) The title block on sheet 2 being corrected; and
- 6) A copy of the stream crossing authorization being forwarded to the Office of planning and Zoning for inclusion in the file, prior to recordation.

A Concept Plat for Section 3, lots 11-18, was approved on 5/20/02 at a density of 1/8.42, conditioned on:

- 1) The proposed mini-road's name being approved by the County's Emergency Management Agency prior to Planning Commission review of the preliminary plat.

A Section 3 Preliminary-Final Plat for lots 11 and 12 was approved on 12/16/02, 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 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; and
- 5) The standard forest retention note being placed on the record plat.

The Butler Crossing Lots 11 & 12 Record Plat was signed on 7/29/03.

Per §4.1.17 and §4.1.18, the 8/15/05 Preliminary Plat approval was granted a 1-year extension on 7/16/07. It expired last Wednesday, 7/16/08. The Planning Commission today previously granted another ‘extension.’ Therefore, this Final Plat can now be reviewed.

It is consistent with the approved Concept and Preliminary Plats, with the following exceptions:

- Proposed Lots 18 & 19, Buckingham Court and approximately 23 acres of common open space are not included;
- Proposed Lot 13 has been reduced in size because of a proposed add-on to Lot 12;
- Proposed Lot 13 has also been reduced in size because of a new proposed area of common open space; and
- Proposed Lot 17 has been increased in size because of the deletion of an area of common open space and the realignment of the proposed, future Buckingham Court.

Inasmuch as this plat would revise the Butler’s Crossing Lots 11 & 12 Record Plat, the owner(s) of Lot 12 must sign this Record Plat, should it be approved.

The FFCP/Landscape Plan has been approved, but modifications to lot lines must be made to a revised FFCP/Landscape Plan prior to recordation.

Any possible MDE/Corps of Engineers permits must be obtained prior to recordation.

The adjacent agricultural operation note has been provided on the plat.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being 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 being placed in escrow for improvements prior to recordation. All Butler’s Crossing/Bayline Estates lot owners must become members, per condition # 8 of the 12/20/99 approval, condition #3 of the 3/20/00 approval, condition #3 of the 10/16/00 approval, and condition #3 of the 12/16/02 approval.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

Mr. Woodhull, DPW, read the comments of the department:

While the preliminary plat approval has expired the Department has no justification on which to deny the request. All plans are technically complete and only administrative issues remain outstanding. The Department will not sign the record plat until these issues have been resolved to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being;
- 3) Modifications to lot lines being made to a revised FFCP/Landscape Plan prior to recordation;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Any possible MDE/Corps of Engineers permits being obtained prior to recordation;
- 6) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 7) The owners of all Butler's Crossing/Bayline Estates lot owners becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

#### **10. KST, LLC, Lot 1, Hances Point Road, Preliminary – Final Plat, McCrone, Inc., Fifth Election District.**

Bud Felty, McCrone, Inc., thanked the Planning Commission members for their consideration and generosity while reviewing the expired plats presented by McCrone, Inc.

Bud Felty and Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac. This Preliminary-Final Plat proposes 1 lot plus remaining lands on 142.353 acres, for a proposed density of 1/71.066.

A Concept Plat may be required for any additional subdivision of the remaining lands.

Although, the CBCAC's issues with §'s 195 and 200 have not yet been fully resolved, and, therefore, the hiatus or moratorium in CA Final approvals remains, this proposal involves existing development. If approved, then only the lot lines would be new.<sup>27</sup>

The boundary line survey been completed.

The entirety of proposed Lot 1 is within the Critical Area LDA. No more than 15% of the surface area can be impervious surface in the LDA, only 7% currently exists.

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35' in height.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>28</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required. No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The immediately adjacent RR zoning has now been shown.

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<sup>27</sup> The applicant has been advised that if approved by the Planning Commission, the CBCAC may choose to appeal.

<sup>28</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A waiver of the required Bufferyard Standard C is being requested. Inasmuch as the existing community- and/or rural-character includes the existing structures, staff supports the requested waiver.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The Environmental Assessment has 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, with the metes and bounds description of the FRA being shown on the Record Plat.

The contiguous operating farm notice has been provided on the plat.

School information:	Elementary North East	Middle North East	High School North East
FTE	496	826	1110
Capacity	510	712	1009
% Utilization	97%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

The SWM plan requirements for the existing impervious area on the proposed Lot 1 have been satisfactorily addressed. The deed language for the remaining lands must reflect this easement. Otherwise all Departmental requirements have been met. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of the project. No one spoke.

Discussion ensued regarding Critical Area revisions that are being considered.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being; and
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

Mr. Di Giacomo stated that he had spoken with the Critical Area Commission regarding this project and they had no problems with it.

**11. Lands of Eugene H. Martha Tharp, 1 Lot, Little New York Road, Preliminary-Final Plat, McCrone, Inc., Sixth Election District.**

Don Sutton, McCrone, Inc., appeared and presented an overview of the project. Mr. Sutton stated that he is requesting a waiver of variance for the setback requirements for the existing dwelling on Lot 5.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: TR

Density: The TR zone permits a maximum density of 1 du/ 1 ac. This plat proposes 2 new lots on 4.109 acres, for a proposed density of 1/2.05.

The boundary line survey has been completed.

§4.0.1 allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres, and §2.0 permits a combined Preliminary-Final Plat if there are from 1 to 5 lots.

What will happen to the access for Benham? All legal documents formalizing that access easement across these new lots must be recorded prior to recordation.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

The habitats of rare, threatened, and endangered species must be avoided. No common open space is required.

The requested waiver of the Bufferyard Standard C requirement is recommended because of the existing structures.

The waiver of the road setback requirement is recommended because of the existing structures.

Because of the existing structures, a waiver of the standard roadway dedication is recommended, consistent with that depicted on the plat.

Other existing structures within setback lines, over property lines, and in septic reserve areas must be removed prior to recordation.

Any tree removal within a public right-of-way requires approval from the Maryland DNR. This project is exempt, per §3.2N.

The contiguous operating farm notice has been provided on the plat.

School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	133%	92%	125%

Mr. Woodhull, DPW, read the comments of the department:

The subdivision proposed appears to be for the purpose of land transfer only. Any future development on this site will require a stormwater management approval from the Cecil County Department of Public Works.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The normal road setback requirements being waived for the existing dwellings;
- 4) The normal Bufferyard Standard C requirements being waived because of the existing dwellings;
- 5) A waiver of the standard roadway dedication being granted, consistent with that depicted on the plat; and
- 6) Other existing structures within setback lines, over property lines, and in septic reserve areas being removed prior to recordation.

A motion for approval with conditions was made by Mr. Wallace. The motion was seconded by Mr. Doordan.

All approve. Motion carried.

## 12. Knights Court, Lots 1-45, Sandy Bottom Road, Preliminary Plat, McCrone, Inc., First Election District.

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR & RCA

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 8 minor & 37 major subdivision lots<sup>29</sup> on 298.86 acres, for a proposed density of 1/8.077<sup>30</sup>, was approved on 11/27/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) A fire suppression tank being shown on the Preliminary Plat; and
- 5) Indication that the existing land to Lot 23 is used for farm use being placed on all subsequent plats.

35.58 acres are located in the Critical Area RCA overlay zone, which permits a density of 1/20. Only one proposed lot would be in the Critical Area on each original parcel of record: the proposed Lots 23 and 45 Critical Area density is 1/17.79.

If it is determined that the tidal influence of Hall Creek extends beyond the Critical Area boundary, then that boundary would need to be expanded. An environmental assessment may need be submitted in accordance with §200.1 of the Zoning Ordinance.

The boundary line survey has been completed.

A note indicates that there are no steep slopes.<sup>31</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are now required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and

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<sup>29</sup> For two parcels of record.

<sup>30</sup> The SAR zone permitted a base density of 1 du/ 8 ac. Bonus density is not an issue.

<sup>31</sup> Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

revised on 1/16/96<sup>32</sup>, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Therefore, the second condition of Concept approval has been rendered moot.

15% common open space is required; 15.57% is proposed. No landscaping of the development envelope is required in the SAR zone and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the Knight Island and Sandy Bottom Road frontages. However, to better preserving the rural character of the area, staff would support a Bufferyard A along the road frontages of Knight Island and Sandy Bottom Roads, as well as along the SW lot lines of proposed Lots 31 & 32. Why is the Bufferyard C depicted? Mr. Sutton said they are proposing to expand the Bufferyard C to better buffer that area.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, as depicted.

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

In the critical area, no structure shall exceed 35' in height.

As the 30 day grace period for the Heritage Letter expired, the FSD was approved on 11/17/06, conditioned upon receipt of the Heritage Letter prior to PFCP approval.

The PFCP & Preliminary Environmental Assessment were approved on 6/19/08.

The FCP, Landscape Plan, and environmental assessment 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal road names have been approved.

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

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<sup>32</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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 contiguous operating farm notice has been provided on the plat.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road and Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM requirements be addressed for Lots 1-14?
3. Easements for SWM facility access as well as inspection & maintenance must be identified on the preliminary plat presented to the Planning Commission for review. The same applies for SWM pond inflow and outflow conveyance.
4. The storm drain pipe geometry adjacent to Lot 20 is less than 90° and must be addressed in the storm drain design for this project.
5. Sight distance measurements for the Knight Island Road access points were approved on 6/12/08.
6. The protocol 3 road condition survey and improvements plan have been submitted and approved.
7. The entrance plans submitted address the requirement for acceleration and deceleration lanes. However they must be shown on the preliminary plat.
8. The driveways for Lots 29, 30, & 40 must have a separation distance of 75' from the adjoining intersections.
9. No direct driveway access will be allowed on to Gawain Drive and Lots 1 & 44 are denied direct access onto Guinevere Drive. This must be noted on the preliminary plat submitted for Planning Commission review.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

10.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.

10.2 Requirements for Utility relocations.

10.3 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

10.4 Requirements for Public Works Agreements.

10.5 Requirements for Stormwater Inspection and Maintenance Agreements.

10.6 Requirements for Driveways

**Notes and requirements identified for record:**

1. ~~The Final Plat must include the Lot Grading Plan standard note.~~ The Lot Grading Plan must include the standard construction limits note.
  - a. ~~Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."~~
  - b. ~~Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered~~

- non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
  3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
  5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan/Environmental Assessment being approved prior to Final Plat review; and
- 4) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (**FRAs**) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mrs. Bowlsbey.

All approve. Motion carried.

### **13. Brookwood Estates, Lots 1-7, Moore Road, Preliminary Plat Extension, McCrone, Inc., Eighth Election District.**

Bud Felty, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat was approved on 6/20/05 at a density of 1/5.39, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;

- 2) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat; and
- 3) The sensitive species survey being completed prior to the TAC’s review of the Preliminary Plat.

The Preliminary Plat, proposing 7 lots, common open space, and a private mini-road on 37.89 acres, for a proposed density of 1/5.41, was approved on 9/19/05, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met; and
- 3) The forest retention areas on the Final Plat and the FCP matching up.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 9/19/05 Preliminary Plat approval was granted a 1-year extension on 8/20/07 (expires on 8/20/08).

§4.1.18 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

We report that there have been no such pertinent changes.

If an additional extension is granted, then it shall expire on 7/21/09.

'05 School information:	Elementary Conowingo	Middle Perryville	High School Perryville
FTE	483	705	1031
Capacity	475	753	1038
% Utilization	102%	94%	99%

School information:	Elementary Conowingo	Middle Perryville	High School Perryville
FTE	524	709	986
Capacity	458	688	860
% Utilization	114%	103%	115%

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. However the existing driveway on Lot 1 must be removed and so noted on the final plat and the 8/20/07 Planning Commission comments still apply. They will be included in the minutes but not read at this time:

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Lot 7 is denied access to Moore Road and a note to this effect must be placed on the final plat.
3. The stormwater management design submittal must provide for grading and layout of the proposed shared driveway & access easement. Deed restrictions must identify construction and

maintenance responsibilities for the shared driveway access as the driveway is proposed to be privately installed and maintained.

**4.** The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

4.1 *The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.*

4.2 *Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*

4.3 *Compliance with Section 3.07.15 of the Cecil County Road Code.*

4.4 *Requirements for Utility relocations.*

4.5 *Requirements for Public Works Agreements.*

4.6 *Requirements for Stormwater Inspection and Maintenance Agreements.*

4.7 *Requirements for Private Mini Roads.*

4.8 *Requirements for Stopping Sight Distance measurements.*

**Notes and requirements identified for record:**

1. *The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.*
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. *The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.*
3. *Section 3.07.15 of the Road Code directs that Moore Road must improved for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.*
4. *Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.*
5. *A Public Works Agreement is required for the private mini road & storm drainage construction.*
6. *An Inspection & Maintenance Agreement is required for the private SWM facilities.*
7. *The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Moore Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code. The mini-road entrance, within the county road right-of-way, must be paved in accordance with Section 2.13.F of the Road Code.*
8. *The sight distance measurements (intersection & stopping) for the proposed intersection must be submitted and approved prior to submitting the preliminary plat to the Technical advisory Committee for review. The applicant must satisfactorily address the Department's concerns for both proposed intersections.*

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The granting of an additional 1-year extension of Preliminary approval, to expire on 7/21/09.

A motion for the granting of a 1-year extension was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**14. Wapiti Estates, Lots 1-6, Turkey Point Road, Concept Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc. asked that #'s 14 & 15 on the agenda be heard after #16 due to the owner of the property not being present.

Chairman Mortimer said yes.

**16. Villages of Old Creek, (f/k/a Lands of David Willis, Jr.), Lots 5-14, Blue Ball Road, Final Plat, McCrone, Inc., Fourth & Ninth Election Districts.**

Don Sutton, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat (16 lots on 161.1 acres, for a proposed density of 1/10.068),<sup>33</sup> was approved on 5/20/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes; and
- 2) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission.

A Preliminary Plat for 16 lots was approved on 5/20/04. Subsequently, a Preliminary Plat for proposed Lots 1-4 was approved on 7/19/04, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met; and
- 3) The site location in the vicinity sketch being accurately delineated on the Final Plat.

The Final Plat for proposed Lots 1-4 was approved on 5/16/05, and the Record Plat was signed on 12/21/05. The Concept Plat was granted a one year extension on 4/17/06.<sup>34</sup>

A Preliminary Plat<sup>35</sup> proposing 11 lots and 30.29 acres of common open space on 149.62 acres for a proposed density of 1/13.6, was approved on 5/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;

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<sup>33</sup> It was brought to the County's attention that a private deed restriction limits the subdivision of this property to 15 lots until 5/29/13. The proposal exceeded that limitation by one lot; however, the County does not enforce private deed restrictions. This Preliminary Plat is consistent with that private deed restriction.

<sup>34</sup> §4.0.09 of the Cecil County Subdivision Regulations provides that Concept Plats shall be valid for two years from date of approval. Preliminary approval extends Concept Plat approval for one year from the date of Preliminary approval. Therefore, without the extension, the 5/20/04 Concept Plat approval would have expired on 7/19/06.

<sup>35</sup> It was consistent with the approved Concept Plat density of 1/10.068.

- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Per §'s 4.1.17 and 4.1.18, a one-year Preliminary extension was granted on 4/21/08.<sup>36</sup>

Stream and wetland buffers have been shown. Floodplain boundaries have been depicted.

Documentation of the completed JD was received on 5/11/06.

No landscaping of the development envelope is required and no sidewalks were recommended. The contiguous operating farms notice has been provided on the plat.

The FSD was approved on 5/14/04. The PFCP was approved on 5/11/06.

The FCP and Landscape Plan were approved on 6/19/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

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

The Rising Sun Volunteer Fire Company requested a drafting tank or a dry hydrant. Mr. Sutton said the pond that has been designed will support a dry hydrant. It is a wet pond.

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

For the maintenance of that portion of Old Creek Drive now proposed as a private mini-road, a Mini-road Maintenance Association must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

School information:	Elementary	Middle	High School
	Calvert	Rising Sun	Rising Sun
FTE	321	712	1129
Capacity	304	775	903
% Utilization	106%	92%	125%

Mr. Woodhull, DPW, read the comments of the department:

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<sup>36</sup> It will expire on 4/21/09.

All plans for this project are technically approved and only administrative issues remain outstanding. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) For the maintenance of that portion of Old Creek Drive proposed as a private mini-road, a Mini-road Maintenance Association being established prior to recordation, with the owners of all lots accessing the mini-road becoming members; and
- 6) The owners of these and previously-recorded lots becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **14. Wapiti Estates, Lots 1-6, Turkey Point Road, Concept Plat Extension, McCrone, Inc., Fifth Election District.**

Reverend Christine Ritter, Robert Jones, Esq. and Don Sutton, McCrone, Inc., appeared and presented an overview of the project. Ms. Ritter said she is the Diocese and Property Manager for the Diocese of Pennsylvania. Ms. Ritter gave a brief history of what the Diocese's purpose is and how they have gotten to this stage. At this time, Ms. Ritter read a prepared statement to the Planning Commission members.

Mr. Doordan stated that he thought, when this first came to the Planning Commission, that the subdivision was an overlay to increase the value of the property with no intention of selling. Reverend Ritter said that was how it was originally presented.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR<sup>37</sup>

Density: A Concept Plat, proposing 6 lots on a 33 acre site<sup>38</sup> of the Parcel's 432.979 acres, for a proposed density of 1/72.16, was approved on 11/27/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat; and
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat.

Another Concept Plat, proposing an additional 78 lots on the remaining 400 acres, was approved on 12/18/06, conditioned on:

- 4) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 5) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 6) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 7) All road names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 8) A TIS being completed prior to the TAC's review of any Preliminary Plat;
- 9) Creation of an open space buffer adjacent to Turkey Point Road; and
- 10) Creation of a divided entrance for safety purposes.

Thus, 84 total lots on 433± total acres yielded an overall proposed density of 1/5.15.<sup>39</sup>

§4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Preliminary Plat is approved in the interim, the 11/27/06 Concept Plat approval shall expire on 11/27/08.

§4.0.10 of the Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If said extension is granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations."

A significant change in the Zoning Ordinance's permitted NAR density took effect on 1/1/07: from 1:5 to 1:10.

School information:                      Elementary                      Middle                      High School

<sup>37</sup> The NAR zone permitted a maximum base density of 1 du/ 5 ac. at the time of Concept Plat approval.

<sup>38</sup> No subdivision was proposed in the Critical Area.

<sup>39</sup> Since the boundary line surveys have not been completed, it is still unknown if the actual acreage rendered the proposed number of lots a base or bonus density proposal.

	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

While the Department has no justification on which to deny the extension requested to date we have not received any submittal for this project. With that said our comments from the 11/20/06 Planning Commission still apply and will be made part of the minutes but not be read at this time:

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Has any consideration been given as to how SWM requirements will be addressed for these lots?
3. Boy Scout Road is a County road. It is a one lane wide and the road access is not considered adequate under 2.7.1 of the subdivision regulations. Therefore a protocol 3 road condition survey & road improvements plan for Boy Scout Road, from MD 272 to the western property line of this development, must be submitted to the Department prior to submitting the preliminary plat to the TAC. See the Road Code Guidance Manual for these requirements. The applicant can expect the requirement to widen Boy Scout Road along their entire frontage to a 22' wide open section road with shoulders.
4. The entrance geometry at MD 272 must be redesigned to meet Road Code standards.
5. Applicant must provide stopping sight distance measurements for the Boy Scout Road access points, including the driveway for Lots 5 & 6 to DPW prior to preliminary plat submittal. Please mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
6. Lots 1 & 4 are denied direct access onto Boy Scout Road. This must be clearly identified on the Preliminary & Final Plats as well as on the final lot grading plan.
7. The driveways for Lots 5 & 6 must be paved within the County ROW.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Requirements for Utility relocations.
  - 8.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 8.5 Requirements for Private Mini Road
  - 8.6 Requirements for Public Works Agreements.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The private mini-road subdivision and plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the

maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. The internal Street grade leaving Boy Scout Road may not exceed 5% within the limits of the intersection right-of-way. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.

6. A Public Works Agreement is required for the streets & storm drainage construction.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Mike Pugh spoke in favor of this project. Mr. Pugh stated that he represents the proposed subdivision of Elk Nest. One of the requirements for Elk Nest is to find an off site location for the reforestation of the trees that will be removed from the Critical Area. Mr. Pugh had spoken with the Episcopal Diocese of Pennsylvania and asked if they would be interested in allowing the Elk Nest subdivision to place an easement on their property for the preservation of the trees on the site within the Critical Area. The Diocese has indicated to consider this matter if they receive this requested extension.

No one else spoke in favor or in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

Because of the significant down-zoning in the NAR district, the recommendation must be not granting an extension of Concept approval.

A motion for not granting the extension was made by Mr. Edwards.

The motion was seconded by Mr. Wallace.

Members in favor of not granting the extension included Mrs. Bowlsbey, Mr. Janusz, Mr. Wallace and Mr. Edwards.

Mr. Doordan abstained.

The granting of an extension was denied.

### **15. Wapiti Acres, Lots 7-84, Turkey Point Road, Concept Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., Reverend Christine Ritter and Robert Jones, Esq., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR<sup>40</sup>

Density: The Concept Plat, proposing 78 lots on approximately 400 acres of remaining lands, was approved on 12/18/06, conditioned on:

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<sup>40</sup> The NAR zone permitted a maximum base density of 1 du/ 5 ac. at the time of Concept Plat approval.

- 1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat;
- 2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat;
- 3) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission’s review of the Preliminary Plat;
- 4) All road names being approved prior to the Planning Commission’s review of the Preliminary Plat;
- 5) A TIS being completed prior to the TAC’s review of any Preliminary Plat;
- 6) Creation of an open space buffer adjacent to Turkey Point Road; and
- 7) Creation of a divided entrance for safety purposes.

A previous Concept Plat, proposing 6 lots on a 33 acre site<sup>41</sup> of the Parcel’s 432.979 acres, for a proposed density of 1/72.16, was approved on 11/27/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC’s review of any Preliminary Plat; and
- 2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat.

Thus, 84 total lots on 433± total acres yielded an overall proposed density of 1/5.15.<sup>42</sup>

§4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval. Therefore, unless a one-year extension is granted, or a Preliminary Plat is approved in the interim, the 12/18/06 Concept Plat approval shall expire on 12/18/08.

§4.0.10 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If said extension is granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations.”

A significant change in the Zoning Ordinance’s permitted NAR density took effect on 1/1/07: from 1:5 to 1:10.

School information:	Elementary Elk Neck	Middle North East	High School North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

<sup>41</sup> No subdivision was proposed in the Critical Area.

<sup>42</sup> Since the boundary line surveys have not been completed, it is still unknown if the actual acreage rendered the proposed number of lots a base or bonus density proposal.

Mr. Woodhull, DPW, read the comments of the department:

While the Department has no justification on which to deny the extension requested to date we have not received any submittal for this project. With that said our comments from the 12/18/06 Planning Commission still apply and will be made part of the minutes but not be read at this time:

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The minimum horizontal curvature radius for a Minor Road is 200'.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 3.3 Requirements for Utility relocations.
  - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 3.5 Requirements for Public Works Agreements.
  - 3.6 Requirements for Driveways.
  - 3.7 Requirements for County Roads

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
7. The internal street grade leaving Elk Neck Road may not exceed 5% within the limits of the intersection right-of-way.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Mike Pugh spoke in favor of this project. Mr. Pugh's comments referred to his previous comments for the #14 item on the agenda.

No one else spoke in favor or in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

Because of the significant down-zoning in the NAR district, the recommendation must be not granting an extension of Concept approval.

A motion for not granting the extension was made by Mr. Wallace.  
The motion was seconded by Mr. Edwards.

The granting of an extension was denied.

**17. Bedrock, Lots 5-106, Bethel Church Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc. and Tom and Barry Montgomery, owners, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of up to 2/1 is permitted.

The original Concept Plat was approved at a density of 1.38/1 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.

§4.0.8 of the Subdivision Regulations provided that Concept Plats were valid for 2 years, and that approval of a Preliminary Plat extended the Concept Plat approval for 1 year from the date of Preliminary Plat approval.

The original Bedrock Preliminary Plat was approved on 10/21/02, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW 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 included only those lots actually being reviewed, prior to review of the Final Plat;
- 6) The FCP and Landscape Plan being complete prior to review of the Final Plat;

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

Per §4.1.17, the Preliminary Plat approval expired on 10/21/04, as no Final Plat was approved beforehand. As a result, the Concept Plat also expired.

A new Concept Plat, consistent with the original, was approved on 9/19/05, conditioned on:

- 1) All previous conditions of Concept plat approval remaining in effect, except for those previously satisfied, including the completion of the Traffic Impact Study (TIS).

A new Preliminary Plat, proposing 102 lots on 73.3 acres, for a density of 1.38/1, and also consistent with its original, was approved on 9/19/05<sup>43</sup>, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being complete prior to review of the Final Plat;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the Final and Record Plat; and
- 5) A 20,000 gallon drafting tank being installed in the common open space.

The Bedrock Phase I (Lots 5-40) Final Plat was approved on 6/19/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 4) A Homeowners' Association for maintenance of common open space being established, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 5) Any active recreational amenities in the common open space being included in the Public Works Agreement; and
- 6) Permits being received from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

The Bedrock Phase I (Lots 5-40) Record Plat was signed on 6/11/07 and recorded on 8/15/07.<sup>44</sup>

§4.1.18 of the Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

We report that there have been no such pertinent changes.

<sup>43</sup> Per §4.1.17, its approval would remain valid until 9/19/07.

<sup>44</sup> The recordation, per §4.1.17, extended the Preliminary Plat's validity until 8/15/09.

If approved, the requested extension will stretch the Preliminary Plat's validity until 7/21/09.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

Item #17 - Bedrock, Lots 5-106, Preliminary Plat Extension

The Department has no objection to the extension requested. The comments made at the 6/19/06 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

1. A SWM submittal must be approved by the DPW prior to submittal for Final Plat Approval.
2. A street and storm drain submittal must be approved by the DPW prior to submittal for Final Plat Approval.
3. 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 'C'. We would request that they be extended back to clear the sight triangle
4. 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 base 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.
5. An oververtical or knoll exists in Bethel Church Road near proposed Lot 102 and may need to be addressed as an off site improvement.
6. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
7. An Inspection and Maintenance Agreement will be required for the SWM facilities.
8. Preliminary plans for phase I should carefully consider SWM requirements for phase II on the west half of the project. The topography appears to allow for SWM Pond III to be delayed until the start of phase II.
9. The centerline of Flintstone Drive must align with the centerlines of Billy Goss Loop & the proposed entrance to Bethel Springs 2.
10. A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval.
11. 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 Phase1. If this is not done than 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.
12. 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.
13. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
14. Outlet culverts must be extended to the SWM facility.
15. SWM outfalls must be extended to the toes of slopes.

16. 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."
17. A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.
18. Please confirm or dedicate a Utility easement for the existing 18" Sanitary Sewer Line.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:  
The granting of a 1-year extension of Preliminary Plat approval, to expire on 7/21/09.

A motion for the granting of a 1-year extension was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**18. Lands of Ella L. Patchell, 2 Lots plus Remaining Lands, MD Rte. 274, Concept Plat, Northern Bay Land Planning, Fifth Election District.**

Faron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum density of 1 du/ 10 ac. A Preliminary-Final Plat for Lot 1 was approved on 6/15/98, with a condition that any additional subdivision require a Concept Plat for the entire parcel. Thus, this Concept Plat proposes 1 new lot, 1 existing lot, and remaining lands on 69.977 acres, for a proposed density of 1/23.326.

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

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>45</sup>

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<sup>45</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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 or intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

No common open space is required.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of the Biggs Highway.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

This project is exempt under §3.2.K.

Any Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110

Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 2.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 2.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 2.3 Requirements for Stormwater Inspection and Maintenance Agreements

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* “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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
  - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

- 1) The boundary line survey’s being completed prior to TAC review of the Preliminary Plat.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**19. Reynolds Farms, Lots 1-34, MD Rte. 273, Preliminary Plat, Northern Bay Land Planning, Fourth Election District.**

Faron Pyles, Northern Bay Land Planning, Paul Taylor and Tom Hewitt, GW Stephens and Ann Weidner, representative for the owner, appeared and presented an overview of the project.

Discussion ensued regarding fire suppression for this project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The original Concept Plat, proposing 56 lots on 170.29 acres, for a proposed bonus density of 1/3.04, was approved on 10/20/03, conditioned on:

- 1) A boundary line survey being completed prior to Preliminary Plat review by the TAC;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;  
and
- 3) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

§4.0.9 provided that Concept Plats shall be valid for two years from date of approval. Therefore, a one-year Concept Plat extension was granted on 9/19/05.

Subsequently, on 11/21/05, the Planning Commission recommended approval of a proposed amendment to the Mater Water and Sewer Plan for a shared facility for this project, with 4 conditions:

1. Professionally maintained system.
2. Clarity of ownership until build out of development.
3. Inspection and regulation of facility during and after construction.
4. Underground system.

On 12/6/05, the Board of County Commissioners voted to approve the amendment per the recommendation of the Planning Commission.

A Preliminary Plat was reviewed by the TAC on 8/2/06. It included a proposed shared facility and a reduction in the number of lots, from 56 to 34, resulting in a new, lower non-bonus density of 1/5.05. In addition, the common open space acreage was increased from 51.64 (30%) to 80.47 acres (46.8%). The new layout excluded any connectivity to Middlecroft Road, owing at least in part to the avoidance of a stream crossing.

A revised Concept Plat<sup>46</sup> was approved on 9/18/06,<sup>47</sup> conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;  
and
- 2) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

The proposed Large Lot (1) now consists of 50.0 acres (29.1%)<sup>48</sup>, which, with the common open space, comprise 70.76% of the acreage,<sup>49</sup> thus satisfying the requirements of §175.2.k.

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<sup>46</sup> It reflected the Preliminary Plat's changes that were reviewed by the TAC on 8/2/06, and it is set expire on 9/18/08.

<sup>47</sup> This approval came one day prior to the expiration of the one-year Concept Plat extension that was granted on 9/19/05.

<sup>48</sup> It was 50.69 acres (29.5%) on the approved, revised Concept Plat.

As proposed lots 23 & 24 are proposed to have individual septic reserve areas, only 320,587 ft<sup>2</sup> is proposed for the remaining 32 dwelling units, consistent with §175.3.c.1.

This proposal must fully comply with all provisions of §175, including §175.2.e and §175.2.i prior to Final Plat review, and §175.2.l prior to recordation. Documentation of all Health Dept., DPW, PSC, and MDE approvals required for the shared facility must be submitted prior to Final Plat review.

Per Note #2, the boundary line survey has been completed, thus resulting in the increase in site area from 170.29 to 171.85 acres.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>50</sup>

The plat indicates that there are no slopes greater than 25%, and that the only steep slopes (15-25%) are on an adjacent property.

The expanded perennial stream buffer and 100-year floodplain boundary have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation. Thus, the 2<sup>nd</sup> condition of the 9/18/06 approval has been rendered moot.

At least 15% common open space is required; 41.66% is proposed. Access to common open space between and beside lots must be marked with concrete monuments.

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

The Bufferyard Standard C requirement was waived at the original Concept Plat approval, in favor of a modified Bufferyard A in the interest of preserving rural character. The Bufferyard A on proposed lots 2-7 is consistent with that previous waiver.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. They must be depicted & noted on the Final Plat.

The FSD was approved on 10/8/03. There are no habitats of rare, threatened, and endangered species on site.

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<sup>49</sup> It was 76.3% on the approved, revised Concept Plat.

<sup>50</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

The PFCP was approved on 6/18/08.

The FCP/Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats.

The road names “Bowman Way” and “Mackie Farm Drive” have been approved.

Covenants prohibiting the subdivision of the large lot<sup>51</sup> must be recorded and noted on the plat prior to recordation.

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 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 Master 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 lots/homes offered for sale.

The contiguous operating farm notice has been provided on the plat.

School information:	Elementary	Middle	High School
	Leeds	Rising Sun	Rising Sun
FTE	385	712	1129
Capacity	364	775	903
% Utilization	106%	92%	125%

Mr. Woodhull, DPW, read the comments of the department:

1. The Department of Public Works Water & Waste Water Division has been identified as the “Controlling Authority” by the Board of County Commissioners of Cecil County for the proposed shared sewerage facility.
2. There are many administrative issues which must be resolved, such as the mechanism for collection of fees from the homeowners covering the maintenance/replacement costs, prior to final plat approval.
3. The Department will not recommend final plat approval until such time as the MDE permit for the shared facility has been approved.
4. The Developers must be aware of the fact that they will be responsible for maintenance and/or replacement costs for the proposed shared sewerage facility until the subdivision is built-out and the individual lot owners can begin paying this cost through a special taxing district or similar method. These costs must be established prior to final plat submittal.
5. The Public Works Agreement for the shared sewerage facility will include adequate surety for the work proposed.

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<sup>51</sup> Even though bonus density no longer pertains, the open space requirements of §175.2.k still must be satisfied.

6. The Developers should also be aware that they may also be responsible for posting a maintenance/replacement bond to be in effect as to such time as when the homeowners take over full responsibility for the maintenance/replacement costs associated with this facility.
7. The fact that each lot owner of Lots 1-22 & 25-34 is responsible for the maintenance/replacement costs associated with the shared sewerage facility must be made public to all potential purchasers.
8. What is the status of the groundwater appropriation permit? Mr. Pyles said a GAP has been issued.
9. A SWM plan; Street and Storm Drain plan; Sanitary Sewer plan; and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
10. As discussed at the September 18, 2006 Planning Commission the connectivity to Middlecroft Lane proposed in the concept plat been removed. The Department stated that it would support the layout as proposed conditioned on Mackie Farm Drive being designed as a dual lane road with center-island from MD 273 to Bowman Way. Upon further review and with the consideration of the intermediate turnaround proposed the Department has modified the condition to providing a monumental entrance with only a 100' long traffic island separating the inbound from outbound traffic (see proposed Standard Detail R-22A).
11. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. None have been received therefore the internal street design will comply with the Road Code.
12. The road design must address how traffic flow around the intermediate turnaround will be controlled.
13. 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.
14. The SWM plan must address the quantity control requirements be addressed for Lots 24-34?
15. If the existing pond, behind Lots 26-28, is proposed as part of your SWM system an as-built, and a MD. Licensed Professional Engineer's analysis of the pond and outfall condition & hydraulic performance must be submitted. The analysis must address any relevant MD 378 Pond Code criteria. The analysis submittal must be in the form of an engineering report, signed & sealed by a MD licensed P.E.
16. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 16.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 16.3 Requirements for Public Works Agreements.
  - 16.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 16.5 Requirements for County Roads.
  - 16.6 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

- b. ~~Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."~~
  - c. ~~Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."~~
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
  4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  5. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD 273 may not exceed 5% within the limits of the intersection right-of-way.
  6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Ed Cairns, Jackson Hall School Road, Elkton, MD, stated that he thinks this development looks okay. It is consistent with the zoning. It is consistent with the surrounding development. It does promote urban sprawl in an area he would rather not see it. Mr. Cairns main concern is the community sewage.

Discussion ensued regarding the proposed shared facility.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The 10' street tree planting easements' being depicted and noted on the Final and Record Plats;
- 4) Covenants prohibiting the subdivision of the large lot being recorded and noted on the Final and Record Plats;
- 5) The FCP/Landscape Plan being approved prior to Final Plat review;
- 6) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan;
- 7) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 8) All provisions of §175.2.e having been satisfied prior to Final Plat review;
- 9) All provisions of §175.2.i having been satisfied prior to Final Plat review;
- 10) The GAP having been issued prior to Final Plat review;
- 11) Documentation of all Health Dept., DPW, PSC, and MDE approvals required for the shared facility being submitted prior to Final Plat review; and
- 12) The recommendation that a suppression tank or a dry hydrant be included.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

Mr. Wallace asked if a condition needs to be added stating that the county will not be liable for the community facility. Mr. Sennstrom said the applicant and DPW are working on this issue and if this plat comes back before the Planning Commission for Final approval, if the Commission does not feel comfortable with the progress made, at that time a condition can be added.

All approve. Motion carried.

## **20. Fieldstone, Lots 1-6, Stoney Battery Road, Preliminary Plat, P.E.L.S.A. Co., Inc., First Election District.**

Mike Paraskevich, P.E.L.S.A., Co., Inc. and Doug Willard, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR & RCA

Density: The Concept Plat, proposing 7 lots on 56.03<sup>52</sup> acres, for a proposed density of 1/8.00<sup>53</sup>, was approved on 10/16/06, conditioned on:

- 1) The boundary line survey's being completed prior to the TAC's review of the Preliminary Plat;
- 2) The PFCP/preliminary Environmental Assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 3) A JD being completed prior to Preliminary Plat review by the Planning Commission; and
- 4) The Protocol 3 road survey, as described by DPW, being required prior to the TAC's review of the Preliminary Plat.

The RCA overlay zone permits a density of 1/20. Only the proposed 20.25-acre Lot 1 is intended in the Critical Area.<sup>54</sup> Per §200.1, an EA must be submitted.

This Preliminary Plat is generally consistent with the approved Concept Plat, except that only 6 lots are now proposed, for a revised, overall density of 1/9.53.

The boundary line survey has been completed.

Some signature blocks are unnecessarily included. Final Plats shall conform to §4.2.13 (b).

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

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<sup>52</sup> The post-boundary line survey acreage is now cited as 57.188.

<sup>53</sup> The SAR zone then permitted a base density of 1 du/ 8 ac. Bonus density eligibility then carried with it a permitted density of 1/5.

<sup>54</sup> Only 6.8 acres of proposed Lot 1 is in the Critical Area. The CBCAC-imposed moratorium on lot approvals remains in effect.

Areas of steep slopes have been depicted. The steep slopes need to be differentiated between those greater than 25% and those between 15% and 25%.

The 110' perennial stream 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 CBCAC staff commented that the stream Buffer on proposed Lot 1, even though that area would be in forest retention, with no development proposed. Nevertheless, the expanded Buffer needs to be shown on the plat.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. The JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Though preferred for SWM facilities, no common open space is required for only 6 lots.

No landscaping was required and no sidewalks were recommended in the SAR zone.

Bufferyard Standard C is not required along the Stoney Battery Road frontages. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Whitetail Way.

The FSD and conceptual environmental assessment were approved on 5/4/06.

The PFCP/preliminary EA has been approved.

The final FCP, Environmental Assessment, and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a)).

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

The proposed road name, Whitetail Way, has been approved.

Minor Subdivision # 2355 has been cited on the plat.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

School information:           Elementary                   Middle                   High School

	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. If the existing pond on Lot 1 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer’s report addressing MD Pond 378 requirements must be submitted with the SWM plan.
3. The normal requirements of Section 3.07.15 of the Road Code do not apply to this project due to the number of proposed lots as well as the existing condition of Stoney Battery Road.
4. Acceleration and deceleration lanes are required. The Department will accept 50’ long 10’ wide transition lanes due to the number of proposed lots and traffic loading on Stoney Battery Road.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 5.3 Requirements for Utility relocations.
  - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 5.5 Requirements for Driveways.
  - 5.6 Requirements for Stopping Sight Distance
  - 5.7 Requirements for Private Mini Roads.
  - 5.8 Requirements for Public Works Agreements.

**Notes and requirements identified for record:**

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. ~~Final Plat: “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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”~~
  - b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
6. ~~Applicant must provide stopping sight distance measurements for the Stoney Battery Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.~~
7. The Private Mini Road must comply with Section 2.13 of the Road Code.
8. A Public Works Agreement is required for the streets & storm drainage constructions.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Adam Kunda, an adjoining property owner to this project, spoke in opposition. Mr. Kunda believes there is a discrepancy in the boundary line survey. The Kunda's have retained legal counsel to resolve this discrepancy.

Mr. Willard gave his view on the discrepancy of the boundary line survey.

Ms. Campbell explained that boundary line survey discrepancies are not to be determined by the Planning Commission. The developer is proceeding with this project at his own risk.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan/EA being approved prior to Final Plat review;
- 4) The Critical Area Buffer being clearly shown on the Final Plat;
- 5) Steep slopes being differentiated prior to Final Plat review; and
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **21. Lands of Gregory & Danita Walker, Old Elk Neck Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Land Surveyor and Greg Walker, owner, appeared and presented an overview of the project. Mr. Whiteman stated that they are asking for a variance in the front BRL to 60'.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & RCA

Density: The Concept Plat,<sup>55</sup> proposing 3 lots on 11.5963 acres, for a proposed bonus density of 1/3.8654, was approved on 12/21/06, conditioned on:

The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;

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<sup>55</sup> The NAR zone then permitted a base density of 1 du/ 5 ac., with bonus density eligibility permitting density of 1/3.

Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;  
The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;  
The Critical Area acreage being added to all subsequent plats; and  
Reference to remaining lands being supplanted by reference to the large lots on all subsequent plats.

The acreage has been reduced to 11.5424,<sup>56</sup> as the result of the boundary line survey.

The Acreage & Density Table provided can satisfy the §4.1.22 (r) requirement.

Proposed Lot 1 is the large lot, upon which bonus density approval was predicated; thus its prohibition from further subdivision is cited in the Acreage & Density Table.

Lot 1's Critical Area acreage is only 1.5261 acres; therefore, the RCA density is 1/1.5261, even though the dwelling is outside the Critical Area.

A copy of CBCAC staff comments were provided to the applicant. No more than 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA.

No steep slopes have been depicted on site.<sup>57</sup>

A 110' perennial stream buffer is required from any perennial streams present.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting.<sup>58</sup> If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>59</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review, but required to be completed prior to recordation.

No common open space is required for fewer than 10 lots. No landscaping is required and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Elk Neck Road.

The FSD was conditionally approved as the NHS exceeded their 30-day response window.<sup>60</sup>

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<sup>56</sup> Thus, the new proposed bonus density is 1/3.8475.

<sup>57</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>58</sup> Thus, the second condition of Concept Plat approval has been rendered moot.

<sup>59</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>60</sup> Habitats of rare, threatened, & endangered species must be avoided.

The PFCP was approved on 6/13/08.

The FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a)).

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

The contiguous operating farm notice has been provided as Note # 10.

Note #12 must be modified (2 new building lots are proposed.) prior to Final Plat review.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Sight distance measurements for the proposed driveways were approved on 5-22-08.
3. The fee simple road frontage dedication must be extended across Lo1 including Parcel 385.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Stormwater Inspection and Maintenance Agreements

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan being approved prior to Final Plat review;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 5) Note # 12 being modified to reflect the fact that building lots are, in fact, proposed; and
- 6) A waiver of the front BRL being granted.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mrs. Bowlsbey.

All approve. Motion carried.

## **22. Mank's Pond, Lots 5-35, Oldfield Point Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Will Whiteman, Land Surveyor, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat<sup>61</sup> proposing 31 (new) lots<sup>62</sup> on 76.991 acres, for a proposed density of 1/2.484,<sup>63</sup> was approved on 5/21/07, conditioned on:

- 1) All questions relating to soils, stream buffers, and SWM locations being resolved prior to the TAC's review of any Preliminary Plat.

Per Data Column Note # 15, the boundary line survey has been completed.

Steep slopes have been shown.<sup>64</sup>

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

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<sup>61</sup> Similar Concept Plats for this property were **approved** on 7/16/01 and 7/19/04. Per **§4.0.9**, since a Preliminary Plat was not subsequently approved within two (2) years of that date, those Concept Plats no longer have any status.

<sup>62</sup> Lots 1-4 are existing lots.

<sup>63</sup> The **SR** zone permits a maximum base density of **1 du/ 1 ac**.

<sup>64</sup> Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

greater than 15% -- to a maximum distance of 160'. As Woodstown Sandy Loam is a hydric soil, the stream buffer has been expanded.

Non-tidal wetlands or buffers are depicted on portions of several proposed lots and common open space. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Documentation of the completed JD has been received.

15% (11.549 acres) common open space is required; 42.9% (33.0863 acres) is proposed. The sensitive areas acreages have been included.

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, and sidewalks are recommended on at least one side of all internal roads.

The stub road, "Meadow Lark Spur," is shown to the Boettcher Property, to the south. All road names have been approved.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads.

The FSD that was approved on 7/12/01 has been granted an extension. The PFCP was approved on 6/19/08.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

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

A mini-road maintenance association must also be established prior to recordation, with the owners of proposed lots 27-32 becoming members.

TAC review of this project revealed that a dry hydrant was planned.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	417	826	1110
Capacity	479	712	1009
% Utilization	87%	116%	110%

Mr. Woodhull stated that Meadow Lark Spur is also shown on the Boettcher Property's plat to conform with the connectivity of the two proposed subdivisions.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and the proposed Mank Drive. The improvements required must address roadside drainage issues and pavement distress at a minimum. Additional improvements may be required if determined necessary by the DPW. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
3. The default minimum acceleration and deceleration lanes are a 100' long 10' wide paved section measured from the point of curvature of the entrance curves. The road design must reflect this.
4. Meadow Lark Spur must be terminated in a temporary tee turnaround and indicated as such on the preliminary plat presented to the Planning Commission.
5. The Department of Public Works requires that any Road Code Waivers and/or Variances sought must be requested and the major road issues be resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. The major road issues have been resolved to the Department's satisfaction. And a variance to Sections 3.07.6 & 3.07.7 of the Road Code has been granted for the private mini road entrance geometry.
6. A Road Code Variance has been granted for the Private Mini-road in regards to the use of the existing paving.
7. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code.
8. Lot 32 is denied direct access to Oldfield Point Road and this must be reflected on the preliminary & final plats as well as the final lot grading plan.
9. Are all easements for SWM conveyance, access, and inspection & maintenance identified on the preliminary plat as required?
10. The longitudinal slopes of the proposed roads must be identified on the preliminary plat.
11. An access easement for each SWM facility must be extended out to abut County ROW.
12. The MDE stream crossing permit must be obtained prior to the Department approving the road & storm drain plans.
13. Well locations are not shown for every lot in the development.
14. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

14.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

14.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

14.3 Requirements for Utility relocations.

14.4 Requirements for Stormwater Inspection and Maintenance Agreements

14.5 Requirements for Public Works Agreements.

14.6 Requirements for Driveways.

14.7 Requirements for Private Mini Roads.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

- b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
  4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  5. A Public Works Agreement is required for the streets & storm drainage constructions.
  6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
  7. A statement clearly outlining the responsibilities of the homeowners in the maintenance of private roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The 10’ street tree planting easements’ being depicted and noted on the Final and Record Plats;
- 4) The FCP/Landscape Plan being approved prior to Final Plat review;
- 5) The GAP having been issued prior to Final Plat review; and
- 6) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mrs. Bowsbey.

All approve. Motion carried.

**23. Valley Stream, Lots 5-9, Razor Strap Road, Preliminary Plat, RJK Engineering and Associates, Fifth Election District.**

Robert Blomquist, RJK Engineering and Tom and Barry Montgomery, owners, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal<sup>65</sup> is in compliance with §3.8 & §3.9.1 regarding public notification.

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<sup>65</sup> Similar proposals for this site were reviewed by the TAC on 6/7/00 and again on 4/4/01, under the name Montgomery Bros., Inc., but never submitted for P.C. review. Under the name “Lakeside South,” this proposal was reviewed by the TAC on 9/7/05. The MH zone permits a density of 4 du/ 1 ac. with community facilities. These proposed lots make up Lot 5 in Minor Subdivision # 3188.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning = MH

Density: The Concept Plat<sup>66</sup> was approved on 10/17/05, conditioned on:

- 1) Minor Subdivisions 1989, 2982, and 3188 being referenced on the plat;
- 2) Water and sewer service providers being named on the Preliminary Plat;
- 3) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat review by the Planning Commission
- 4) The density being correctly stated on the Preliminary Plat submitted for TAC review; and
- 5) Evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

The Preliminary Plat, though not signed & sealed,<sup>67</sup> was approved on 4/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Verification of water allocation being received from the Town of North East prior to Final Plat review;
- 4) Verification of sewer allocation being received from the DPW prior to Final Plat review;
- 5) The final FCP and Landscape Plan being approved prior to Final Plat review; and
- 6) A copy of the signed and sealed Preliminary Plat being provided to OPZ prior to Final Plat submittal.

The 6<sup>th</sup> condition was subsequently satisfied.

A one-year extension of the Preliminary Plat's validity was granted on 3/17/08.

The JD has been completed.<sup>68</sup>

Rows of street trees with 10' planting easements are required, outside the right-of-way, as shown.<sup>69</sup> Sidewalks must be included in construction drawings.

This revised Preliminary Plat eliminates common open space<sup>70</sup> and replaces it with remaining lands.

20 % landscaping of the gross site area is required in the MH zone.

An FSD for the minor subdivision was approved on 6/30/97. It expired on 6/30/02; a new one was approved on 10/11/05. The PFCP was conditionally approved on 4/10/06.

The FCP/Landscape Plan was approved on 2/11/07. A revised FFPCP was approved on 6/17/08.

A Landscape Agreement must be executed prior to recordation.

General Note # 19 references the off-site forest retention for this project.

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<sup>66</sup> It proposed 5 lots on 4.953 acres for a density of **1/0.9906**.

<sup>67</sup> The **boundary line survey** was completed by American Land Surveyors, LLC.

<sup>68</sup> Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation.

<sup>69</sup> In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

<sup>70</sup> None is required for fewer than 10 lots.

Per, General Note 12, water will be supplied by the Town of North East.<sup>71</sup> Appropriate signature blocks satisfy the §4.2.13 (u) & §4.2.13 (t) requirements for the Final Plat.

This site is classified as W1 and S1 by the Master Water and Sewer Plan.

The previously proposed road name, Baron Drive, was disapproved. The new proposed road name, “Crystal Waters Drive,” has been approved.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

The SWM, Sanitary Sewer, and Road & Storm Drain plans are technically complete and only administrative issues remain outstanding. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

Health Dept. requirements being met;

DPW requirements being met;

The 10’ street tree planting easements’ being again depicted and noted on the Final and Record Plats;

Water allocation being confirmed by the Town of North east prior to Final Plat Review; and

Sewer allocation being confirmed by DPW prior to Final Plat review.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

#### **24. Valley Stream, Lots 5-9, Razor Strap Road, Final Plat, RJK Engineering and Associates, Fifth Election District.**

Robert Blomquist, RJK Engineering and Barry and Tom Montgomery, owners, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal<sup>72</sup> is in compliance with §3.8 & §3.9.1 regarding public notification.

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<sup>71</sup> The submission reviewed on 4/4/01 proposed private, individual wells and sewer service from the Cecil County Department of Public Works. That reviewed on 6/7/00 proposed water and sewer service from the Town<sup>71</sup> and from the CCDPW, respectively. The original Preliminary Plat reviewed by the TAC proposed both water and sewer service to be provided by CCDPW.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning = MH

Density: The Concept Plat<sup>73</sup> was approved on 10/17/05, conditioned on:

- 1) Minor Subdivisions 1989, 2982, and 3188 being referenced on the plat;
- 2) Water and sewer service providers being named on the Preliminary Plat;
- 3) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat review by the Planning Commission
- 4) The density being correctly stated on the Preliminary Plat submitted for TAC review; and
- 5) Evidence being provided that Montgomery Bros. owns the abandoned Baron Road, or the abandoned road being shown on the Preliminary Plat.

The Prelim. Plat, though not signed & sealed,<sup>74</sup> was approved on 4/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Verification of water allocation being received from the Town of North East prior to Final Plat review;
- 4) Verification of sewer allocation being received from the DPW prior to Final Plat review;
- 5) The final FCP and Landscape Plan being approved prior to Final Plat review; and
- 6) A copy of the signed and sealed Preliminary Plat being provided to OPZ prior to Final Plat submittal.<sup>75</sup>

A one-year extension of the Preliminary Plat's validity was granted on 3/17/08.

A revised Preliminary Plat was just approved/disapproved, conditioned on:

- Health Dept. requirements being met;
- DPW requirements being met;
- The 10' street tree planting easements' being again depicted and noted on the Final and Record Plats;
- Water allocation being confirmed by the Town of North east prior to Final Plat Review;
- Sewer allocation being confirmed by DPW prior to Final Plat review;

The JD has been completed.<sup>76</sup>

Rows of street trees with 10' planting easements are required, outside the right-of-way, as shown.<sup>77</sup> Sidewalks must be included in construction drawings.

The revised Preliminary Plat eliminated common open space and replaced it with remaining lands. An FSD for the minor subdivision was approved on 6/30/97. It expired on 6/30/02; a new one was approved on 10/11/05. The PFCP was conditionally approved on 4/10/06.

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<sup>72</sup> Similar proposals for this site were reviewed by the TAC on 6/7/00 and again on 4/4/01, under the name Montgomery Bros., Inc., but never submitted for P.C. review. Under the name "Lakeside South," this proposal was reviewed by the TAC on 9/7/05. The MH zone permits a density of 4 du/1 ac. with community facilities. These proposed lots make up Lot 5 in Minor Subdivision # 3188.

<sup>73</sup> It proposed 5 lots on 4.953 acres for a density of 1/0.9906.

<sup>74</sup> The boundary line survey was completed by American Land Surveyors, LLC.

<sup>75</sup> The 6<sup>th</sup> condition was subsequently satisfied.

<sup>76</sup> Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation.

<sup>77</sup> In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FCP/Landscape Plan was approved on 2/11/07. A revised FFCP was approved on 6/17/08.

A Landscape Agreement must be executed prior to recordation.

General Note # 19 references the off-site forest retention for this project.

Per, General Note 12, water will be supplied by the Town of North East.<sup>78</sup> Appropriate signature blocks satisfy the §4.2.13 (u) & §4.2.13 (t) requirements for the Final Plat.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	561	826	1110
Capacity	556	712	1009
% Utilization	101%	116%	110%

Mr. Woodhull, DPW, read the comments of the department:

The SWM, Sanitary Sewer, and Road & Storm Drain plans are technically complete and only administrative issues remain outstanding. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Barry Montgomery asked the Commission whether sidewalks would be required. The Planning and Zoning office staff is requiring sidewalks but DPW was not in support of sidewalks. Discussion ensued regarding the requirement of sidewalks. A decision was made that sidewalks would be required. Mr. Woodhull stated that DPW would need to receive a modification sheet from the applicant showing the sidewalks so that can be approved by the department.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The 10' street tree planting easements' being again depicted and noted on the Record Plat;
- 4) The Record Plat's containing 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 Master Water and Sewer Plan;
- 5) The Record Plat's also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 6) The Landscape Agreement's being executed prior to Recordation;
- 7) Deed restrictions for the long-term protection of the street trees and off-site Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation,

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<sup>78</sup> The submission reviewed on 4/4/01 proposed private, individual wells and sewer service from the Cecil County Department of Public Works. That reviewed on 6/7/00 proposed water and sewer service from the Town<sup>78</sup> and from the CCDPW, respectively. The original Preliminary Plat reviewed by the TAC proposed both water and sewer service to be provided by CCDPW.

with the metes and bounds description of the FRA being shown on the Final Forest Conservation Plan; and

8) The sidewalks being included on the revised Road and Stormdrain plan

A motion for approval with conditions was made by Mr. Edwards.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**25. Kirk's Mill, Phase 1, Lots 5&15, MD Rte. 274 and Kirks Mill Lane, Final Plat, RJK Engineering and Associates, Ninth Election District.**

Robert Blomquist, RJK Engineering and Associates and Paul Granger, appeared and presented an overview of the project. Mr. Blomquist discussed the outstanding issues with DPW. He believes they are all administrative issues that could be resolved prior to recordation.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

The original Concept Plat proposing a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42, was originally approved on 12/19/05, conditioned on:

- The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- Common open space being labeled and referenced as such;
- Fee simple access to the proposed common open space being shown on the Preliminary Plat.
- All bufferyards being shown on the Preliminary Plat;
- The proposed Paul's Court being labeled a private mini-road on the Preliminary Plat; and
- The contiguous operating farms notice being provided on the Preliminary Plat.

The revised Concept Plat, with the same density but a significantly new layout was approved on 7/19/06, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) Common open space being labeled and referenced as such;
- 3) The stream buffer being expanded as necessary;
- 4) All bufferyards being shown on the Preliminary Plat;
- 5) The Bufferyard A on proposed Lots 13-15 being reconfigured to be consistent with §187.3;
- 6) The contiguous operating farms notice being provided on the Preliminary Plat; and
- 7) Sight distance for the proposed Lot 1 access being approved prior to the TAC's review of the Preliminary Plat.

This Phase 1 Final Plat is generally consistent with the approved Concept & Prelim. Plats.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>79</sup>

The 110' perennial stream 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

There are no habitats of rare, threatened, and endangered species on site. 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 MD 274, as shown.

The FSD has been approved. The PFCP was approved on 9/15/06.

The FCP/Landscape Plan was approved on 6/19/08. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

15% common open space is required; approximately 17% (was almost 25%) was proposed.

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 contiguous operating farms notice has not been provided on the plat.

School information:	Elementary	Middle	High School
	Bay View	Rising Sun	Rising Sun
FTE	561	712	1129
Capacity	556	775	903
% Utilization	101%	92%	125%

Mr. Woodhull, DPW, read the comments of the department:

The standard lot grading note has not been included on the final plat as required. More importantly, the SWM plan and the Mass & final Grading plan were only received by the Department on June 30, 2008 and while under review they have not been technically approved. With that the Department cannot and will not recommend approval of this final plat.

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<sup>79</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Mr. Woodhull stated that the outstanding issues that this project has is not considered administrative issues.

Mrs. Bowlsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

DISAPPROVAL, with the recommendation that the plat be resubmitted once DPW's concerns have been adequately addressed and the contiguous operating farms notice has been provided on the plat.

A motion for disapproval was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All disapprove. Motion carried.

## **26. Blue Ball Investment Group, LLC, Lots 1-4, MD Rte. 273 and Blue Ball Road, Preliminary Plat, McCrone, Inc., Ninth Election District.**

David Strauss, McCrone, Inc. and Rudy Arnold, Blue Ball Investment, LLC, appeared and presented an overview of the project.

Discussion ensued regarding the access to this project.

Mr. Di Giacomo, P&Z, read the comments of the department.

This proposal is in compliance with §3.8 & 3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: BG

§4.0.1 allows for the elimination of a Concept Plat for subdivisions of fewer than 10 lots and fewer than 25 acres.

This was the BG-zoned portion of the Mendenhall Square site, the Concept Plat approval<sup>80</sup> of which included the waiver of the Bufferyard C requirement along MD 273 in favor of a Bufferyard C between the BG zone and the NAR zone.

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<sup>80</sup> The Concept Plat (31 plus 4 minor lots on 94.2 acres, for a proposed density of **1/3.039**) was approved on 7/21/03, conditioned on:

- 1) A **boundary line survey** being complete prior to the TAC's review of the Preliminary Plat;
- 2) A **JD** being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All proposed lots other than 34 & 35 having access off the internal roads;
- 4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
- 5) A **TIS** with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;
- 6) Lot **34**'s Bufferyard **C** requirement along Blue Ball Road **and** the **street tree** requirement along Blackborne Drive **being waived** in favor of a rear Bufferyard **B** and a **row of pines** along the side lot lines;
- 7) A setback modification being granted for the existing building on proposed Lot 34;
- 8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the **BG** zone and the **NAR** zone;  
and
- 9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

The Mendenhall Square Phase 1 Preliminary Plat's approval<sup>81</sup> was conditioned on a pedestrian access being designed into the plat from the residential to the commercial portion of the property. How does this layout accommodate that pedestrian access? Mr. Strauss said they have an access easement and sidewalk shown that can be connected to Mendenhall Square.

The Phase 1 Final Plat<sup>82</sup> was approved on 4/18/05, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 5) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
- 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 contiguous operating farms notice being included on the Record Plat;
- 8) The Record Plat showing the location of the 30,000 gallon drafting tank; and
- 9) The connecting pedestrian path being shown on the Record Plat.

The Concept Plat was re-approved<sup>83</sup> on 10/17/05, conditioned on:

- 1) All previous and now-pertinent conditions of approval remaining in full effect.

The Phase 2 Preliminary Plat was approved on 2/21/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the Final Plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The contiguous operating farms notice being included on the Final and Record Plats; and
- 7) Owner, deed reference, and tax map & parcel information being updated on the Final and Record Plats.

The Phase 2 Final Plat was approved on 4/17/06 conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees being recorded and again noted on the plat prior to recordation;
- 6) The Record Plat depicting and noting the 10' street tree planting easement;

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<sup>81</sup> The Phase 1 Preliminary Plat was approved on 6/21/04, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The **TIS recommendations** being **agreed to** by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The inclusion of a 30,000 gallon drafting tank in the final design; and
- 7) Pedestrian access being designed into the plat from the residential to the commercial portion of the property.

<sup>82</sup> For Lots 1-16, 21-31 & 33-35.

<sup>83</sup> When the Phase 2 Preliminary Plat, consisting of proposed Lots 17-20, 29, & 32, was reviewed by the TAC on 10/0/05, it was discovered that the Concept Plat approval had lapsed.

- 7) Deed reference, tax map and parcel number information have not being included on the Record Plat;
- 8) The contiguous operating farms notice again being included on the Record Plats;
- 9) The correct Election District being cited on all sheets of the Record Plat; and
- 10) The Owner's and Surveyor's Certificates being signed, respectively, on the Record Plats.

Density: The BG zone sets no density limitations, per se.

The development of the individual lots must proceed through the site plan process, per §291 and §32, and pedestrian access to Phase 1 must be provided. The issuance of building permits will be contingent upon site plan approvals.

The boundary line survey has been completed.

At TAC review, it was stated that this layout consistent with §'s 7.2.1, 7.2.4, 7.2.5, & 7.2.8.

However, consistent with SHA's 3/3/08 TAC review comments, a Traffic Impact Study (TIS) must be completed. It must assume the most intense combination of potential uses on the site. Otherwise, there will be no way to know if the aggregate development potential of the lots is consistent the proposed layout's access geometry capacity and locations.

Since the applicant has invoked the provisions of §4.0.1 to start the review process with a Preliminary Plat, the TIS, which could possibly show the need for a layout change, must be completed prior to Final Plat review.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission,<sup>84</sup> but required to be completed prior to recordation.

No common open space is required, unless it's used to accommodate SWM facilities.

Landscaping of the development envelopes will be addressed in conjunction with the site plan approvals. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 273 and Blueball Road.

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<sup>84</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

The FSD was approved for the entire Mendenhall property on 7/13/03.

The PFCP was approved on 3/7/08.

The FCP must be approved prior to Planning Commission's Final Plat review (§6.3.B(1)(a)).

Landscape Plans/Agreements must be executed prior to site plan approvals.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

2 of the 4 proposed lots are panhandles.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. We will require a traffic impact study for this development. Its major objective must be to determine the traffic loading generated by this development. Particular interest must be paid to the issue of left turn stacking on Blue Ball Road waiting to enter this site. The final location of the Blue Ball Road access points will be determined after analyzing the data from this study. If this data is not available until the site plan phase the exact locations remain a fluid state. That is that the entrance location may be moved from what is presented here to what the Department finds acceptable as each of the site plans are presented for the four individual lots.
3. The Department strongly recommends that the traffic impact generated by this proposal be based on a highest impact scenario of traffic loading by number & type of vehicles and that entrance locations be selected and approved accordingly.
4. Requirements for acceleration, deceleration and bypass lanes apply to any/all entrances proposed onto Blue Ball Road. Please clarify the plan presented on Sheet 2. Are you proposing to create a 10' wide paved lane along the entire Blue Ball Road frontage from the existing right turn lane at MD Route 273 to the Mendenhall Square property? Mr. Strauss said they are not proposing that at this time. They will like to see the results of the TIS first.
5. What type of truck traffic do you expect with the proposed site use? The entrance geometry must be accordance with Section 3.07.1 & 2 to accommodate the turning movements of the largest vehicle expected.
6. While the internal pavement arrangement does not fall under our jurisdiction outside of the proposed entrances the Department has some concern over the onsite cart way widths and geometry as to their ability to handle large delivery trucks operating in and out of this site. What we do not want to see is traffic backed out onto Blue Ball Road due to inadequate turning movements available onsite.
7. The well location for Lot 1 is at a point that is exposed to possible damage from truck traffic into both Lots 1 and 4. We recommend moving the well or at a minimum providing traffic barriers around it.
8. In using the existing SWM pond located on the west side of the site you must verify that the pond was designed and built to accommodate runoff from this site.
9. Do you propose installing curb along the Blue Ball Road frontage? If so how do you intend to handle the runoff from Blue Ball Road as well as the runoff that had been conveyed by the roadside drainage swale remove for the curb installation? Identify the runoff conveyance proposed for this frontage.

10. Preliminary plats must show storm water conveyance and SWM easements. These must be on the plat presented to the Planning Commission for review.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
- 11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 11.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 11.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 11.4 Requirements for Public Works Agreements.
  - 11.5 Requirements for Utility relocations.

*Notes and requirements identified for record:*

1. ~~The Final Plat must include the Lot Grading Plan standard note.~~ The Lot Grading Plan must include the standard construction limits note.
  - a. ~~Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."~~
  - b. ~~Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."~~
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Blue Ball Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

Mrs. Bowsbey read the comments of the Health Department. See file.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) A traffic Impact Study (TIS) being completed prior to Final Plat review;
- 4) Final Plat approval preceding all site plan approvals;
- 5) The FCP being approved prior to Final Plat review;
- 6) All Landscape Plans being approved prior to future site plan approvals;
- 7) All details between the Final Plat and the FCP and future Landscape Plans matching up;
- 8) Per the Mendenhall Square Phase 1 Preliminary Plat's condition of approval, the Final Plat and all future site plans showing pedestrian access from the residential portion of the project; and
- 9) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mrs. Bowsbey.

All approve. Motion carried.

General Discussion:

Chairman Mortimer asked if a text amendment could be drafted to prevent expired plats from being reviewed. Mr. Di Giacomo said he believes what is currently in the Subdivision Regulations covers this problem. If the Planning Commission were to pass a resolution regarding its policy as to how it would like to proceed in the future, that would suffice. Ms. Campbell concurred but the problem is, in the past, the Planning Commission has extended expired plats. Mr. Di Giacomo said if it is the pleasure of the committee, he will draft amendments to § 4.0.10 and § 4.1.18. Ms. Campbell said the new amendment would state that plats would not be reviewed by the Planning Commission if they have expired prior to the meeting.

Mr. Doordan and Mr. Wallace do not agree with this amendment. They both believe this should be handled on a case by case basis. Ms. Campbell said the problem with that is that the code as written says the commission can not do that. Her recommendation is that the amendment stipulate that expired plats will be reviewed on a case by case basis and what the considerations would be.

Mr. Di Giacomo reminded the commission that if they shut the door on the possibility of extending all ready expired Concept and Preliminary Plats that does not mean that the project is dead.

At this point, Mr. Doordan left the meeting.

Chairman Mortimer said he believes they should be hard on this subject.

Chairman Mortimer asked if the Planning Commission members are in agreement to not accept expired plats to be reviewed.

The Planning and Zoning staff will draft an amendment on this issue.

Chairman Mortimer asked about the requirements that each applicant has to meet to be heard. Mr. Di Giacomo stated that the SWM plan is not required to be completed prior to submission for the Final Plat which is reviewed in DPW. Mr. Di Giacomo said this could be added but he cautioned that all of the submitted plats would be placed on the agenda at first. After the staff has time to coordinate with all interested parties as to what requirements are met and or not met, agenda items may be withdrawn by staff if requirements are not met.

At this point, Chairman Mortimer announced the term expiration dates for the Planning Commission members. They read as follows:

Joe Janusz – 8/3/11

Pat Doordan – 8/15/09

Bill Mortimer – 8/15/09

Clay McDowell – 8/15/09

Wyatt Wallace – 8/3/10

Guy Edwards – 8/3/10

A motion to adjourn the July Planning Commission meeting was made by Mr. Edwards.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

The July Planning Commission meeting adjourned at 3:53 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**August 18, 2008**

**Present:** B. Patrick Doordan; Guy Edwards; Joe Janusz; Ken Wiggins; Mark Woodhull; Tim Whittie; Clara Campbell; Angie Scramlin; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Trish Rarrick, Court Reporter.

**Absent:** Bill Mortimer (arrived at the meeting at 1:45 p.m.), H. Clay McDowell, alternate; Wyatt Wallace.

**Call to Order:** Acting Chair Doordan called the meeting to order at 10:00 a.m.

**Approval of the Minutes:** Mr. Edwards made a motion for approval. The motion was seconded by Mr. Janusz. All approve. Motion carried.

**1. Demond Village, Lots 4A, 4B & 4C, Old Elk Neck Road, Concept Plat, American Engineering and Surveying, Inc., Fifth Election District.**

Stan Granger, American Engineering and Dana and Steven Fersch, owners, appeared and presented an overview of the project. Mr. Granger stated that they have a concern about the 100' BR that is along Old Elk Neck Road. They are requesting that be reduced to a 40'. Mr. Fersch went before the Board of Appeals to have that changed but was told that since the lots are not lots of record, the Planning Commission would have to approve it.

Mr. Janusz asked Mr. Granger if the purpose of this subdivision was for family members. Mr. Fersch said yes.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RR<sup>1</sup>

Density: The RR zone permits a base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat<sup>2</sup> proposes 3 lots on 10.076 acres, for a proposed bonus density of 1/3.359.

Per Notes #'s 9 & 10, the boundary line survey has been completed. Yet, the Acreage Data Column cites 10.076 acres, while the Density Column cites 10.083 acres, which, if correct, would yield a density of 1/3.361.

Proposed Lot 4A consists of approximately 65% of the total acreage; therefore, this proposal is eligible to be considered for bonus density, per §24.2.c.

<sup>1</sup> The zoning was changed to RR on 3/06/07.

<sup>2</sup> Essentially the same proposal was review by the TAC on 8/04/04. This parcel is minor subdivision # 2263's parcel # 4 of the Demond Village (~~4A/4~~ ~~Dollywoods~~) subdivision.

The vicinity map still has not labeled Dilks La. nor eliminated 1 of the 2 McKinneytown Rds.

Because Old Elk Neck Road is a collector road there must be a 100' building set back from the road. This essentially makes proposed Lot 4C un-developable as proposed. The position of the proposed house on proposed Lot 4B will also need to be changed.

Also, as proposed, Lots 4A and 4C exceed the 3:1 length to width ratio established by §7.4.2 of the Subdivision Regulations.

One percolation hole is shown outside of the property boundary

If approved, the large lot shall be prohibited from any further subdivision. Covenants prohibiting the subdivision of proposed Lot 4C must be recorded and noted on the plat prior to recordation. In addition, in order to avoid any confusion, proposed Lot 4C must not also be referred to as "remaining lands." If approved, the proposal's parcel will have no remaining subdivision potential.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>3</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Sidewalks are not recommended, and no landscaping of the development envelope is required in the RR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Elk Neck Road.

Any tree removal within a public right-of-way requires approval from the Maryland DNR.

The FSD was approved on 7/1/08.<sup>4</sup> No rare, threatened, or endangered species exist on site.

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<sup>3</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>4</sup> The FSD covered proposed Lots 4B & C only; 4A is exempt per §3.2N.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the record plat.

The location of any existing utilities on or within 200 feet of the parcel must be shown.

The contiguous operating farms notice has been provided as General Note 21.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. (“No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”)
3. It appears stormwater runoff is directed off of Lots 4 B & C into the roadside drainage ditch along Old Elk Neck Road. Driveway pipes will be required and must be shown on the preliminary plat.
4. The SWM & Lot Grading Plans for Lot 4C must carefully address how storm water from the 18”x 6” culvert under the adjoining mini road will be conveyed around the proposed dwelling.
5. This and any other SWM conveyance must be placed in easements and these easements must be identified on the preliminary & final Plats. The standard easement width is 20’ however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance. Easements close to dwellings are proving problematic to the Department. Homeowners expecting full use of their yards install fences, sheds, plantings, etc... or fill in drainage swales creating inspection and enforcement issues. As much as is possible the proposed swale should follow property lines to lessen impacts to homeowners’ use of their property.
6. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance.
7. Sight distance measurements will be required at the two (2) proposed driveway entrances and must be submitted to the Department for review prior to submitting the preliminary plat. The centerline of the proposed entrance locations must be marked in the field. The sight distance submittal at a minimum must contain profile & plan views for each of the new driveways proposed.
8. Where determined necessary by the utility companies, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
9. All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
10. A PWA is required for any work done to Roads and Storm Drains.
11. An I&M Agreement is required for SWM facilities.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**DISAPPROVAL**, with the recommendation that the plat be resubmitted:

- if the lots can be redesigned to show the proposed dwellings behind the building restriction lines;
- after the correct acreage is established;
- after proposed Lots 4A and 4C no longer exceed the 3:1 length to width ratio established by §7.4.2 of the Subdivision Regulations;
- after proposed Lot 4A is no longer referred to as remaining lands; and
- after detail modifications have been made to the vicinity map.

A motion for disapproval due to conditions cited by staff was made by Mr. Edwards. The motion was seconded by Mr. Wiggins.

Members in favor of disapproval included Mr. Edwards and Mr. Wiggins.

Mr. Janusz opposed disapproving this project.

Motion for disapproval carried.

## **2. Lands of Edd & Patsy Payne, 1 Lot, Frenchtown Road, Final Plat, Will Whiteman Land Surveying, Inc., Seventh Election District.**

Will Whiteman, Surveyor, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: DR

Density: The DR zone permits a base density of 1 du/ 1 ac. The Concept Plat, proposing 1 lot plus remaining lands on 9.781 acres, for a proposed density of 1/4.89, was approved on 6/18/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 2) The JD (if any) being completed prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat<sup>5</sup> was approved on 12/17/07, conditioned on:

- 1) Health Dept. requirements being met; and
- 2) DPW requirements being met.

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

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<sup>5</sup> The Preliminary Plat adjusted the access easement and shows the septic reserve area depicted on minor subdivision 2497, per previous Health Department comments.

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

Stream buffers have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required for fewer than 10 lots.

The existing forest cover meets and exceeds the required 20% landscaping of the development envelope in the DR zone.

Per Note # 6, this project is exempt from the Forest Conservation Regulations, per §3.2K.

A PRMA must be established prior to recordation.

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.

Mr. Woodhull, DPW, read the comments of the department:

The Lot Grading Plan note is required on the final plat. Otherwise the SWM plan for the proposed subdivision is technically complete. Only administrative issues and the Lot Grading Plan note remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met; and
- 3) A PRMA being established prior to recordation.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

### **3. Lands of Herschell B. Claggett, Lots 4-6, Glebe Road, Preliminary / Final Plat, Michael Scott, Inc., First Election District.**

Mike Scott, Surveyor and Herschell Claggett, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 and §3.9.1 regarding public notification.<sup>6</sup>

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR, RCA

Density: The Concept Plat, proposing 3 lots<sup>7</sup> on 209.3 acres, for a proposed density of 1/69.77,<sup>8</sup> was approved on 8/20/07,<sup>9</sup> conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The PFCP/Environmental Assessment being completed prior to Preliminary Plat review by the Planning Commission.

The proposed RCA density is 1/26.07.<sup>10</sup> The CBCAC's issues with §'s 195 and 200 have not yet been fully resolved; thus, the hiatus in Final approvals in the CA remains.

The Preliminary Plat was approved on 4/21/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP, EA and Landscape Plan being approved prior to Planning Commission's review of the Final Plat;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 5) The contiguous operating farms notice's being included on the Final and Record Plats; and
- 6) All comments from the CBCAC being fully addressed and met to the satisfaction of the Office of Planning and Zoning prior to Final Plat approval.

This Preliminary/Final Plat<sup>11</sup> proposes to slightly revise the previous Preliminary Plat, but be otherwise consistent with it and the approved Concept Plat.

The private mini-road was eliminated from the design due to there being an issue with the ESLC conservation easement limiting development to 3 lots, and the ESLC considering the proposed mini-road to be a 4<sup>th</sup> lot.

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<sup>6</sup> This project was submitted for April '07 TAC review under the name "Lands of Dana S. Corrin." It had to be withdrawn because of failure to comply with §3.8 of the Subdivision Regulations.

<sup>7</sup> Minor Subdivision #3682, Pegasus Farms LLC (m52, p487) was approved on 5/31/07; thus, there currently exists no more minor subdivision potential.

<sup>8</sup> The SAR zone permits a maximum base density of 1 du/ 20 ac.

<sup>9</sup> Subsequently, on 12/20/07 a deed of conservation easement was made between Herschell B. Claggett, Sr. and the ESLC for that property and recorded (WLB 2449/399).

<sup>10</sup> 78.2 acres are in the Critical Area's RCA designation, which also permits a density of 1/20.

<sup>11</sup> §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

The new proposed layout essentially includes the previously-proposed mini-road as part of Lot 4, with proposed Lots 5 & 6 having an access easement across out to Glebe Road.

This new proposed layout is consistent with approved Variance #3312.

A PRMA must be executed prior to recordation.

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 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA. In the critical area, no structure shall exceed 35' in height.

The plat has been signed and sealed; and the boundary line survey has been completed.

Note # 4 on sheet 2 of 9 serves to satisfy the §4.1.22 (r) requirement.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>12</sup>

Slopes greater than 25% have been shown.

A 110' perennial stream buffer is required from all perennial streams present. Is a "blue line stream" the same as a perennial stream? The 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.<sup>13</sup> These new requirements of the Corps of Engineers supersede the second condition of Concept Plat approval.

Per the Natural Heritage Letter, no rare, threatened, or endangered species exit onsite.<sup>14</sup> This subdivision shall be subject to the habitat protection criteria of the County's Critical Area Program.

No common open space or landscaping is required, and no sidewalks were recommended.

The adjacent properties' zoning has been shown.<sup>15</sup>

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<sup>12</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>13</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>14</sup> The site may contain FIDS habitat, and the adjacent open waters are known as historic waterfowl concentration areas.

Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard requirements.

The FSD was approved, with conditions, on 8/16/07.<sup>16</sup> An Environmental Assessment has been submitted in accordance with §200.1.

The PFCP & Preliminary Environmental Assessment were approved on 3/19/08.

The FCP, EA and Landscape Plan has been approved, but must be revised per the revised Preliminary/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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Variance application #3312 has been approved.

The CBCAC staff sent comments on 3/4/08. They have been addressed.

The contiguous operating farm notice has been provided as a note on sheet 4 of 9.

Mr. Woodhull, DPW, read the comments of the department:

The Developer must be aware that although the access to the proposed lots is now called a common access lane the previously submitted & technically approved entrance & road plans still apply. All plans for the proposed subdivision are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, as a Revised Preliminary Plat ONLY, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The revised FCP, EA and Landscape Plan being approved prior to Final Plat review; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A motion for approval of Preliminary Plat only with conditions was made by Mr. Wiggins. The motion was seconded by Mr. Edwards.

All approve. Motion carried.

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<sup>15</sup> Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

<sup>16</sup> Per §5.1.C, Cecil County Forest Conservation Regulations. The condition was that the existing dwelling and two barns be removed prior to PFCP approval (Demolition Permit # H4495).

#### **4. Lands of Josephine M. Boettcher, Lots 1-21 plus Remaining Lands, Oldfield Point Road, Final Plat, KCI Technologies, Inc., Fifth Election District.**

Brian Morgan with KCI Technologies, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat<sup>17</sup>, proposing 22 lots plus remaining lands and 33.80 acres of common open space on 128.15 acres, for a proposed density of 1/5.57, was approved on 2/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) All common open space being labeled and referred to as such.

This Preliminary Plat, proposing only 21 lots plus remaining lands, at a density of 1/5.825, was approved on 9/21/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and
- 4) The details of the Final Plat and the FCP and Landscape Plan matching up exactly.

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.<sup>18</sup> Steep slopes have been depicted.

Stream and wetland buffers have been shown. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Included with the Preliminary Plat was an addendum that provided details on the directional drilling process and a finding that the directional drilling would not disturb the perennial stream buffer, which, per its General Note # 18, was proposed in conjunction with satellite septic areas for proposed Lots 11 and 13.

Documentation of the JD's completion has been received.

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<sup>17</sup> A Concept Plat for the Lands of Josephine M. Boettcher 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). Subsequently known as Forest Knoll, Section I (Lots 8-22, and 9.089 acres of common open space) received Final Plat approval on 1/18/00, and was signed on 5/4/00. Forest Knoll Section II received Final Plat approval on 6/17/02, and the Record Plats were signed on 1/3/03 (Lots 23-32 & 47-53) and 12/9/03 (Lots 33-46). The original Boettcher Concept Plat, approved on 9/21/98, has expired; therefore, its potential density implications are moot. Although the original Boettcher Concept Plat's validity has now expired, the Section II recordations left a remaining common open space balance due of 27.516 acres. Since this Concept Plat for the remainder of the property now proposes 33.80 acres of common open space, the remaining common open space balance due issue is also moot – assuming approval by the Planning Commission.

<sup>18</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

15% common open space is required; 24.92% is proposed. The C.O.S. sensitive areas thresholds calculation was included in Preliminary Plat's General Note # 11.<sup>19</sup>

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

Sidewalks are recommended on one side of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Oldfield Point Road. Rows of street trees with 10' planting easements 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 FSD was approved on 1/13/06.<sup>20</sup> The PFCP was approved on 3/31/06, and a revised PFCP (to allow for additional satellite septic area) was approved on 7/12/06.

The Landscape Plan was approved on 7/20/07; the FCP was approved on 7/17/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat.

The road names "Creekview Drive" and "Meadowlark Spur" have been approved. There is a 3' road alignment discrepancy for the Meadowlark Spur between this plat and the Mank's Pond Preliminary Plat. What steps have been taken to coordinate the 2 plans? Mr. Morgan stated that in the early stages KCI had corresponded to get copies of their plans at that time. The Mank's Pond subdivision has gone through a substantial re-design. They have not contacted KCI or made them aware of any changes to their potential road alignment. Mr. Morgan stated that he has had conversations with the staff of Planning and Zoning and they would continue to provide Meadow Lark Spur.

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.

The contiguous operating farms notice has been provided on the plat.

The Critical Area designation (LDA) has been included in the "Overall Boundary" graphic.<sup>21</sup>

Mr. Woodhull, DPW, read the comments of the department:

A lot grading plan note is required on the Final plat. All plans for the proposed subdivision are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

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<sup>19</sup> At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal 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 nontidal or tidal wetlands.

<sup>20</sup> There are no habitats of rare, threatened, & endangered species.

<sup>21</sup> Even though the remaining lands are not proposed to be developed at this time, the Critical Area designation and limits must be shown on the plat.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL, conditioned on:**

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat;
- 5) Coordination on the road alignment issue with the Mank's Pond project being completed prior to recordation, and documentation thereof being submitted to the satisfaction of DPW and OPZ;
- 6) Any MDE permits being obtained prior to recordation;
- 7) The Homeowners' Association, for maintenance of common open space, being established, with \$50 per recorded lot being placed in escrow for improvements prior to recordation; and
- 8) The 10' street tree planting easement again being depicted and noted on the Record Plat.

A motion for approval with conditions was made by Mr. Edwards.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**5. Lands of Josephine M. Boettcher, Lots 1-21 plus Remaining Lands, Oldfield Point Road, Preliminary Plat Extension, KCI Technologies, Inc., Fifth Election District.**

Brian Morgan, KCI Technologies, Inc. appeared and stated that if the Planning and Zoning staff concurs that a Preliminary Plat extension is not necessary then he would like to withdraw this item for the agenda. Mr. Di Giacomo, P&Z, stated that staff does not see a need for a Preliminary Plat Extension.

Mr. Morgan withdrew this item.

**6. The Estates at Slicer's Mill, Lots 1-13, Slicer's Mill Road, Final Plat, KCI Technologies, Inc., Sixth Election District.**

Brian Morgan, KCI Technologies, Inc., appeared and presented an overview of the project. Mr. Morgan explained that there is currently an issue with the PECO easement. In the beginning of this project, they had sent PECO correspondence regarding the right of way. At that time, KCI received correspondence back from PECO stating that the plan was satisfactory and the road alignment did not appear to be an issue with them at that time. However the septic recovery areas were an issue. Since then, he stated he has repeatedly tried to contact PECO regarding their easement to no avail. Mr. Morgan said he had telephoned and sent correspondence via FED EX. He believes that he has given PECO a sufficient amount of time to respond to his inquiries. In Mr. Morgan's opinion, if PECO would have had any issues with this project, they would have contacted KCI Technologies, Inc. to discuss. The second item that they have is a stream crossing, a road crossing for a private mini road that would access seven of the thirteen lots. That stream crossing permit has been submitted to MDE. There were some comments that they received back from MDE and those comments were addressed.

Discussion ensued regarding KCI's contacting PECO.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, which included 2 minor and 11 major subdivision lots on 57.375 acres, for a density of 1/5.2159, was approved on 6/19/06,<sup>22</sup> conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 3) The § 174.b (2) being granted for Slicer's Mill Way, so long as it continues follow the alignment of an existing lane.

The revised Concept Plat<sup>23</sup> was approved on 12/21/06, conditioned on:

- 1) (Because the acreage has changed as a result of the boundary line survey) Either the design being modified to provide 60% open space to qualify for bonus density, or to reduce the number of lots to stay within the standard, base NAR density of 1:5 prior to the TAC's review of the Preliminary Plat;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) The § 174.1.b (2) waiver being granted for Lydia Isabella Way; and
- 4) The § 174.2.b (1) waiver being granted for Lauren Marie Court.

The Preliminary Plat was approved on 5/21/07, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 5) Documentation of PECO's approval of the impacts to their ROW being submitted prior to the Planning Commission's review of the Final Plat.

We do not yet have documentation of PECO's approval of the impacts to their ROW.

The boundary line survey has been completed.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control & slope stabilization before, during & after disturbance activities.<sup>24</sup>

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'.

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<sup>22</sup> At that time, the NAR zone permits a density of 1 du/ 5 ac.

<sup>23</sup> The plat that was submitted as a Preliminary Plat for the 12/6/06 TAC review proposed significant design changes; therefore, it was treated as a revised Concept Plat. It was consistent with the previous density approval in terms of the number of lots, but the acreage had changed (from 57.375 acres to 49.944).

<sup>24</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The applicant reported at TAC review that there are no field delineated wetlands on site; therefore, a JD has not been completed.

15% common open space is required; 39.27% is now proposed. The large lot (8) and common open space together comprise 60.03% of the gross acreage; thus, bonus density eligibility has been maintained.

No landscaping of the development envelope is required and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the Slicer's Mill Road frontages.

The 10' street tree planting easement is again not shown nor noted. It is required, outside the right-of-way, along both sides of all internal roads.

The FSD was approved on 5/18/06 (8 endangered species are known in the area, but no habitats were found on site). The PFCP was originally approved 2/18/07 and revised 5/13/07.

The FCP was approved on 7/1/08; the Landscape Plan was approved 7/15/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

The proposed road names have been approved.

Covenants prohibiting the subdivision of the large lot must be recorded prior to plat recordation and noted on the Final and Record Plats.

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.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

Written verification must be provided that the Susquehanna Power Company (PECO) has approved the proposed impacts to the right of way.

Mr. Doordan asked Mr. Di Giacomo what a reasonable amount of time would be for KCI to wait for a response from PECO. Mr. Di Giacomo said a court or the Planning Commission may determine what they feel is ample time. If the applicant continued through this approval process and problems arrive in the future with PECO, the developer would be moving forward at their own risk. Discussion ensued regarding the lack of response by PECO representatives.

Mr. Woodhull, DPW, read the comments of the department:

The lot grading plan note is required on the Final Plat. All plans for the proposed subdivision are technically complete. The Department will not approve the final design plans until all outstanding administrative issues are complete and the Maryland Department of the Environment has approved the wetlands permit (tracking number 200861123) for disturbances within the 100-year flood plain and wetlands buffer associated with the construction of the proposed roads. All easements identified

on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**DISAPPROVAL**, with the recommendation that the plat be resubmitted once:

- Documentation of PECO's approval of the impacts to their easement has been received;
- Covenants prohibiting the subdivision of the large lot being noted on the Final Plat;
- The 10' street tree planting easement has been depicted and noted on the Final Plat;
- DPW's issues have been adequately addressed; and
- Health Department issues have been adequately addressed.

A motion for disapproval due to conditions cited by staff was made by Mr. Janusz. The motion was seconded by Mr. Edwards.

All members in favor of disapproval. Motion carried.

## **7. Lands of Johnson and Merriman, Lot 1, Burlin and Rock Run Roads, Preliminary / Final Plat, Northern Bay Land Planning, Seventh Election District.**

Faron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 2 minor & 9 major subdivision lots on 47.49 acres, for a proposed density of 1/5.28<sup>25</sup>, was approved on 11/20/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat.

This property, part of a separate deed parcel, was originally part of the Merlyn Park Concept Plat, whose 1998 Concept Plat approval has expired. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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<sup>25</sup> The NAR zone permitted a maximum base density of 1 du/ 5 ac. Bonus density is not an issue.

The boundary line survey has been completed.

There is currently a timber harvest on P. 26, but for a separate deed parcel.

Steep slopes have been shown on the plat.

The 110' perennial stream buffer has been shown on the plat.

Currently, the policy regarding JD's is as follows: A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>26</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

15% common open space is required; 15.03% was proposed.

No landscaping is required and no sidewalks were recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Burlin & Rock Run Roads, as depicted.

The FSD was approved on 11/15/06. The PFCP was approved on 7/10/08.

Until the FCP/Landscape Plan is approved, staff recommends approval as a Preliminary Plat only. Mr. Di Giacomo stated that since these notes were prepared late last week, the FCP/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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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

Mr. Woodhull, DPW, read the comments of the department:

The lot grading plan note is required on the Final Plat. All plans for this project are technically approved and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the Record Plat. Submit a Record Plat check print to the department for continuity review prior to submitting the mylars for signature. The Department of Public Works will not sign the record plat until these issues have been addressed to the satisfaction of the Department.

Mr. Janusz read the comments of the Health Department. See file.

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<sup>26</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

Mr. Doordan asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

A motion for approval with conditions was made by Mr. Janusz  
**APPROVAL as a Preliminary Plat ONLY**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 4) The FCP/Landscape Plan being approved prior to Final Plat review.

A motion was made for approval with conditions of the Preliminary / Final Plat by Mr. Janusz.

Mr. Di Giacomo stated that if this project were to be approved for Preliminary / Final, the recommendation would read as follows:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 4) The Landscape Agreement being executed prior to recordation.

The motion was seconded by Mr. Wiggins.

All approve as read. Motion carried.

## **8. Lands of John H. Curtis, et ux, Lot 2, Bohemia Church Road, Preliminary Plat, McCrone, Inc., First Election District.**

Mike Burcham, McCrone, Inc., and John Curtis, owner appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The Concept Plat, proposing 3 lots on 36.2 acres, for a proposed density of 1/12.07, was approved<sup>27</sup> on 10/16/06, conditioned on:

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<sup>27</sup> At that time, The SAR zone permitted a maximum base density of 1 du/ 8 ac. Bonus density was not an issue.

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat; and
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat.

The Critical Area RCA overlay zone permits a density of 1/20. Only proposed Lot 2C is partially within the Critical Area; its proposed density is 1/29.9. The proposed new lots, 2A and 2B, are located entirely outside the Critical Area.<sup>28</sup>

The boundary line survey has been completed.

Steep slopes have been depicted.

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'.

Currently, the policy regarding JD's is as follows: A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>29</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

No common open space was required. No landscaping of the development envelope is required, and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church Road, and the 100' BRL has been depicted.

The FSD was approved on 10/10/06.

The PFCP/Preliminary Environmental Assessment was approved on .

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

Ordinarily, an environmental assessment would need to be submitted in accordance with §200.1 of the Zoning Ordinance. However, as noted on the plat, there shall be no new development on Lot 2C, and proposed Lots 2A and 2B are located entirely outside the Critical Area.

Any 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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<sup>28</sup> Thus, the moratorium on lot approvals inside the Critical Area is moot for proposed Lots 2A and 2B.

<sup>29</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

The contiguous operating farm notice has been provided on the plat.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The proposed joint access easement for Lots 2A & 2B meets the request of the Department for limited access points onto Bohemia Church Road. Sight distance, in our review, meets requirements and are acceptable.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 3.3 Requirements for Utility relocations.
- 3.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 3.5 ~~Requirements for Stopping Sight Distance Measurements.~~

*Notes and requirements identified for record:*

1. The Lot Grading Plan must include the standard construction limits note.
  - a. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. ~~Applicant must provide stopping sight distance measurements for the Bohemia Church Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance location in the field by a survey stake or paint.~~

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met; and
- 3) The FCP/Landscape Plan being approved prior to Final Plat review.

A motion for approval with conditions was made by Mr. Wiggins.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**9. Warwick Orchards, Lots 1-74, Camp Meeting Ground and Jackson Park Roads, Preliminary Plat Extension, McCrone, Inc., Seventh Election District.**

Mike Burcham, McCrone, Inc. and Donald Jackson, owner, appeared and presented an overview of the project.

Mr. Janusz asked the applicant if this is the second request for an extension. Mr. Burcham said yes.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Current Zoning: BG, MH and NAR.

Density: 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.

The Concept Plat was approved on 10/21/02 for 74 sites on 24.89 acres, yielding a density of 3.13/1, 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 TAC review;
- 3) The adjacent agricultural use notice being provided on the Preliminary Plat submitted for TAC review;
- 4) Density calculations being clarified on the Preliminary Plat submitted for TAC review; and
- 5) All zoning violations on the property being corrected prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 10/20/03, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
- 4) Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations, appearing on the Final Plat stating that such services shall be made available to all sites;
- 5) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 6) Receiving verification from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites;
- 7) Deed restrictions for the long-term protection of the on-site and off-site Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
- 8) The title block indicating that this is a manufactured home park prior to Final Plat review by the Planning Commission; and
- 9) All zoning violations on the property being corrected prior to the Planning Commission's review of the Final Plat.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the Preliminary Plat approval would have expired, had one year extensions not been granted on 9/19/05, 8/21/06 and 8/20/07. Likewise, unless another one year extension is granted today, thus extending Preliminary Plat approval until 8/18/09, it will expire on 8/20/08.

§4.1.18 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 affecting this project.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. However we request that the Planning Commission approval be conditioned on the following:

1. A Traffic Impact Study be performed specifically addressing the proposed Core Lane / Camp Meeting Ground Road intersection.
2. A Protocol Three Road Condition Survey & Improvements Plan for the entire Camp Meeting Ground Road frontage is submitted
3. Items 2 & 3 of this Department’s July 25, 2008 letter to McCrone apply and the Developer will be responsible for the required offsite road improvements.

Mr. Woodhull asked if this plan ties into one of the stormdrains. Mr. Burcham said it is using temporary swales with easements established. Mr. Woodhull asked that when the Final Plat comes forward, that reflects any easements required across any one of these sites.

Lastly the comments from the September 19, 2005 Planning Commission meeting still apply and will be included in the minutes but not read at this time:

1. *A SWM plan; a street and storm drain plan; sanitary sewer & water plan; and a Mass and Final Grading plan must be approved by the Department 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.”)*
2. *The developer shall upgrade Camp Meeting Ground Road for a distance of 100’ either side of the point of intersection between the proposed entrance and Grove Neck Road. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.*
3. *The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If it is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.*
4. *Careful analysis of the proposed SWM area between Lots 9 & 10 will be required due the routing of pond discharge over the properties of James M. & Marcia Dickerson, Ernest J. &*

*Thelma G. Dickerson, and Robert N. & Margaret Hollowell. This analysis must address the impact on the existing culvert under Camp Meeting Ground Road.*

- 5.** *A similar analysis is required for the SWM area adjacent to Lots 19-24 and its impact on the property of Barry Montgomery as well as the existing culvert under Principio Road to which it will drain.*
- 6.** *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.*
- 7.** *Water and sewer facilities will require permits from MDE.*
- 8.** *Due to the remote possibility of Cecil County having to take over the operation of these private utilities the Department requires that the wastewater treatment plant and the water plant designs be submitted for review.*
- 9.** *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.*
- 10.** *Adequate off street parking must be provided for the clubhouse.*
- 11.** *Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.*
- 12.** *An Inspection and Maintenance Agreement will be required for the SWM facilities.*
- 13.** *A PWA will be required for internal streets and storm drains.*

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**GRANTED** another one year extension of Preliminary Plat approval, to expire on 8/18/09 conditioned on:

- 1) DPW requirements being met.

A motion for an extension with conditions was made by Mr. Edwards.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

**10. Silverado, Lots 76 & 77 (f/k/a Lots 15 & 16 – Montgomery Springs), Razor Strap Road, Preliminary Plat, McCrone, Inc., Fifth Election.**

Mike Burcham, McCrone, Inc. appeared and presented an overview of the project. Mr. Burcham stated that they are requesting a waiver from the bufferyard C requirement that would border the adjoining Lot 3.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM<sup>30</sup>

These proposed lots were previously reviewed as Montgomery Springs, Lots 15 & 16.

The Montgomery Springs Lots 5-14 Final Plat<sup>31</sup> was approved on 11/18/96 and recorded on 4/23/04. The area involving the current subdivision to create Lots 15 and 16 is listed on the record plat as remaining lands for future development.

The original Concept Plat, approved on 7/17/95, expired. Because §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres, the Preliminary Plat, proposing 2 lots on 1.027 acres for a density of 1.95/1 for this section, was approved 12/04/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any modifications to the FCP and Landscape Plan being approved prior to the Planning commission's review of the Final Plat;
- 4) Documentation of the completed JD being provided prior to the Planning commission's review of the Final Plat;
- 5) Written documentation of water allocation from the Town of North East being provided prior to the Planning commission's review of the Final Plat;
- 6) Documentation of sewer capacity being provided prior to the Planning commission's review of the Final Plat; and
- 7) Waiving the 25' planted buffer requirement.

A 1-year extension was granted on 11/20/06. It expired on 11/20/07.

The Silverado Concept Plat, showing this area as "lands reserved for future development by owner" and proposing 71 townhouse lots on 14.98 acres, for a proposed density of 4.74/1, was approved on 8/15/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The TIS being completed prior to the TAC's review of the Preliminary Plat.

The Silverado Preliminary Plat, also showing this area as "lands reserved for future development by owner" and including some of the adjacent lands of Jansen<sup>32</sup>, was approved on 4/17/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All required documents from AT&T granting permission or agreeing to easement impacts must be received prior to Final Plat review;
- 5) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
- 6) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
- 7) An amended TIS has been submitted, reviewed, and its conclusions and recommendations agreed to;

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<sup>30</sup> The **RM** zone permits a maximum base density of 6 du/ 1 ac. with community facilities, and up to 12/1 for townhouses.

<sup>31</sup> Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

<sup>32</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

- 8) The Stoney Run Creek Road teardrop turnaround design, without the §29.5.a (2) bufferyard requirement, being conditionally approved contingent upon future adjacent Northwoods sections showing the adjacent Northwoods area as common open space; and
- 9) Fire hydrant locations being finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

A 1-year extension of Preliminary Plat approval was granted on 7/21/08.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat must be considered a new submission. As was the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminates the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.<sup>33</sup>

Though now labeled as Silverado Lots 76 & 77, this Preliminary Plat is the same Montgomery Springs Lots 15 & 16 Preliminary-Final Plat that was reviewed by the TAC on 11/3/04 (prior to the 12/20/04 Preliminary Plat approval).

No common open space is proposed. However, the Silverado Preliminary Plat proposed 50.82 % common open space (20% is required in the RM zone.); therefore, when this acreage is included in the balance to the overall Silverado calculation, the result is that about 47.6% common open space is proposed overall.<sup>34</sup>

Lot 77 must be denied access to Razor Strap Road – as noted on the plat.

The Final and Record Plats shall contain a statement signed by the Health Department, approving authority, to the effect that use of community water supply or community sewerage system is in conformance with the Master Water and Sewer Plan.

Water allocation must be confirmed prior to Final Plat review.<sup>35</sup>

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

The 110' perennial stream buffer is shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. The Corps of Engineers (John Roop) previously indicated that the details on the plat were correct. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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<sup>33</sup> These proposed lots have never been included in any Concept Plat.

<sup>34</sup> Thus, the common open space requirements have been fulfilled through the Montgomery Springs 5-14 subdivision.

<sup>35</sup> The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

25% landscaping of the development envelope is required in the RM zone.<sup>36</sup>

How does this design fulfill the §29.5.a (2) requirement for a peripheral Bufferyard C? Mr. Burcham has requested a modification to the bufferyard C.

Sidewalks are recommended along Stoney Run Creek Road.

A Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Razor Strap Road.

Rows of street trees with 10' planting easements are required along both lot frontages on Stoney Run Creek Road. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD and PFCP were both approved on 12/7/94. The Final FCP/Landscape Plan was approved on 12/10/04. The reforestation area is not shown on the plat.

A Landscape Agreement must be executed prior to recordation.

Lot 76 & 77 owners must become members of the established Homeowners' Association for maintenance of common open space<sup>37</sup>, with \$50 per recorded lot being placed in escrow prior to recordation, for improvements.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners, as shown.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

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

The boundary line survey has been completed.

A Concept Plat for the adjacent lands of Jansen, reviewed by the TAC on 9/1/04, has no official status. However, coordination between the two projects to effectuate enhanced access was encouraged – especially from the perspective of emergency service response.

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 Master 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 lots/homes offered for sale.

Mr. Woodhull, DPW, read the comments of the department:

The current sanitary sewer allocation of 50 ELU was granted on 2/6/08. SWM for these lots must address how runoff will be directed away from adjoining down-gradient properties, specifically Lot 3. Otherwise all outstanding comments from the 4/17/06 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

1. *The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. We also recommend*

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<sup>36</sup> In addition, all areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by trees, shrubs, gardens, or other suitable ground cover.

<sup>37</sup> The C.O.S. sensitive areas thresholds were calculated and included on Silverado Preliminary Plat, approved 4/16/07.

*that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.*

- 2. Based upon the current permitted capacity at the Seneca Point WWTP, as well as projects already in various stages of county design approval (concept through final) no public sewer allocation is anticipated to be available for this project until or unless WWTP capacity is expanded, other approved projects do not proceed, or existing public sewer allocations expire and are not renewed. The Developer proceeds with any and all project engineering at their own risk.*
- 3. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.*
- 4. The offstreet parking lots shown will require a road code variance.*
- 5. A Road Code Variance has been submitted addressing this issue.*
- 6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection, and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.*
- 7. Upgrades to Razor Strap Road beginning approximately 1,000ft west of the proposed entrance are funded in the Cecil County CIP for fiscal years 2006 and 2007. At this time, the design is complete, with right-of-way acquisition being performed by Cecil County. The overall improvements project may be phased. The applicant should plan for upgrading Razor Strap Road at a minimum from the proposed entrance to the point where county improvements begin.*
- 8. All parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.*
- 9. The Department recommends that the Town require a PWA for the water.*
- 10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:*
  - 10.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.*
  - 10.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*
  - 10.3 Compliance with Section 3.07.15 of the Cecil County Road Code.*
  
  - 10.4 Requirements for Utility relocations.*
  
  - 10.5 Requirements for Public Works Agreements.*
  
  - 10.6 Requirements for Stormwater Inspection and Maintenance Agreements.*
  
  - 10.7 Requirements for County Roads.*
  
  - 10.8 Requirements for Final Plat - Public Water and Sewer Allocation.*
  
  - 10.9 Requirements for Sewer Service Cleanouts – Location.*

***Notes and requirements identified for record:***

1. The Final Plat must include the note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
  - a. ~~*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”~~

- b. *Final Plat:* “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”
  - c. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. Section 3.07.15 of the Road Code requires that Razor Strap Road be upgraded to a Minor Collector Road equivalency for 100’ either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
  4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
  5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
  6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  7. The internal street grade leaving Razor Strap Road may not exceed 5% within the limits of the intersection right-of-way.
  8. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
  9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Water allocation being confirmed in writing by the Town of North East prior to Final Plat review;
- 5) Sewer allocation must be confirmed by the DPW prior to Final Plat review;
- 6) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats; and
- 7) A waiver of the rear bufferyard requirement being granted.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

**11. Old York Estates, Resubdivision – Lots 10A & 10B, Shady Beach Road, Preliminary Plat, RJK Engineering & Associates, Fifth Election District.**

Robert Blomquist, RJK Engineering & Associates appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat<sup>38</sup> was approved on 11/20/06,<sup>39</sup> conditioned on:

- 1) The acreage of proposed Lots 10A and 10B being included on all subsequent submittals;
- 2) Current documentation of the completion of the JD sufficing if acceptable to the Corps of Engineers; otherwise documentation being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) Any sight distance issues being resolved prior to the TAC's review of any Preliminary Plat.

There are currently 23 major subdivision lots in Old York Estates, consistent with the 3/20/00 Concept Plat density approval of 1/5.2. If approved, this resubdivision would create the 24<sup>th</sup> and final lot on the 120 Old York Estates acres, thus revising the overall density to 1/5.

The Concept Plat for the original parcel of which these proposed lots are a part (Joseph H. McKinney, etal) was originally approved 3/15/99 (at a density of 1:3.0). Subsequently, along with 5 proposed lots on the south side of Shady Beach Road, these lots were included in a revised Concept Plat for "Shady Beach LLC."

That Concept Plat was approved 3/20/00 at a density of 1/5.2 with 7 conditions.

- 1) That the Preliminary Forest Conservation Plan being approved prior to Preliminary Plat review by the Planning Commission,
- 2) A Landscape Plan for bufferyards and street trees being approved prior to Final Plat review by the Planning Commission,
- 3) A Landscape Agreement for bufferyards and street trees 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 and the metes and bounds description of the forest retention areas being shown on the record plat,
- 5) The common open space access easements behind and between proposed lots being marked with concrete monuments,
- 6) A jurisdictional determination being done prior to Preliminary Plat review by the Planning Commission,
- 7) The 1300-foot cul-de-sac receiving a Road Code waiver from the Dept. of Public Works.

The Preliminary Plat for Section II, Lots 10-27, was approved 5/15/00 with the following conditions:

- 4) That Health Department requirements be met;
- 5) That DPW requirements be met;

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<sup>38</sup> That Concept Plat actually a proposed resubdivision of the Old York Estates subdivision for the purpose of creating one additional lot.

<sup>39</sup> At that time, the NAR base density remained at 1 du/ 5 ac. On 1/1/07 the NAR permitted density became 1/10.

- 6) 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,
- 7) That a Landscape Agreement for bufferyards and street trees be executed prior to recordation;
- 8) 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,
- 9) That the common open space access easements behind and between proposed lots be marked with concrete monuments,
- 10) That permits be obtained from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation,
- 11) That lot boundaries on the index sheets be rectified prior to Planning Commission review of the Final Plat.

At the Preliminary Plat stage, Section II consisted of proposed Lots 10-27. Proposed Lots 14-27 then proceeded separately, and they were considered to be in Section III.

Section I, Lots 5-9 was recorded on 8/11/00.

The Section II Final Plat, lots 10-13, was approved by the Planning Commission on 7/17/00 and recorded on 8/11/00.

The Section III Final Plat, lots 14-26, was approved by the Planning Commission on 9/18/00 and recorded on 2/12/01.

Subsequently, Lot 11 was subdivided into 11A and 27 with Preliminary-Final Plat approval on 6/18/01, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) 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,
- 4) That a landscape agreement for bufferyards be executed prior to recordation;
- 5) 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, and
- 6) The vicinity map and the legend being corrected.

The Lots 11A & 27 Record Plat was signed on 9/12/01. The recordation of the new Lot 27 was consistent with the Old York Estates Concept Plat's density approval of 1/5.2.

A resubdivision plat was signed on 6/7/04 for Lot 10, involving modifications to the Forest Conservation Plan (FCP).

The Lots 10A & 10B Concept Plat was approved on 11/20/06, conditioned on:

- 1) The acreage of proposed Lots 10A and 10B being included on all subsequent submittals;
- 2) Current documentation of the completion of the JD sufficing if acceptable to the Corps of Engineers; otherwise documentation being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) Any sight distance issues being resolved prior to the TAC's review of any Preliminary Plat.

This Preliminary Plat was reviewed by the TAC in June 2007. The proposed Lot 10B dwelling location has changed, as has the lot shape and acreage.

All references to Lot 19 in the Site Data column must be changed. Slope graphics are still confusing.

As the NAR zone does not permit a density of 1/5; the Density Tabulation column must be modified accordingly.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>40</sup>

Slopes greater than 25% have now been shown.

The Jurisdictional Determination (JD) performed in conjunction with the original subdivision may serve to satisfy the JD requirement for this resubdivision, if acceptable to MDE and the Corps of Engineers, if a permit is required.<sup>41</sup>

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

The FSD (9/13/99), PFCP (4/24/00), FCP /Landscape Plan (6/13/00) were previously approved. The original FSD's approval has expired (9/13/04), and a revised FSD was approved on 11/6/06. A revised FCP must be approved before Final Plat review.

All Old York Estates' recorded deed restrictions and HOA documents must be modified to include these lots and then be recorded prior to recordation. What steps have been taken in that regard? Mr. Blomquist said that he has begun to research the deed and they plan to pursue that prior to recordation.

Modified 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats. The standard forest retention notes must be included on the Final and Record Plats.

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

Mr. Woodhull, DPW, read the comments of the department:

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<sup>40</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>41</sup> Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a **JD** is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Due to sight distance constraints the Department will require that a common driveway access point on to Shady Beach Road be established for Lots 10A & 10B at the existing driveway location for Lot 10A. The proposed layout of the intersection of the two driveways satisfactorily addresses the Department's previous concerns.
3. A common access easement will be required for this situation.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 4.2 Requirements for Utility relocations.
  - 4.3 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 4.5 Requirements for Driveways.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of the project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A revised FCP being approved before Final Plat review;
- 4) All references to Lot 19 in the Site Data column being changed;
- 5) The Density Tabulation column being modified to accurately reflect the NAR zone's permitted density;
- 6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 7) The standard forest retention notes being included on the Final & Record Plats;
- 8) Slope graphics being made consistent on a Revised plat to be approved by the Health Department, DPW and OPZ prior to any Final Plat submission; and
- 9) A note appearing on the Final Plat stating that this lot exhausts the subdivision potential for this development.

A motion for approval with conditions was made by Mr. Edwards.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**12. Browning Creek, Lots 1-47, MD Rte. 213, Preliminary Plat, Stantec Consulting Services, Inc., First Election District.**

Felix Rutkoske and Mark Rutkoske, owners and Joel Commanda, Stantec Consulting Services, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The Concept Plat, proposing 4 minor<sup>42</sup> and 43 major subdivision lots on the remaining 350.94 acres<sup>43</sup>, for a proposed density of 1/8.16, was approved on 8/21/06<sup>44</sup>, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP and preliminary environmental assessment being approved, and any issues raised by the Natural Heritage letter being addressed, prior to the Planning Commission's review of the Preliminary Plat; and
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat.

This Preliminary Plat is generally consistent with the approved Concept Plat.

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<sup>42</sup> The minor subdivision lots were included at a stated density of 1/1. Thus, the provisions of §2.4.1 were not invoked.

<sup>43</sup> 76.04 acres of common open space were included.

<sup>44</sup> The SAR zone then permitted a maximum base density of 1 du/ 8 ac.

Five lots (43-47) are proposed in the Critical Area (RCA) on 111.084 acres, for a proposed Critical Area density of 1/22.217<sup>45</sup>, as stated on the plat. Lots 43 & 44 are proposed entirely outside the expanded Critical Area Buffer/Expanded Buffer.

No dwelling sites are proposed within the 100-year floodplain.<sup>46, 47</sup>

Note # 4 indicates that the boundary line survey has been completed.

Steep slopes have been depicted on the plat.

Stream, wetland & Critical Area buffers have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>48</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

15% common open space is required; 20.09% (was 20.20%) is proposed.

No landscaping of the development envelope is required and no sidewalks were recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along road frontages. Per Note # 10, a modification is requested, which, in the opinion of staff, would better preserve rural character.

The strip of common open space obviates the need for any Bufferyard Standard A along the northern property line.

Rows of street trees with 10' planting easements 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 FSD and conceptual environmental assessment were approved on 8/18/06. Because the Natural Heritage Service exceeded the 30 days in which to respond to the consultant's inquiry regarding the presence of any rare species, the FSD was approved conditioned upon receiving the Natural Heritage letter, and addressing any issues raised by the letter, prior to PFCP approval.

The PFCP/Preliminary Environmental Assessment was approved on 7/17/08.

The FCP/Landscape Plan and environmental assessment must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

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<sup>45</sup> The RCA overlay zone permits a density of 1/20.

<sup>46</sup> Therefore, no §241.2.d (1) variance is required.

<sup>47</sup> Should any variance application to create a building site in the 100-yr. tidal floodplain be successful, then the requirements of §243 must be strictly adhered to. §241.2.f (2) states that, "High priority should be given to clustering development **out of the floodplain** while preserving the low lying land and forested areas in natural vegetation."

<sup>48</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

Per Note # 13, the portion of the project located in the RCA zone is exempt under §3.2B.

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. It is calculated to be 1.94%.

No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35' in height.

A Landscape Agreement must be executed prior to recordation.

The topographic information was field run.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

The internal road names were approved as of 7/7/08.

Access to common open space between & beside 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.

The proposed mini-road has two mid-block turn-arounds and a cul-de-sac bulb. A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

The contiguous operating farms notice has been provided in Note #14.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval.
3. The faxed copy of the required sight distances for the proposed private mini road appears to meet AASHTO guidelines and as such is approvable by the Department. Provide the formal submittal for our files. ~~Mark the proposed access centerline in the field.~~
4. The developer shall upgrade Bohemia Church Road for a distance of 100' either side of the point of intersection between the proposed entrance and Bohemia Church Road. Identify the extent of the improvements on the plat presented to the Planning Commission for Final plat review.
5. The acceleration/deceleration lanes for the private mini road must be shown on the preliminary plat. Refer to Sections 3.07.6 & 3.07.7 of the Cecil County Road Code for requirements.
6. What becomes of the existing access easement referenced in Minor Sub 3470?

7. In general, how will SWM quantity control be addressed for this development? It appears that at least half the development does not have SWM addressed.
8. Storm drains shown do not convey runoff to SWM facilities. The plat lacks a great deal of detail on how storm water conveyance is addressed in this development. This must be properly addressed on the plat presented to the Planning Commission for review.
9. Any swale retained as SWM conveyance must be shown as being in a drainage easement and be so identified on the Final plat submitted for Planning Commission review.
10. The Department has concern about the swales on Lots 34 & 35. The final lot grading plan for these lots needs to satisfactorily address how this drainage will be accomplished.
11. Access, Inspection & Maintenance Easements must be identified for the proposed SWM facilities. As previously mentioned they must be identified on the preliminary plat submitted for Planning Commission review.
12. The discharge from the facility adjacent to Lot 6 must be analyzed for impact to State Highway ROW and be submitted to the SHA for review & approval.
13. The open section road proposed has shoulders associated with it and they must be shown on the plat. Storm drain inlets must be located outside of the shoulders and in the roadside ditch.
14. The culvert under Sand Piper Blvd. at the perennial stream must be analyzed for its impacts both up & down gradient of the pipe. This culvert must be designed to accommodate the 100-year flood without overtopping the road surface.
15. The department will not approve the SWM plan or the road plans until SHA approval of discharge onto their ROW and the access onto MD Rte 213 have been granted.
16. Why has the perennial stream buffer been terminated where it has while the line identifying the stream centerline continues well south of Sand Piper Blvd.? We will need to see documentation that this in fact the end of any type of stream classification.
17. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 16.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 16.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 16.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 16.4 Requirements for Utility relocations.
  - 16.5 Requirements for Public Works Agreements.
  - 16.6 Requirements for Stormwater Inspection and Maintenance Agreements
  - 16.7 Requirements for Private Mini Roads.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code directs that Bohemia Church Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.

4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. Public Works Agreements will be required for the Private Mini Road and internal street construction.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The Private Mini Road must comply with Section 2.13 of the Road Code.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. Jack Sentman, land owner on Bohemia Church Road, spoke in opposition of this project. Mr. Sentman feels Bohemia Church Road needs to have improvements and upgrades. He also feels that the intersection of Bohemia Church Road and MD Rte. 213 needs to be looked at for safety reasons, specifically needing a turn lane from MD Rte. 213 onto Bohemia Church Road.

Discussion ensued regarding improvements to the intersection.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (**FRA**s) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 4) The requested buffer modification being granted to better preserve rural character;
- 5) The FCP/Landscape Plan/Environmental Assessment being approved prior to Final Plat review; and
- 6) The 10' street tree planting easement being shown and noted on the Final & Record Plats.

Mr. Edwards asked that conditions be added regarding CBCAC issues being addressed and SHA questions being answered.

Mr. Di Giacomo revised his previous comments to include the recommendations of Mr. Edwards.

They read as follows:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (**FRA**s) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 4) The requested buffer modification being granted to better preserve rural character;
- 5) The FCP/Landscape Plan/Environmental Assessment being approved prior to Final Plat review;
- 6) The 10' street tree planting easement being shown and noted on the Final & Record Plats;
- 7) SHA's response to questions regarding the need for the upgrade and improvements for the Bohemia Church Road and MD Rte. 213 intersection; and
- 8) The CBCAC's concerns being adequately addressed.

A motion for approval with conditions was made by Mr. Edwards.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

### 13. Elk Point Marina, Concept Growth Allocation Request, Oldfield Point Road, CNA Engineers, Third Election District.

Doug Kopec, CNA Engineers, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

Zoning: SR, RCA (Critical Area) -- GROWTH ALLOCATION

Growth Allocation is basically a process of designating new LDA and IDA areas in the Critical Area in order to accommodate more intense activity or more intense density. In this case, the proposed project seeks to have 23.25 of 48.331 SR/RCA acres re-designated as LDA.

§206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas.

Pursuant to that requirement, the TAC review took place on 7/2/08.

Today's Planning Commission review of the application will result in a recommendation to the Board of County Commissioners whether or not to award the Growth Allocation. That recommendation is based upon the established point award system.

Scoring: The Cecil County Critical Area Program, adopted 7/5/88, established an application screening process "whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation." That process consists of a point award system, the intent of which is "to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system."

The details of the point award system are contained in §206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.<sup>49</sup>

This proposal was reviewed by the TAC on 7/2/08, at which time the applicant self-scored the project and awarded it 105 points. This submission, now self-scored 93 points, now provides information not included with the July TAC submittal. The points awarded by the applicant are as follows:

1. For "Development Type,"<sup>50</sup> a maximum score of 40 points is possible, and the applicant has self-scored the project 28 points. As 73.84% open space is proposed, 15 points can be earned under §208.1.a and an additional 15 (12 + 3) points can be earned under §208.1.b, for a subtotal of 30 points.
2. For "Buffer Enhancement,"<sup>51</sup> a maximum score of 20 points is possible, with the applicant having self-scored the project 0 points. Staff concurs.
3. For "Location of Development,"<sup>52</sup> the applicant has self-scored the project 10 out of a maximum score of 15 points. Staff again concurs.

<sup>49</sup> This proposed project is located in the **Suburban District, not the Development District**, as defined by the Cecil County Comprehensive Plan. Therefore, there can be no exemption from the point award system, as provided by §212 of the Zoning Ordinance.

<sup>50</sup> §208.1.

<sup>51</sup> §208.2.

4. For “Forest and Woodland Protection,”<sup>53</sup> a maximum score of 10 points is possible, with the applicant having taken credit for 1. Staff concurs.
5. For “Habitat Protection,”<sup>54</sup> a maximum score of 10 points is possible, and the applicant has self-scored the project 10 points. Until the easements referenced in item ‘b’ can be clearly demonstrated, those 4 self-awarded points remain uncertain.
6. For “Water Quality,”<sup>55</sup> a maximum score of 8 points is possible, with the applicant having self-scored the project all 8 points. Staff concurs.
7. For “Resource Utilization,”<sup>56</sup> the applicant has self-scored the project 3 out of a maximum score of 6 points. Staff again concurs.
8. For “Erosion Control,”<sup>57</sup> a maximum score of 3 points is possible, with the applicant having self-scored the project 3 points. Staff agrees with that score.
9. For “Water-dependent Facilities,”<sup>58</sup> a maximum score of 3 points is possible, with the applicant having taken credit for none.
10. For “Bonus Points,”<sup>59</sup> a maximum score of 65 points is possible, and the applicant has self-scored the project 30 points. Staff concurs.

The net result is that the proposal appears to have earned a total of 93 points – a surplus of 3.<sup>60</sup> Thus, this proposal is eligible for consideration of award of Growth Allocation.

Mr. Woodhull, DPW, read the comments of the department:

The Cecil County Department of Public Works has no objection to the granting of the allocation requested.

Mr. Janusz read the comments of the Health Department. See file.

Mr. Doordan asked if anyone would like to speak in favor of this project. No one spoke. Mr. Doordan asked if anyone would like to speak in opposition of this project. George Caplin, 35 Oak Street Colora, MD, Tom McWilliams, 245 Plum Point Road, Elkton, MD, Kevin Laird, 37 Oak Drive, Elkton, MD and James Huff, 72 Highland Ave., spoke in opposition of this project.

Mr. Di Giacomo stated that the staff recommends that this project be set forth for consideration to the Cecil County Board of County Commissioners.

A motion for this request to be heard by the County Commissioners was made by Mr. Janusz. Motion failed due to lack of a second.

A motion for not recommending this to be heard by the County Commissioners was made by Mr. Edwards.

The motion was seconded by Mr. Wiggins.

Members in favor of this request not being heard by the County Commissioners included Mr. Wiggins and Mr. Edwards.

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<sup>52</sup> §208.3.

<sup>53</sup> §208.4.

<sup>54</sup> §208.5.

<sup>55</sup> §208.6.

<sup>56</sup> §208.7.

<sup>57</sup> §208.8.

<sup>58</sup> §208.9.

<sup>59</sup> §208.10

<sup>60</sup> Two more points are likely to be considered earned under §208.5..b.

Member in opposition of the request not being heard by the County Commissioners included Mr. Janusz and Mr. Doordan.

Motion failed due to a tie vote.

A motion for the recommendation that this request be heard by the County Commissioners was made by Mr. Janusz.

The motion was seconded by Mr. Edwards.

Motion carried. Mr. Wiggins was the sole vote in opposition.

#### General Discussion:

Chairman Mortimer asked Mr. Janusz to begin the general discussion. Mr. Janusz stated that he is often asked questions regarding the Aston Pointe (Newark Country Club) minor subdivision. Mr. Janusz asked Mr. Di Giacomo and Mr. Sennstrom to give a brief history of the project. Mr. Sennstrom said that he is not aware of when the developer plans to move the golf course to the new site. There was a minor subdivision approved for two lots. Discussion ensued regarding the Aston Pointe major subdivision. Chairman Mortimer said he spoke with Harlan Williams. He stated that there has been rumors around the county that the developer has run out of money. Mr. Williams said that is not the case. Part of the hold up is the Newark Country Club have not yet finalized the plans for the country club. Until that is finalized, they can not submit for building permits. The other thing is they had a budget of around 5 million dollars for the club house; the first estimates came in around 7 million. They are not trying to cut back on the design. Mr. Janusz asked a series of questions pertaining to the minor subdivision of Aston Pointe.

Mr. Janusz stated he has a concern about the traffic safety issues at the intersection of MD Rte. 273 and Appleton Road. Mr. Sennstrom stated that the entrance to the Aston Pointe subdivision will have a round about installed. SHA would like to have another round about at the intersection in question but the department can not afford to build it at this time. Discussion ensued regarding the intersection.

Mr. Janusz asked that staff of Planning and Zoning draft a letter to be submitted to the County Commissioners, State Delegation and SHA requesting their immediate attention to this safety hazard with the recommendation that a round about be considered as a solution. Chairman Mortimer asked if he would settle for a traffic light temporarily. Mr. Janusz said yes. Discussion ensued regarding this request. Staff suggested that the letter be sent by the Planning Commission rather than staff.

Lastly, Mr. Janusz asked for some background on the Artesian Water deal; Mr. Sennstrom obliged. Discussion ensued.

Mr. Janusz requested that the Commissioners table the decision pertaining to the Artesian Water deal for one to allow time for the Planning Commissions review. Discussion ensued.

Commissioner Demmler stated that she had already planned to do that on her own. Mr. Doordan asked whether that request would be coming from Commissioner Demmler or the Planning Commission members. Commissioner Demmler said that it is her decision to do that; it is not at the request of the Planning Commission.

A motion to adjourn the August Planning Commission meeting was made by Mr. Edwards.  
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

The August Planning Commission meeting adjourned at 2:21 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes September 15, 2008

**Present:** Bill Mortimer; B. Patrick Doordan; Guy Edwards; Joe Janusz; Ken Wiggins; Wyatt Wallace; Tim Whittie; Clara Campbell; Lloyd Harmon; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopoulos, Court Reporter.

**Absent:** H. Clay McDowell, alternate; Mark Woodhull.

**Call to Order:** Chairman Mortimer called the meeting to order at 10:12 a.m.

**Approval of the Minutes:** Mr. Edwards made a motion for approval. The motion was seconded by Mr. Doordan. All approve. Motion carried.

Chairman Mortimer made an announcement the #13, Pelham Manor, has been withdrawn from the agenda.

### **1. Villages at Herron Lake, Request for clarification on the setback distance for the apartment units in Phase I, Blue Ball and Zeitler Roads, Fifth Election District.**

David Meiskin, developer and Mike Pugh, consultant, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & 3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

The Revised Preliminary Plat was approved on 5/19/08. On that approved plat, because of design considerations, the apartment units were shown with a 15' setback.

The 5/19/08 comments stand, will be included in today's minutes, but will not be read again at this time:

Zoning: BG, M2 & RM

The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1<sup>1</sup> was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;

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<sup>1</sup> The RM zone permits a maximum base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses; 16/1 for apartments.

- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The "Land Use Summary" taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the "Land Use Summary;"
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

The Preliminary Plat, proposing 680 units<sup>2</sup> in Parcels 1, 3, 6, 7, 8, & 9 (on approximately 375 acres for an approximate density of 3.885/1) was approved 11/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any Final Plat or Preliminary Plat/site Plan being first submitted for TAC review prior to Planning Commission review;

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<sup>2</sup> Consistent with the July & September '06 TAC submittals, 777 "future units" were also proposed, including 34 of the 202 in Parcel 3 and 3 of the 95 units in Parcel 9. Thus, the aggregate total of 1457 (680 + 777) was 8 fewer than proposed in the approved Concept Plat.

- 4) Documentation of FEMA and MDE approval of the “as determined” floodplain boundary being received prior to any Final Plat or Preliminary Plat/Site Plan review by the TAC;
- 5) Clear delineation of the new floodplain boundary (resulting from fill) being included on any Final Plat or Preliminary Plat/Site Plan prior to review by the TAC;
- 6) The SWM facilities in Parcel 2 being phased to support the development proposed in Parcel 3;
- 7) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 and 4;
- 8) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 & 4;
- 9) The identity of the waste water treatment plant being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 10) The name of the water company providing the water being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 11) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 4;
- 12) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Final Plat review or Preliminary Plat/Site Plan review by the Planning Commission for Phases 2 and 4;
- 13) Final concurrence on the recommendations of the Traffic Impact Study being completed prior to any Final Plat or Preliminary Plat/Site Plan review;
- 14) Final design of the Blue Ball Road entrance(s) being consistent with SHA requirements;
- 15) All proposed areas of common open space being labeled as “common open space;”
- 16) Any Preliminary Plat/Site Plan review for Phases 2 & 4 clearly demonstrating consistency with §277;
- 17) The FCP and Landscape Plan being approved prior to Final Plat review or Preliminary Plat/Site Plan review by the TAC;
- 18) The Final and Record Plats or Preliminary Plat/Site Plans containing 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 Master Water and Sewer Plan;
- 19) The Final and Record Plats or Preliminary Plat/Site Plans also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale; and
- 20) All granted Variance numbers being cited on Final Plats, Preliminary Plat/Site Plans, and Record Plats.

This amended Preliminary Plat proposes 717 units in Parcels 3-4 and 6-9, and 540 units in Parcel 1. The total of 1457 units is consistent with 11/20/06 Preliminary Plat (and under the 11/21/05 Concept Plat’s 1465 units).

540 condominium units previously proposed for Parcel 4 are now proposed as apartment units for Parcel 1 and the former Parcel 10 – which was to have been the commercial component. Therefore,

the pending application to rezone 7.62 acres<sup>3</sup> from Business General (BG) to Multi-Family Residential (RM) must be approved by the Board of County Commissioners prior to Final Plat review.

There should be no reference to condominiums (Sheet 8 of 11) unless condominiums are actually proposed, in which case, there is a separate approval path.

How have the requirements<sup>4</sup> of §4.1.22 (s) been satisfied?

As this project is already at the Preliminary Plat stage, when will the TAC and Planning Commission see the details of the proposed Clubhouse on the new Parcel 1? Staff will recommend that a site plan for the Clubhouse be approved prior to Final Plat review.

Prior to nagging questions about acreages, TAC testimony revealed that the boundary line survey had been completed. Inasmuch as only a surveyor can sign and seal a survey, why has this plat been signed and sealed by only an engineer?

Previously, Parcel 1 consisted of 27.28 acres. Together with the 7.62 Parcel 10 acres to be rezoned, the new, proposed Parcel 1 acreage should be 34.9 acres. As noted at the TAC review, the 11/20/06 Preliminary Plat cited 8.2 acres for the BG parcel. Therefore, how was the now-cited Parcel 1 acreage of 36.03 arrived at, and what accounts for the increases in Parcel 3 (from 28.51 to 31.19) and Parcel 9 (from 29.08 to 29.61), and has the 0.56-acre discrepancy cited by Mr. Sennstrom at TAC review been resolved?

The 218 townhouse units previously proposed for Parcel 1 are now proposed for Parcel 4. Basically, this plat proposes to amend the 11/20/06 Preliminary Plat by:

- swapping the units of Parcels 1 and 4;
- combining the old Parcels 1 and 10 to form a new Parcel 1; and
- re-designating the old Parcel 11 as the new Parcel 10.

All roads in the new Parcel 1 are intended to be private, and all roads names, though for different locations, were previously approved. Staff obtained clarification from SHA on 5/16/08 to determine that the proposed Parcel 1 entrance has been approved.<sup>5</sup>

A Letter of Map Revision (LOMR) for the Little Elk Creek. Laurel Run, West Branch Laurel Run, an unnamed tributary to Laurel Run, and Gravelly Run was issued by FEMA, effective 1/24/08, affecting FIRM panel 24001190031B, as reflected on the plat.

In Parcel 4, an additional fire hydrant needs to be placed along Griffin Drive in the area of proposed Lot 24.

Any references to the Artesian Water Company and construction of an off-site water main should be made in conjunction with the proviso that said assumed service is predicated on the execution of a

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<sup>2</sup> Previously, Parcel 1 consisted of 27.28 acres. Together with the 7.62 Parcel 10 acres to be rezoned, the new, proposed Parcel 1 acreage should be 34.9 acres; however the proposed new Parcel 1's acreage is now cited as 36.03 acres.

<sup>4</sup> (s) In cases of condominium or multi-family projects (~~apartments, townhouses, etc.~~), the following additional items shall be shown:

1. ~~Approximate location of each building, setbacks from all streets (public or private), property lines and distance between buildings.~~

2. ~~Number and types of units in each building.~~

3. ~~Total number of Units and sub-totals of each type.~~

4. ~~Number of parking spaces in each off-street parking area, and the space to unit ratio.~~

<sup>5</sup> It is incumbent upon the applicant to obtain SHA approval for the entrance shown.

franchise agreement between Artesian and the Board of County Commissioners – until said agreement has been executed.

The FSD was approved on 11/18/05. Per the Natural Heritage Letter, the site does not contain any rare, threatened, or endangered species; however, it may contain FIDS habitat.

The PFCP was approved on 7/17/06 (with conditions), and a revised PFCP was approved on 7/24/06 (with conditions). The forest retention lines are not shown on the submitted Preliminary Plat, and the details of the Preliminary Plat do not match those of PFCP. Unless those details match on the Final Plat and the FCP, then Final Plat approval(s) cannot be recommended.

The JD and wetland delineation was received on 6/9/06.

All previous (11/20/06) staff comments and recommendations, as well as the Planning Commission's conditions of approval relating to the balance of the project shall remain, as applicable.

Clearly, the Planning Commission, under §3.5 of the Subdivision Regulations and §170 of the Zoning Ordinance has the power to grant setback modifications. Inasmuch as the approved Revised Preliminary Plat clearly contained a setback modification, the modification was, in fact, granted. In order to clarify that fact, staff recommends that a new, 29<sup>th</sup> "condition" of approval to be added, as follows:

“29) The requested setback modification being granted”.

All other previous conditions of approval would remain unchanged.

Mr. Whittie, DPW, read the comments of the department:  
The Department of Public Works has no comment on this issue.

Mr. Doordan read the comments of the Health Department:  
No Health Department comment required.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:  
The previous approval be modified to add the 29<sup>th</sup> condition which is the requested setback modification being granted.

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any Final Plat or Preliminary Plat/site Plan being first submitted for TAC review prior to Planning Commission review;
- 4) Documentation of FEMA and MDE approval of the “as determined” floodplain boundary being received prior to any Final Plat or Preliminary Plat/Site Plan review by the TAC;
- 5) Clear delineation of the new floodplain boundary (resulting from fill) being included on any Final Plat or Preliminary Plat/Site Plan prior to review by the TAC;
- 6) The SWM facilities in Parcel 2 being phased to support the development proposed in Parcel 3;

- 7) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 and 4;
- 8) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 & 4;
- 9) The identity of the waste water treatment plant being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 10) The name of the water company providing the water being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 11) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 4;
- 12) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Final Plat review or Preliminary Plat/Site Plan review by the Planning Commission for Phases 2 and 4;
- 13) Final concurrence on the recommendations of the Traffic Impact Study being completed prior to any Final Plat or Preliminary Plat/Site Plan review;
- 14) Final design of the Blue Ball Road entrance(s) being consistent with SHA requirements;
- 15) All proposed areas of common open space being labeled as "common open space;"
- 16) Any Preliminary Plat/Site Plan review for Phases 2 & 4 clearly demonstrating consistency with §277;
- 17) The FCP and Landscape Plan being approved prior to Final Plat review or Preliminary Plat/Site Plan review by the TAC;
- 18) The Final and Record Plats or Preliminary Plat/Site Plans containing 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 Master Water and Sewer Plan;
- 19) The Final and Record Plats or Preliminary Plat/Site Plans also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 20) All granted Variance numbers being cited on Final Plats, Preliminary Plat/Site Plans, and Record Plats; and
- 21) All acreage accounting questions being resolved prior to Final Plat review;
- 22) The details of any Final Plat and the FCP matching up;
- 23) Another fire hydrant being placed along Griffin Drive in the area of proposed Lot 24;
- 24) The proposed rezoning for the former Parcel 10 being obtained prior to Final Plat review;
- 25) References to condominiums being dropped if the new Parcel 1 units are, in fact, intended to be apartment units;
- 26) If the new Parcel 1 units are to be condominiums, the a condominium Preliminary Plat-Site Plan being submitted for TAC review and Planning Commission approval;
- 27) The requirements of §4.1.22 (s) being satisfied;
- 28) A Site Plan being approved for the proposed Parcel 1 Clubhouse prior to Final Plat review; and
- 29) The requested setback modification being granted.

A motion for approval was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **2. Lands of Kenneth and Dorothy Miller, 1 Lot, MD Rte. 274, Final Plat, Will Whiteman Land Surveying, Inc., Sixth Election District.**

Will Whiteman, Surveyor and Kenneth Miller, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac.

The Concept Plat, proposing 1 lot plus remaining lands on 45.0824 acres, for a proposed density of 1/22.54, was approved on 7/16/07, conditioned on:

- 1) The boundary line survey of the proposed lot being completed prior to Preliminary Plat review by the TAC;
- 2) Any further subdivision requiring a boundary line survey of the entire property; and
- 3) The JD being completed prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 10/15/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Documentation of all necessary easement agreements with the underground cable line owner being submitted prior to the Planning Commission's review of any Final Plat, and all documents requiring recordation being recorded prior to the recordation of the Record Plat; and
- 4) No JD being required.

The boundary line survey (of the Lot 1 area) has been completed.

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.<sup>6</sup>

No common open space is required, and no landscaping of the development envelope is required in the NAR zone.

The required Bufferyard Standard A has been shown. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

As stated in Note # 9, this project is exempt, per §3.2K.

The Landscape Plan was approved on 8/20/08.

The Landscape Agreement must be executed prior to recordation.

The PRMA must be executed prior to recordation.

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<sup>6</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Documentation of the easement agreement with Armstrong Telephone has been submitted. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

The contiguous operating farm notice has been provided in Note # 10.

Mr. Whittie, DPW, read the comments of the department:

The Department will sign the record plat conditioned on a stormwater management plan being approved by the Department of Public Works prior to the issuance of a grading permit for any/all lots shown on this final plat.

Mr. Harmon, DEH, read the comments of the department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. Final plat is satisfactory.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All documents requiring recordation relating to the easement agreement being recorded prior to the recordation of the Record Plat; and
- 4) The PRMA being executed prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

### **3. Elk Point Marina, Lots 1-75, Oldfield Point Road, Concept Plat, CNA Engineers, Third Election District.**

Dwight Thomey, Esq., James Buckland, Artesian Water and Doug Kopeck, CNA Engineers, appeared and presented an overview of the project. Mr. Kopeck provided the Planning Commission members a hand out regarding the said project. See file.

Discussion ensued regarding comments provided by the CBCAC.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: MB, SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The MB zone, per §'s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.

In the SR zone, this Concept Plat proposes 5 lots on 48.331 acres, for a proposed density of 1/9.6662. The SR-zoned area of the site is coterminous with its RCA overlay zone, which permits the density of only 1 du/ 20 ac. For that reason<sup>7</sup>, a Growth Allocation will be required if this proposal's design is to be achieved.

In the MB zone, this Concept Plat proposes 70 dwelling units on 27.995 acres, for a proposed density of 2.5/1. Per § 75.2, the density is limited to 4/1, and the MB-zoned portion of the site is coterminous with its IDA overlay zone, which permits the density of the underlying zoning district. Therefore, the proposed density is consistent with the MB & IDA zones.

This proposal calls for the use of a shared water system and shared community sewer system. Therefore, the Master Water and Sewer Plan must be amended accordingly.

This proposal must fully comply with all provisions of and applicable subsections of §175.

§175.3.c.1 requires 10,000 ft<sup>2</sup> of subsurface disposal area to be set aside for each dwelling unit, and 626,253 ft<sup>2</sup> have been planned<sup>8</sup> to serve only 62 proposed dwelling units. General Note # 10 refers to an alternative method of disposal for the balance of the proposed lots. More specific details shall be provided on the Preliminary Plat, or the number of lots be reduced.

In addition, this proposal invokes provisions of §6.1 of the Subdivision Regulations regarding "residential cluster development."

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.<sup>9</sup>

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.

§4.0.13 (b) requires that the block, or grid, number be provided in addition to the tax map and parcel numbers. The block, or grid, number shall be provided on any future plans.

Per General Note # 8, Growth Allocation will be required. As to the issue of Growth Allocation, it is basically a process of designating new LDA and IDA areas in the Critical Area to accommodate more intense activity or density. The applicant must have the site awarded Growth Allocation to

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<sup>7</sup> And because of the design's accommodation of the sewage disposal area.

<sup>8</sup> This does not equate to the stated 14.37 ac., which would be 625,957 ft<sup>2</sup>.

<sup>9</sup> **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 Subdivision Regulations. The Zoning Ordinance makes quite clear that its 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 its purpose is not to replace existing laws, rules, regulations, etc.**

**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.

reclassify the Critical Area designation from RCA to LDA in order to achieve the proposed SR density of 1/9.666 and the sewage disposal area.

§'s 206.2 & 210.2.a (1) of the Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas. The Planning Commission will make a recommendation for the Board of County Commissioners – who will decide whether or not to award the Growth Allocation. Therefore, a separate application was submitted for TAC and Planning Commission review (8/18/08). What appears to be the proposed Growth Allocation boundary line has not been labeled.

As to the scoring under the point scoring system, the Cecil County Critical Area Program, adopted 7/5/88, established an application screening process “whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation.” That process consists of a point award system, the intent of which is “to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system.”

The details of the point award system are contained in §'s 206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth Allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.<sup>10</sup>

This proposed design uses the “lotominium” concept to creatively cluster and find a way around the limiting yard requirements contained in ARTICLE VI's Schedule of Zone regulations. Based on the precedent of the 6/18/01 Chesapeake Club, Fairhaven Estates, Lotominium 104, Preliminary-Final Plat approval, staff will recommend that this project follow the normal review and approval process, rather than the one approved on 3/19/91 for condominiums.

The Cecil County Subdivision Regulations (§2.0) define “Condominium” as follows: “A condominium is an ownership arrangement, not a land use; therefore, it is allowed in any district and under the same restrictions as the residential land uses that it comprises. A condominium shall not negate lot nor other requirements intended to provide adequate light, air, and privacy. A condominium is a dwelling unit which has all of the following characteristics:

- (a) The use (the interior and associated exterior areas designated for private use in the development plan) is owned by the occupant.
- (b) The unit may be any permitted dwelling type.
- (c) All or a portion of the exterior open space and any community interior spaces are owned and maintained in accordance with the Condominium Act of the State of Maryland and other requirements specified in the County Code regarding such open spaces.”

Based upon the submitted lotominium proposal, it appears that that each townhouse owner would own, fee-simple, the ground on which his townhouse sits, and that the individual owners in each cluster would collectively own the surrounding common area specific to their cluster. (If not, then how will the lotominium area be differentiated from the common open space in terms of the lotominium regime, as well as practical, day-to-day matters?)

An existing cemetery is shown between proposed units 2 & 3. §93 requires a Bufferyard standard C between the burial plot(s) and all lot lines. ART. 27, §267 of COMAR covers abandoned cemeteries.

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<sup>10</sup> §212 provides for exemptions from the Point Scoring System for sites in the Development District.

Any proposed signage or fencing associated with the cemetery must be included in the public works agreement.<sup>11</sup>

A boundary line survey must be done in conjunction with 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 ft<sup>2</sup> 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.<sup>12</sup>

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'.

The 100-year floodplain boundary has been clearly labeled, in conjunction with a legend.

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. What is the rationale for proposing the marina & community center parking in the Buffer? A Variance may be required, per §195.3.b & c. Mr. Kopeck said it is already existing gravel. This will have to be discussed with the Critical Area Commission as to how parking for the marina will be handled.

At 7/2/08 TAC review, Mr. Kopeck provided a copy of documentation submitted to MDE for bulkhead repair & maintenance, and testified that this marina had been in continuous operation. The boat launch & slips details must be consistent with §'s 169 & 198.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review, but required to be completed prior to recordation.

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle's nest on the adjacent property have been shown.<sup>13</sup>

15% common open space is required; 74% is proposed. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common

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<sup>11</sup> This is based upon the Meadow Run precedent, 6/30/97.

<sup>12</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>13</sup> If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.

open space required shall consist of those areas designated as nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated and included on the Preliminary Plat.

The SR zone requires 20% landscaping (of the development envelope); 25%, in the MB zone.

Sidewalks are not recommended, in order to reduce impervious surfaces.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Oldfield Point Road.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' zoning has not been shown.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10' planting easements 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 & 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 Dept. of Natural Resources.

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 or LDA. No more than 20% of the forest or developed woodland may be removed.

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater to assure a ten percent reduction of pre-development pollutant loadings. The community center and marina details, per §291, including required parking & impervious surfaces, must be included on the Preliminary Plat.

In the critical area, no structure shall exceed 35' in height.

The FSD/Conceptual Environmental Assessment was approved on 8/19/08.

The Critical Area Commission has expressed a number of concerns, which can be addressed at the Preliminary Plat stage. The possible approval of the Concept Plat neither guarantees subsequent approvals nor obviates the need to address all concerns and issues.

The PFCP/Preliminary Environmental Assessment must be approved prior to Planning Commission review of the Preliminary Plat (§4.1.22(a)).

The final Environmental Assessment and Landscape Plan must be approved prior to Planning Commission's 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 street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

Not all proposed lot dimensions have been provided, as required by §4.0.13 (j).

The internal road name(s) must be approved by the County 911 Emergency Center prior to Planning Commission's review of the Preliminary Plat.

A Traffic Impact Study (TIS) must be completed prior to the TAC's review of any 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.

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 Master 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 lots/homes offered for sale.

All required final approvals or permits for the community water system must be provided by the applicant prior to the Planning Commission's review of the Final Plat. The community water system's details must be included on the Preliminary Plat, and all provisions of §175 must be satisfied.

All required final approvals or permits for the shared community sewer system must be provided by the applicant prior to the Planning Commission's review of the Final Plat. The community sewer system's details must be included on the Preliminary Plat, and all provisions of §175 must be satisfied.

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.

Discussion ensued regarding the density and layout not being consistent with the zoning of the property without the awarding of growth allocation, an amendment of the MW&SP, etc.

Chairman Mortimer asked Mr. Di Giacomo what the concept of "lotominiums" are exactly. Mr. Di Giacomo explained. Chairman Mortimer asked that discussion regarding the difference in the processing of condominiums, apartments, single family homes and lotominium plans be placed on the October Planning Commission agenda.

Further discussion ensued regarding P & Z comments that were read.

Mr. Whittie, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, Sewer & Water plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The street & storm drain plans must be designed in accordance with the new Road Code which took effect August 19, 2008.
3. How do you propose to address SWM for this site? Water quality facilities within the IDA are required to meet the 10% pollutant load removal rule.
4. The water quality facility located adjacent to the proposed WWTP appears that it discharges into the RCA zone of the Chesapeake Bay Critical Area. Has the Applicant discussed this point with the Critical Area Commission? On another project the Commission required that any portion of

the site in the IDA that used a Stormwater Management facility located in the RCA for quantity/quality runoff control may be subject to the density of the RCA. While the facility proposed here is not in the RCA its discharge will be and how does the Commission interpret that.

5. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.
6. Are you proposing Elk Point Road & Plum Creek Drive as public roads? Do you propose open or closed section roadway? The pavement width, road slopes and storm water conveyance must be identified on the preliminary plat submitted for TAC review.
7. The cul-de-sac bulb is in non-compliance with Road Code Standard detail R-14, as to ROW diameter. A Road Code Variance will be required.
8. A Protocol Three (3) Road Condition Survey and Improvements Plan is required for Oldfield Point Road along this development's road frontage. The information from this survey and will be used by the Department to determine what if any offsite road improvements will be required. This determination and agreement by the Developer must be complete prior to submitting the preliminary plat to the TAC.
9. At a minimum Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Elk Point Road. The improvements required must address roadside drainage issues and pavement distress at a minimum. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
10. The design engineer must address the requirement for minimum acceleration and deceleration lanes and if warranted a bypass lane. These have been reflected on the plat.
11. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
12. Sight distance measurements (intersection & stopping), for the proposed access point on to Oldfield Point Road, must be submitted and approved prior to the preliminary plat submission for TAC review.
13. The Department has some concern about the horizontal curvature of Elk Point Road near the proposed intersection with Oldfield Point Road. Section 3.04 of the Road Code applies
14. A traffic impact study will be required for this development.
15. All water & sewer lines serving this development must be shown on the preliminary plat submitted to the TAC.
16. The Master Water & Sewer Plan must be amended to include this property.
17. No water treatment facility is shown on the plat. Where do you intend to locate the facility & associated storage?
18. The proposed community system for sewage treatment presents an approach with several major issues that must be satisfactorily addressed before this development is submitted to the TAC for preliminary plat review. Specifically who will be the Controlling Authority? The Department believes that facilities of this size and complexity, providing treatment for individual lot owners, must be controlled by the County and not a private utility controlled by the HOA. However this decision must be made by the Board of County Commissioners. The Applicant should contact the County Administrator.
19. The same applies to the proposed community potable water system.
20. The proposed potable water system must be designed to provide fire flow & pressure adequate for this development.

21. The access easement for the WWTP must be of sufficient width to accommodate the access road and any/all pipes proposed. The same applies to the water treatment plant.
22. The Department, as a policy, requires that gravity sewer be used to the maximum extent possible. With that said, what is the conceptual approach proposed for the sewer lines going to the proposed sewage treatment & pump station?
23. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 23.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 23.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 23.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 23.4 Requirements for Public Works Agreements.
  - 23.5 Requirements for Utility relocations.
  - 23.6 *Requirements for Driveways*

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
6. *All driveways accessing them must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.*

Mr. Doordan read the comments of the Health Department:

The Cecil County master Water and Sewer Plan must be revised to include this area. Final and Record Plats must contain the following statements:

*With Health Department signature:*

*"The subdivision is in conformance with the 10 year Water and Sewer Plan for Cecil County"*

*With Owner's signature:*

1. *"Community water and sewer service will be available to all lots offered for sale"*

2. *“Plans for the community water and sewerage systems have been approved by Maryland Department of the Environment”*

Submit a detailed written description of the use of the community clubhouse and boatslips. Environmental Article 9-333 requires marinas with 50 or more slips to have a pump-out and waste reception facility on-site.

This facility cannot discharge to the on-site sewage disposal system. The proposed pool and clubhouse must have approved plans by Department of Health and Mental Hygiene prior to a site plan or building permit approval.

A Groundwater Appropriation Permit is required from Maryland Department of the Environment prior to final plat approval. Permit to construct a public water system must be issued by Maryland Department of the Environment prior to record plat approval.

Show all existing wells and septic tanks on the preliminary plat. All existing wells not approved for inclusion in the public water supply must be abandoned and sealed by a licensed well driller prior to record plat approval. All existing septic tanks must be pumped and filled with earth prior to record plat approval.

A shared facility sewage disposal system is proposed. Written application must be made to the controlling authority requesting the controlling authority to establish and operate a shared facility (COMAR 26.04.05.02 G).

The proposed shared facility sewage disposal system must be designed and approved using Maryland Department of the Environment’s Large Flow Septic System Guidelines. The proposed discharge area has had preliminary soils evaluations conducted. A significant portion of this area does not meet minimum percolation requirements and cannot be used as designated sewage area. Additional seasonal testing is required. Both County and State shared facility regulations require 10,000 sq. ft. of designated sewage area per dwelling unit. For the 75 lots proposed, 17.2 acres of sewage area is required. General note 10 states some of this area is “proposed to be accommodated through an off site discharge area or other alternative method of disposal”. Since COMAR 26.04.02 prohibits a sewage area in an easement, how would an off site discharge area be accomplished? What alternative method of disposal is proposed?

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke in favor of this project. George Caplin, 35 Oak Street, Colora, MD, Tom McWilliams, 245 Plum Point Road, Elkton, MD and Kevin Laird, 37 Big Oak Drive, Elkton, MD spoke in opposition of this project.

Chairman Mortimer responded to questions asked by the public speakers.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) The Preliminary Plat’s containing full details related to sewage disposal for all proposed lots, and all Health Department, DPW and §175 requirements being met in that regard;
- 2) A Traffic Impact Study (TIS) being completed prior to the TAC’s review of any Preliminary Plat;
- 3) The Preliminary Plat’s containing full details related to the proposed community center and marina, per §291;
- 4) The block, or grid, number being included on all subsequent submittals;
- 5) The zoning classification of all adjacent properties being included on all subsequent submittals;
- 6) The PFCP/Preliminary Environmental Assessment being approved prior to the Planning Commission’s review of any Preliminary Plat;

- 7) Any Preliminary Plat's adequately addressing all CBCAC concerns;
- 8) The boundary line survey's being completed prior to any Preliminary Plat submission;
- 9) The proposed impervious cover in the SR portion being calculated and included on the Preliminary Plat prior to TAC review;
- 10) Growth Allocation being obtained prior to the TAC's review of the Preliminary Plat; and
- 11) A monumental style entrance being incorporated into the design.

A motion for approval with conditions was made by Mr. Doordan.  
The motion died for lack of a second.

A motion for disapproval based on the following was made by Mr. Wallace:

- 1) The following Planning staff's comment: "§175.3.c.1 requires 10,000 ft<sup>2</sup> of subsurface disposal area to be set aside for each dwelling unit, and 626,253 ft<sup>2</sup> have been planned<sup>14</sup> to serve only 62 proposed dwelling units." This project is proposing 75 units;
- 2) The non clarification of the lot size could affect the layout and density;
- 3) The removal or changing of the current road that lies within the 110' buffer area would affect the layout; and
- 4) The CBCAC comments regarding the "strongly recommended" 300' buffer would seriously alter the density and also require a change in the layout.

The motion was seconded by Mr. Edwards.

Members in favor of disapproval included Mr. Edwards, Mr. Wallace, Mr. Janusz and Mr. Wiggins. Mr. Doordan was the sole vote opposing disapproval.

Motion for disapproval carried.

Chairman Mortimer reminded the members, staff and public to speak directly into the microphones to be recorded.

#### **4. Villages of Cecil Woods, Final Plat, Section 1, Lots 138-145, 146-156, 157-176 and 229-239, US Rte. 40, Urban Research & Development Corp., Fifth Election District.**

Dan Lutz, Capstone Development Group and Philip Hunsberger, URDC, appeared and presented an overview of this project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Current Zoning: BG, MH and OS.

Density: The MH, or Manufactured Home, District permits a maximum base density of 2 du/ 1 ac., or up to 6 du/ 1 ac. for a manufactured home park, as stipulated in §'s 30 and 78 of the Cecil County Zoning Ordinance.

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<sup>14</sup> This does not equate to the stated 14.37 ac., which would be 625,957 ft<sup>2</sup>.

The Concept Plat was approved on 11/18/01, conditioned on:

- 1) Road names being approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat, and
- 2) A Traffic Impact Study (TIS) being completed prior to TAC review of the Preliminary Plat.

This Preliminary Plat was approved on 2/19/02, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Sites 207-213 being referenced regarding an adjacent agricultural operation;
- 4) A modification to the bufferyard D requirement at the "Wetland/Buffer Crossing" location being granted, to reduce the width to 10' and to shift the road 5' toward the eastern property boundary;
- 5) The Cecil County Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;
- 6) The sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
- 7) Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations, appearing on the Record Plat stating that such services shall be made available to all sites;
- 8) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 9) Verification that 15% of the required open space does not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species;
- 10) Receiving verification from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites;
- 11) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
- 12) The title block indicating that this is a manufactured home park prior to Final Plat review by the Planning Commission; and
- 13) All references to lots being changed to sites prior to Final Plat review by the Planning Commission.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, Preliminary Plat approval, which would have expired on 2/19/04, was granted a one year extension on 1/22/04, extending Preliminary Plat approval until 1/22/05.

Because sewer allocation was still unavailable<sup>15</sup>, subsequent extensions were granted on 12/20/04, 12/19/05, 12/18/06 & 11/19/07, thus, in each case, extending Preliminary Plat validity for one additional year, until 12/20/05, 12/19/06, 12/18/07 & 11/19/08, respectively.

Sewer allocation is now available for 50 sites; thus, today's Section 1 Final Plat.

§4.1.17 provides that "The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat

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<sup>15</sup> The unavailability of sewer allocation precludes the possibility of the approval of any Final Plat that might be submitted by the applicant.

is not recorded during the period, then the developer may request an extension in accordance with Section 4.1.18.”<sup>16</sup>

This Section 1 Final Plat is consistent with the approved Concept and Preliminary Plats, except that only 102 (was 103) sites are now proposed.

If approved, this development will require that the existing Manufactured Home Park license be amended to include the additional 50 (and, ultimately, 102) sites.

The improvements proposed on the South Parcel, are not subject to review and approval by the Planning Commission. That proposed development will be reviewed administratively through the major site plan process. There shall not be any further submittals to the Planning Commission covering proposed development on that parcel.

A boundary line survey has been completed.

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’. This buffer has been expanded in the appropriate areas.

References to lots have been changed to sites, except for in the title blocks.

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) has been completed.

Not less than 15% of the gross area shall be devoted to open space and recreational area, not including roads and bufferyards. 6.3138 acres of common open space is required. In addition, the 1.2061 acres of open space lost in the original section must be replaced, bringing the total requirement to 7.5199 acres. 15.0133 acres of open space are proposed, but, although they are graphically depicted, the Section 1 open space acreage has not been provided.<sup>17</sup>

The open space sensitive areas thresholds were calculated and included on the approved Preliminary Plat.<sup>18</sup>

The street tree planting easement has been noted and depicted. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

The approved Preliminary Plat’s Note # 8 stated that sidewalks will be provided on one side of all internal roads.

The FSD and PFCP have been approved.

The FCP was approved on 3/31/05 and the Landscape Plan was approved on 12/16/04.

A landscape agreement must be executed prior to recordation.

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<sup>16</sup> The filing deadlines for the 10/20/08 and 11/17/08 Planning Commission meets are respectively 9/19/08 and 10/16/08 at 4:30 p.m.

<sup>17</sup> Those figures are necessary to account for the total open space acreage as each section is submitted.

<sup>18</sup> No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species.

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, with the metes and bounds description of the FRA being shown on the Record Plat.

Water supply and sewer service notes, consistent with §'s 4.2.13 (t) & (u) must again appear on the Record Plat.

Verification that the proposed water system is capable of serving these proposed sites has been received from MDE.

This site is included in the Master Water & Sewer Plan.

Each manufactured home site shall measure not less than 4000 ft<sup>2</sup> in area. This minimum area requirement has been added to the plat, as well as the 50' width at the setback line.

Each manufactured home site shall be provided with 2 off-street parking spaces, as was noted in Note # 7 of the approved Preliminary Plat.

In future Section 2, only a proposed Bufferyard D separates proposed Sites 207-213 from an agricultural operation. In this regard, Note # 10 makes reference to sites 208-214 – which was correct under the previous numbering system. Sites 207-213 must be referenced on the Final 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.

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. Whittie, DPW, read the comments of the department:

All required plans are technically complete and only administrative issues remain outstanding. Please submit a check print prior to submitting the Final Plat for signature.

Mr. Doordan read the comments of the Health Department:

Plat is satisfactory.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) All references to lots being changed to sites prior to recordation;
- 4) The Record Plat's citing the exact acreage of the open space provided in Section 1;
- 5) Water supply and sewer service notes, consistent with §'s 4.2.13 (t) & (u) again appearing on the Record Plat;

- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 7) A landscape Agreement being executed prior to recordation.

A motion for approval with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**5. The Estates at Autumn Ridge, Section 2, Lots 1A, 6 & 7, Shady Beach Road, Final Plat, American Engineering and Surveying, Inc., Fifth Election District.**

Tim Granger, American Engineering and Douglas Day, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, proposing<sup>19</sup> 3 lots on 24.7436 acres, for a density of 1/8.25,<sup>20</sup> was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) A waiver of the Bufferyard C requirement being granted in the interest of better preserving the rural character of the area; and
- 5) The Title Block being amended to include Lot 1A.

The Preliminary Plat was approved on 3/19/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 4) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and
- 5) The waiver of the JD for the swale described being granted.

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<sup>19</sup> §4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots and 25 acres. §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

<sup>20</sup> Thus, bonus density is not an issue.

“Section 1” was created by Minor Subdivision # 3420. The boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>21</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The JD requirement was waived as part of the Preliminary Plat approval.

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

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

The otherwise required Bufferyard Standard C was waived by the Planning Commission in the interest of better preserving rural character. A combination of Bufferyard Standard A and Forest Retention Area is shown along the boundary with the lands of Perovich. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements. The adjacent agricultural operation notice has been included as Note # 16.

The FSD was approved on 12/5/06. The PFCP was approved on 3/12/07.

The FCP/Landscape Plan was approved on 8/20/08.

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, with the metes and bounds description of the FRA being 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.

Mr. Whittie, DPW, read the comments of the department:

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<sup>21</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

All required plans are technically complete and only administrative issues remain outstanding. The record plat will not be signed until these issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption is required prior to final plat approval. Final plat is satisfactory.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 4) The Landscape Agreement being executed prior to recordation.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**6. Kirk's Mill Manor, Phase 1, Lots 5 & 15, MD Rte. 274, Final Plat, RJK Engineering and Associates, Ninth Election District.**

Chairman Mortimer asked if there was a representative in attendance to present the said project. No one spoke.

Chairman Mortimer announced that he would call this agenda item later in the meeting.

**7. Chesapeake Club, Lots 344-876, Irishtown Road, Preliminary Plat, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc., and Mike Pugh, Corridor Land Services, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning = 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.

Revised Concept Plats were approved 12/20/93, 6/20/94 (with no conditions), 3/16/98, and 9/16/02. These revised Concept Plats have all adhered to the originally-approved density of 3.5/1, and they have reflected only slight changes in design, layout, and structure types.

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was approved on 4/27/04.

The original Preliminary Plat for proposed Lots 344-876 was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Sidewalks or walkways, in keeping with the designs of completed sections, being included;
- 5) Water allocation must be confirmed by the Town of North East prior to Final Plat approval;
- 6) Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat approval;
- 7) A revised Preliminary Plat showing fire hydrant locations being submitted for North East Volunteer Fire Company, Emergency Services, and DPW review prior to Final Plat review;
- 8) A TIS being completed and reviewed, and a consensus being reached among DPW, OPZ, and SHA as to needed improvements, prior to Final Plat review;
- 9) The Final Plat's noting and showing both rear and side access easement for those townhouses that do not back up to common open space; and
- 10) The details of the cross easement agreement areas being shown on the Final and Record Plats.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, a 1-year extension was granted on 7/16/07; it expired on 7/16/08.

An Area H Preliminary Plat for proposed lots 110-216 was approved on 5/20/02.

An Area H-1 Final Plat for proposed lots 128-187 was approved on 1/22/04. Those Record Plats were signed on 7/6/04.

The Area H Preliminary Plat for proposed lots 110-216 approval expired on 7/6/06.

What, then, is now proposed regarding Lots 110-127? Mr. Pugh said they have not changed the nature of any of the plats from what the original approvals consisted of. He is not aware of any other plat areas having not received Final Plat approval.

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was approved on 4/27/04. No record plat was recorded subsequent to the 10/16/06 Final Plat approval. Therefore, the 3/20/06 Preliminary Plat extension expired on 3/20/07.

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was extended on 7/21/08. It will expire on 7/21/09.

This Preliminary Plat is generally consistent with the approved revised Concept Plat and the approved Area H-2 and H-3, Lots 188-343, Preliminary Plat – and it was previously approved on 8/15/05. After one one-year extension, it expired on 7/16/08.

This plat has not been reviewed by the TAC since 7/6/05.

There are numerous existing golf cart path conflicts depicted on this plat. What will be their disposition? Mr. Pugh said they will either be accommodated by easements or removed.

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'.

This plat depicts a number of wetland areas. A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>22</sup> Portions of 58 proposed lots, common open space, and roadways are depicted with shaded steep slope areas.

15% common open space is required in the RM zone for single family dwellings, and 20% is required for all other types of dwellings. 28.7% is proposed; thus this proposal appears to satisfy the common open space requirements of the RM zone for the entire acreage, including the 35.23 acres of remaining lands.

However, §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 minimum required common open space acreage. Maintenance of any common overflow parking areas will be the responsibility of the Homeowners' Association.

The common open space acreage, exclusive of parking areas, must be included on the plat.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal 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 nontidal or tidal wetlands. The sensitive areas threshold calculations have again been included on the plat.

The areas reserved for future development appear to show apartment or condominium structures. Providing that level of detail suggests an attempt at providing further definition to the revised

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<sup>22</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Concept Plat that was approved on 9/16/02. If this plat is also intended to serve as a revised Concept Plat, then that must be reflected in the title block.

Chesapeake Club Drive was accepted by the County in July, 2003.

All previous Area H reviews noted that the original Chesapeake Club's Traffic Impact Study (TIS) was dated. Therefore, a revised TIS was required as the 8<sup>th</sup> condition of the 8/15/05 approval. As stated on 8/15/05, "the TIS must take into account the impacts of the 533 lots proposed and the number of dwelling units achievable on the remaining lands."

In the interim, what steps have been taken regarding the revised TIS? Mr. Pugh said at present, there had been no additional TIS amendments sought. Part of their delay has been that they are awaiting the upgrade and completion of the De la Plaine pump station.

If the remaining lands acreage is discounted, then 533 lots on 152.41 acres yields a density of 3.5/1, which is consistent with the adhered-to originally-approved density of 3.5/1. If the remaining lands acreage is not discounted, then 533 lots on 187.64 acres yields a density of 2.84/1.

Sidewalks or walkways are recommended, in keeping with the designs of completed sections. Some of the design details have been included on sheet 5 of 5.

However, no solutions have been provided to obvious conflicts and problems. For example, sheet 4 of 5 provides no design detail as to how golfers' access between the 11<sup>th</sup> and 12<sup>th</sup> holes will be safely accomplished. If the shaded cross easement agreement areas will solved that problem, then the details must be included on the Final and Record Plats. The Preliminary Plat is the most detail-intensive of all plats.

25% landscaping of the development envelope is required in the RM zone.

Street trees with a 10' planting easement are required (§186.1). In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

Bufferyard Standard C is required, outside the right-of-way, along the Irishtown Road road frontage.

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

The FSD and PFCP have been approved. FRAs have been depicted.

How is this design consistent with §157? Mr. Pugh said it exceeds the requirement.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to the Planning Commission's 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 Final and Record Plats.

Consideration should be given to providing active recreational amenities in the areas of common open space. Access to common open space between and beside lots must be marked with concrete monuments.

Per §4.1.22 (l), the proposed lot dimensions must be provided on the Preliminary Plat.

As of 8/15/05, all internal road names except Golden Bear Drive had been approved. In the interim, what steps have been taken to ensure that all road names are approved? Mr. Pugh said prior to any further submissions beyond Preliminary, additional correct road names will be submitted for approval.

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.

What is the rationale for removing the proposed recreation center that was included on the Preliminary Plat reviewed by the TAC on 7/6/05? Mr. Burcham said the location is not yet determined.

If the recreation center, any parking, and recreational facilities are accessory uses to the proposed residential development, then the Preliminary Plat must include their details or a major site plan submittal shall be required.

Since the Preliminary Plat has not provided those details, then a major site plan must be submitted and approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

The proposed recreation center must be served by water & sewer systems approved by the Health Department.

The Master Water & Sewer Plan shows this site to be in the W1 and S1 service areas.

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 Master 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 homes and townhouses offered for sale.

Water allocation must be confirmed by the Town of North East prior to Final Plat approval.

Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat approval.

The approximate locations of townhouse structures have been provided, per §4.1.22 (s) 1.

As was noted at the 7/6/05 TAC review, a number of townhouses do not appear to have any direct fee simple access to their rear yards. In part, this problem has been remedied by a note referring to

rear access easements. Unfortunately, assuming that fee simple access strips cannot be used instead of easements, there also need to be side access easements to access those in the rear.

This Preliminary Plat has demonstrated the adequacy of proposed residential off-street parking, consistent with §'s 274 & 277.

Fire hydrant locations must be depicted and finalized in consultation with the North East Volunteer Fire Company and the Department of Public Works.

Chairman Mortimer asked if this is a viable project or if everything has expired. Mr. Di Giacomo said the previous approval has expired. It is a viable project because it is part of a larger project in good standing. The staff takes the position that this project should go back before the TAC before moving forward. Discussion ensued.

Mr. Whittie, DPW, read the comments of the department:

1. The Department requests that this project be seen by the Technical Advisory Committee prior to Planning Commission reviewing the preliminary plat.
2. The design of the proposed streets must be in accordance with the new Road Code. This will have a major effect on the street layout present here.
3. A Protocol Three Road Condition Survey & Road Improvements Plan will be required for Irishtown road extending from Timberlane Drive to MD Route 272. This is needed to establish what improvements/repairs will be required on Irishtown Road to support the additional traffic loading generated by this development. The Departments policy is to have all major road issues resolved between the Developer & the Department prior to the Planning Commission's review of the preliminary plat.
4. With the traffic flow in & out of this development it is quite possible that beside the normal acceleration & deceleration lanes bypass lanes will be required at both entrances. This may require the Developer to obtain additional ROW from the owners of adjoining properties on the north side of Irishtown Road. This is certainly an item that requires resolution prior to approving a preliminary plat.
5. An amended Road Code Variance request must be submitted by the Developer's consulting engineering in accordance with criteria established on August 12, 2005 in consultation with the Director of the Department of Public Works. The applicant and the planning commission can expect layout changes to the current preliminary plat roadway network.
6. The Department wants to see a Traffic Impact Study (TIS). Since this development was originally proposed there have been major changes in the number of background developments, both proposed as well as under construction that are analyzed in the TIS.
7. The new Storm Water Management Act of 2007 will be taking affect by the end of the year which could impact the proposed layout.
8. The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat. the Town should require a PWA for the water system.
9. The De La Plaine sewage pump station upgrades must be complete prior to sewer allocation being granted for any of the proposed lots. A benefit assessment for the north east sanitary sewer sub district improvements project and SPS improvements is anticipated and will likely be applicable to each unit of this project proposal.

- 10.** A preliminary sewer layout was provided on July 12, 2005 to the Department of Public Works. It is anticipated that a response will be forwarded to the applicant in the next thirty days. Off-road sanitary sewer collection system and force main alignments must be made accessible and maintainable along with a minimum 12' wide gravel access road. It is not evident how the current layout provides these features to the Department and the applicant will need to resolve these issues to the Department's satisfaction before any infrastructure design submittals can be reviewed by the Department. Discuss phasing in terms of construction traffic access through the established subdivision streets and the timing of the new access locations on Irishtown Road.
- 11.** We had requested that the Applicant provide a phasing plan on the preliminary plat for planning commission review. This has not been shown. What phasing are you proposing.
- 12.** Identify the proposed sidewalk limits for record. I.e., one side, both sides, to be determined, etc. Will a separate bike/pedestrian access be provided, or will the sidewalk serve this purpose?
- 13.** All off-street parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code. For the town home units, how many off-street parking spaces will be provided on each town home lot?
- 14.** In all cases where the lot layouts proposed hereon contain dual or multiple frontages, the lots should access the new roadways of lower use classification.
- 15.** Bay Club Parkway shall be designed, at a minimum, as a residential minor collector road from the point it starts to Grand Slam Court and as a major collector road from Grand Slam Court, north to Irishtown Road. For a parkway, why is no monumental entrance or center island theme proposed?
- 16.** Blue Heron Drive from its point of origin to the south leg of Fairway Oaks Lane shall be designed, at a minimum, as a residential minor collector road and designed as a residential major collector road from there north to Irishtown Road.
- 17.** Access should be provided, separate from public drainage and utility easements, to all stormwater management facilities. The combined width of any adjacent public drainage and private stormwater access easements should not be less than 30 feet. Revise access for Stormwater Facility off Gallery Drive.
- 18.** Section 3.07.15 of the Road Code requires that Irishtown Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum bypass, acceleration and deceleration lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
- 19.** Subdivision entrance geometry design off Irishtown Road must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. The Developer will be responsible to repair any damage to existing county roads within the Chesapeake Club development created by construction traffic associated with this phase of development. Once a phasing plan is submitted, the Department will comment upon the timing of the Irishtown Road entrance constructions relative to the overall project phasing.
- 20.** Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
- 21.** Pre-design geotechnical evaluation and borings along the proposed road perennial stream, intermittent stream, and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.
- 22.** The Department recommends that the applicant's engineering meet with the Department before beginning the site infrastructure design
- 23.** Public works agreements are required for the internal streets & storm drains and sanitary sewer work.
- 24.** An Inspection & Maintenance Agreement is required for the private SWM facilities.

25. A TIS should be required.

26. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 26.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 26.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 26.3 Requirements for Stormwater Inspection and Maintenance Agreements.
- 26.4 Requirements for Public Works Agreements.
- 26.5 Requirements for Utility relocations.
- 26.6 Requirements for Driveways

*Notes and requirements identified for record:*

1. ~~The Final Plat must include the Lot Grading Plan standard note.~~ The Lot Grading Plan must include the standard construction limits note.
  - a. ~~Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."~~
  - b. ~~Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."~~
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed road work and for the sewer work proposed.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
6. All driveways accessing them must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

Subdivision must have valid water and sewer allocations from the appropriate agencies prior to final plat approval. Public water and sewerage statements must be on final and record plats.

Chairman Mortimer asked if anyone would like to speak in favor of this project. Mike Palmasano, developer of the project, Chesapeake Club, spoke in favor of this project.

No one spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

**TABLE**, conditioned on:

- 1) The TIS being completed prior to TAC review;
- 2) The plat first being reviewed by the TAC to ensure conformity with current regulations and standards;

- 3) Any recommendations resulting from TAC review being incorporated into a revised Preliminary Plat;
- 4) All road names having been approved;
- 5) All golf course path issues being resolved; and
- 6) Fire hydrant locations being shown on all subsequent plats.

Discussion ensued regarding the fees that will impact this project.

A motion for approval conditioned on DPW concerns being addressed to include a TIS was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

At this point, Chairman Mortimer left the room. Mr. Doordan served as Chairman.

### **8. Montgomery Oaks, Lots 69-126, Section 2, Bailiff Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc., and Barry Montgomery, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: DR

Density: The original Section 1 Concept Plat was approved 9/21/92.<sup>23</sup> The Section 1 Preliminary Plat was approved 10/19/92. Subsequently, a number of Section 1 Final Plats have been incrementally approved, as Town of North East's water allocation has become available.

The Section 2 Concept Plat, proposing 79 lots (62-140) on 40.8 acres for a proposed Section 2 density of 1.94/1,<sup>24</sup> was approved on 8/15/05,<sup>25</sup> conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A TIS being completed prior to the TAC's review of the Preliminary Plat; and
- 4) A sensitive species survey being completed prior to the Preliminary Plat review by the TAC.

The Section 2 Preliminary Plat, proposing 58 lots (69-126)<sup>26</sup> on 26.46 acres for a proposed Section 2 density of 2.19/1, was approved on 9/18/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;

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<sup>23</sup> This property, formerly known as Piney Ridge Estates (formerly known as Stoney Run Acres), was zoned **R2** in 1992, which permitted a density of **1** du/**1** ac., or **4/1** in locations with community facilities, which is consistent the current **DR** zone's permitted densities.

<sup>24</sup> Philips Acres (Lots 62-83) was also presented as "Section 2" when it was submitted for TAC review in January 2004.

<sup>25</sup> TAC review took place on 4/5/06.

<sup>26</sup> Proposed Lots 62-68 and 127-140 were shown as remaining lands.

- 3) Documentation of the completed JD being submitted if JDs are once again performed;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The Final and Record Plats containing 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 Master Water and Sewer Plan; and
- 6) The Final and Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale.

§4.1.17 of the Cecil County Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval, unless any section of a Final Plat is approved and recorded in the interim – in which case the Preliminary Plat approval shall be extended for an additional two (2) year period from the date of recordation.

The 9/18/06 Preliminary Plat approval is set to expire on 9/18/08.

§4.1.18 stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

Staff reports that there have been no such changes.

Mr. Whittie, DPW, read the comments of the department:

The Department has no objection to the extension requested. All outstanding comments from the September 21, 2006 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

1. It is the Department’s understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County’s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat.
2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
3. Any Road Code Variances must be sought prior to applying for Preliminary Plat approval to the Planning commission. No Variances have been received to date therefore the Department expects that the proposed streets will meet all road code requirements.
4. A line of sight easement will be necessary along the inner radius of the curve in Madison Paige Drive. Inner lane widening may also be necessary and must be addressed by the engineer.
5. Lot frontage dimensions dictate that closed section road is used. The pavement width must be 30’ within the proposed 50’ ROW. Modified curb and gutter may be used internally, but standard curb will be required for the entrance(s) from at least the curb return PCs.
6. A Protocol Three offsite Road Condition Survey is required for Bailiff Road, from proposed BayView Woods Lane to Pine Cone Drive and must be submitted to the Department of Public

Works along with any Initial Road Improvements Proposal prior to submittal of any onsite engineering plans to the Department.

7. Sewer services for lots 95 through 103 to connect to a new gravity collection main in Madison Paige Drive. Given the proposed proximity of lot 95 through 103 house foundations to the existing gravity sewer, applicant must engage a professional soil foundation/structural engineer to address the potential for house foundation impact to the gravity sewer, as well as to identify any potential for future foundation stability issues when maintenance excavations are needed along this section of gravity sewer main.
8. The Department recommends that the Town require a PWA for the water lines and all water line easements required must be reflected on the final plat.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 9.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 9.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 9.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 9.4 Requirements for Utility relocations.
  - 9.5 Requirements for Public Works Agreements.
  - 9.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 9.7 Requirements for County Roads.
  - 9.8 Requirements for Driveways.
  - 9.9 Requirements for Final Plat - Public Water and Sewer Allocation.
  - 9.10 Requirements for Sewer Service Cleanouts – Location.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
  - a. ~~*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*~~
  - b. *Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."*
  - c. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Bailiff Road be upgraded to a Minor Collector Road, Cecil County Road Code Standard R-7 for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The internal street grade leaving Bethel Church Road may not exceed 5% within the limits of the intersection right-of-way.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Wiggins read the comments of the Health Department:

Subdivision must have valid water and sewer allocations from the appropriate agencies prior to final plat approval. This must include an allocation for the remaining lands, unless they are designated as Open Space. Also note; a February 20, 2008 sewer allocation granted an allocation for only 50 lots. This plan proposes 58 lots plus a remainder. The Health Department cannot approve more lots than the approved sewer allocation covers.

Public water and sewerage statements must be on final and record plats.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension, to expire on **9/15/09**.

A motion for the granting of a one (1) year extension was made by Mr. Wallace.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

### **9. Sun Valley Estates, Lots 1-26, Valley Road, Concept Plat Extension, McCrone, Inc., Fourth Election District.**

Mike Burcham, McCrone, Inc. appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities. The Concept Plat, proposing 26 lots on 13.17 acres, for a proposed density of 1.97/1, was approved on 9/21/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The Natural Heritage letter's being received prior to PFCP approval.

§4.0.09 of the Cecil County Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval. Therefore, the 9/21/06 approval of the Concept Plat is set to expire on 9/21/08.

§4.0.10 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations.”

Staff reports that there have been no such pertinent changes.

Mr. Whittie, DPW, read the comments of the department:

The Department has no objection to the extension requested. While the outstanding comments from the September 21, 2006 Planning Commission meeting still apply and will not be read at this time the Applicant is reminded specifically of the requirements of Comments # 8 & # 9.

1. A SWM plan, Road & Storm Drain plan, a Sanitary Sewer System plan, a Water Distribution System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. This property is outside of the Master Water & Sewer Plan (MWSP) coverage area. Therefore the applicant will need to request an amendment to the MWSP Plan. If this site is brought into the Master Water & Sewer Master Plan, applicant must obtain an allocation for public sewer and water prior to final plat.
3. No water or sewer allocation is available to this site at this time. The comments that follow presuppose that the Applicant somehow remedies this lack of available capacity.
4. The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View – Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC in October 2004.
5. Will this site require an onsite lift or pumping station to connect to the Highlands WWTP?
6. Any sanitary sewer lines run outside of County ROW must be ductile iron and located in a utility easement of sufficient width to allow access.
7. What is the proposed disposition of the existing structures on site?
8. The applicant must provide a Protocol 2 Road Condition Survey & Road Improvements Plan for Valley Road. The extent of this survey will run this sites northern most road frontage to the intersection with Barksdale Road. The Department may require the applicant to perform off-site upgrades to Valley Road based on the findings of this condition survey. The extent & nature of the improvements must be approved by the Department prior to submitting the preliminary plat for Planning Commission approval. At a minimum the developer shall upgrade Valley Road for a distance of 100’ either side of the point of intersection between the proposed entrance and Valley Road. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
9. Applicant must provide sight distance measurements for the Valley Road access and have DPW approval prior to submitting the preliminary plat for Planning Commission review.

10. Have you had any discussions with the adjacent property owner in regards to your proposed connectivity? This Department is aware of a conceptual layout for the Estates at Barksdale property and a street stub is shown into this site. The stub adjacent to Lots 9, 10, & 11 should be terminated at the P.C.'s of the intersection without the need for a Tee-Turnaround.
11. With the minimum lot frontage being 65' Section 2.07 of the Road Code requires that a curbed road section be used throughout the development. With closed section road and the size of these lots the Department will require that a 30' wide pavement section be constructed within the 50' ROW proposed.
12. Lots 1 & 26 must be denied access to Valley Road along their entire road frontage. Add a note indicating the same to the final plat. And both lots must also be denied access to the proposed road for the first 75' as measured from the point of intersection with Valley Road. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.
13. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
14. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 14.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 14.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 14.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 14.4 Requirements for Utility relocations.
  - 14.5 Requirements for Public Works Agreements.
  - 14.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 14.7 Requirements for County Roads.
  - 14.8 Requirements for Driveways.
  - 14.9 Requirements for Final Plat - Public Water & Sewer Allocation.
  - 14.10 Requirements for Sewer Service Cleanouts – Location

*Notes and requirements identified for record:*

1. ~~The Final Plat must include the Lot Grading Plan standard note.~~ The Lot Grading Plan must include the standard construction limits note.
  - a. ~~*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*~~
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Section 3.07.15 of the Road Code requires that Valley Road be upgraded to a for 100' either side of the proposed entrance. The extent & nature of upgrades will be determined after reviewing the Protocol 2 Road Condition Survey & Improvements plan. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
4. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
5. A Public Works Agreement is required for the streets & storm drainage, and public sewer & water systems proposed.
6. An Inspection & Maintenance Agreement is required for the private SWM facilities.
7. The street ROW entrance tapers must be offset 25' from the ROW point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased

these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

9. Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Wiggins read the comments of the Health Department:

Water and sewer allocation must be obtained from the Cecil County Department of Public Works prior to final plat approval.

Show proposed water and sewer lines on preliminary plat and show the closest existing sewer and water lines. Required statements regarding public water and sewer must be on the final and record plats.

Identify the existing structures on the preliminary plat and existing well (if applicable). This project must be accepted into the comprehensive water and sewer plan.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a one (1) year extension, to expire on 9/21/09.

A motion for the granting of a one (1) year extension was made by Mr. Edwards.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **10. Worsell Manor, Lots 1-12, Section 1, Worsell Manor Road, Preliminary Plat, McCrone, Inc., First Election District.**

Don Sutton, McCrone, Inc. and Ed Nieves, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The Concept Plat, proposing 41 lots on 330.58 acres, for a proposed density of 1/8.06<sup>27</sup>, was approved on 12/21/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of any Preliminary Plat; and

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<sup>27</sup> The SAR zone then permitted a maximum base density of 1 du/ 8 ac. As of 1/107, the SAR permitted density changed to 1/20.

- 4) A joint TIS being completed with the developers of the adjacent Worsell Manor project prior to the Planning Commission's review of any Preliminary Plat.

The boundary line survey has been completed. This submittal represents only a portion of the Preliminary Plat that was reviewed by the TAC on 8/6/08, for which, the gross acreage had decreased to 329.554, and the proposed density was 1/8.038.

At TAC review, Mr. Sutton testified that the Parcel 42- proposed Lot 41 acreage discrepancy was due to the area taken out for road dedication.

Parcel 42 is still not cited, as required in §4.1.22 (b), even though it is clearly part of the area "reserved for future development."

The proposed Section 1 density is 1/2.116, based upon 25.386 acres.

Should this Section 1 Preliminary Plat be approved, the Concept Plat approval will thus be extended for as long as the Section 1 Preliminary Plat approval is valid, per §4.0.9.

Steep slopes have been shown.<sup>28</sup> A 110' perennial stream buffer is required from all perennial streams present.<sup>29</sup>

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Thus, the second condition of Concept Plat approval has been rendered moot.

A minimum of 15% common open space is required; 15.5% (was 16.92%) was proposed. The proposed Section 1 C.O.S. acreage (5.089) equals 20.05% of the 25.386 acres.

No landscaping of the development envelope is required and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church and Worsell Manor Roads.

The Bufferyard Standard A's have been shown, with the 100' BRL.

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<sup>28</sup> Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

<sup>29</sup> 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 10' street tree planting easement has not been shown. Rows of street trees with 10' planting easements 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.

What is the status of the MALPF districts?<sup>30</sup>

The FSD was approved on 11/21/06.

The PFCP for proposed Lots 1-41 was approved on 8/20/08.

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

All internal road names have been approved.

The subdivision proposed on the adjacent Merrill Lynch property, will not take place; therefore, the Planning Commission may waive the TIS – or it may continue to require it.

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.

The contiguous operating farm notice has been provided on the plat.

Mr. Whittie, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The design for the proposed streets & storm drains must be in accordance with the new Road Code.
3. The Trip Distribution Analysis requested at the August 6, 2008 TAC meeting has been submitted and the Department accepts its findings.
4. The protocol 3 road condition survey & road improvements plan for Worsell Manor Road has been submitted and the Department has reviewed it. Based on that review the extent of the Worsell Manor Road improvements will be limited to the mill & overlay of the north bound lane for the 220' section identified in the road improvements plan submitted. This meets the requirements of Section 3.07.15 of the Road Code.
5. The acceleration & deceleration lanes proposed are not acceptable due to length proposed. The default minimum for these lanes is 100' of 10' wide pavement extending from the point of curvature of the entrance curve. The 100' length consists of a 50' taper section and a 50' full

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<sup>30</sup> Parcel 42 and part of 27 were in MALPF districts. MALPF termination documentation needed to be recorded prior to the Planning Commission's review of the Final Plat.

width transition area. The taper line is delineated by a paint stripe set at a 5/1 ratio. The Applicant's Engineer must address this in the road design submitted for review.

6. The applicant has provided sight distance measurements (includes intersection & stopping) submittal for two of the proposed Worsell Manor Road access locations and they exceed AASHTO's minimum suggested distances. As such the Department finds them acceptable. A similar approval will be required for the proposed driveway for Lot 40 prior to that section of the subdivision being presented.
7. It appears that open section road is proposed and as such the preliminary plat should reflect the road shoulders and roadside drainage ditch associated with Standard Detail R-6.
8. Lots 1-3 are denied direct access to Worsell Manor Road and must be so indicated on the final plat and final lot grading plan.
9. The Department has a question about the apparent routing of runoff from an existing drainage ditch in to the SWM pond near Lot12.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 10.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 10.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 10.3 Requirements for Utility relocations.
  - 10.4 Requirements for Public Works Agreements.
  - 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 10.6 Requirements for County Roads.
  - 10.7 Requirements for Driveways.

**Notes and requirements identified for record:**

1. ~~The Final Plat must include the Lot Grading Plan standard note.~~ The Lot Grading Plan must include the standard construction limits note.
  - a. ~~*Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*~~
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving the County road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit is required by Maryland Department of the Environment prior to final plat approval.

Submit a written request for well variance for lots 6, 7, 9 and 12. Plat is satisfactory.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Parcel 42 being cited on all subsequent submissions;
- 4) The 10' street tree planting easement being depicted, labeled, and noted on all subsequent submissions;
- 5) The common open space proposed on all subsequent submissions totaling at least 15% of the gross acreage in the aggregate;
- 6) The FCP/Landscape Plan being approved prior to Final Plat review;
- 7) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 8) The standard street tree and forest retention notes being included on the Final & Record Plats; and
- 9) The previous TIS requirement being waived.

A motion for approval with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **11. Creamery Knoll, Lots 1-4, Knights Corner and Woods Roads, Concept Plat, McCrone, Inc., Second Election District.**

Don Sutton, McCrone, Inc. and Todd Ladutko, North Broad Street, LLC, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. This Concept Plat<sup>31</sup> proposes 4 lots on 42.64 acres, for a proposed density of 1/10.66.

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

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<sup>31</sup> See Addendum (p. 4) on the question of subdivision potential.

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>32</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

A waiver of the Bufferyard Standard C requirement has been requested. It must be clearly demonstrated that the existing rural character could be maintained with the creation of four new residential lots without it.

How would the inclusion of a bufferyard impede proposed Lot 4's continued agricultural use more so than a dwelling proposed in the middle of the field? Mr. Sutton said they are looking to preserve the rural character that exists there now. It is a wide open field with no trees on it so they do not want to create a buffer to buffer from the one house on Lot 4. Lots 1-3 are 3+ acres in size.

Per §187.2, a bufferyard/afforestation area is proposed along the boundary of the RR-zoned Brantwood subdivision.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring. A combination of 300' agricultural BRL and 100' BRL with Bufferyard Standard A has been depicted.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

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<sup>32</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The FSD/PFCP was approved on 8/20/08.

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The contiguous operating farm notice has been provided on the plat.

Mr. Whittie, DPW, read the comments of the department:

1. A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The sight distance submittal has been reviewed and found to meet the AASHTO standards. As such the Department finds it acceptable.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 3.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 3.3 Requirements for Utility relocations.
  - 3.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 3.5 ~~Requirements for Stopping Sight Distance Measurements.~~

*Notes and requirements identified for record:*

1. The Lot Grading Plan must include the standard construction limits note.
  - a. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. ~~Applicant must provide stopping sight distance measurements for the Bohemia Church Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance location in the field by a survey stake or paint.~~

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption is required prior to final plat approval. Please send the Cecil County Health Department a courtesy copy of the application for our files.

Relocate well on lot 2 to avoid the need for a well variance. Add percolation hole symbol to key with a statement that test holes were located by field survey.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Wiggins asked for clarification on standard C and standard A as far as bufferyards. Mr. Di Giacomo explained.

Mr. Di Giacomo read the recommendation of the staff:  
**APPROVAL**, conditioned on:

1. The boundary line survey's being completed prior to any Preliminary Plat submission.

A motion for approval with one condition was made by Mr. Wallace.  
The motion was seconded by Mr. Doordan.

All approve. Motion carried.

At this point in the meeting, Chairman Mortimer announced that they would be moving the General Discussion portion of the agenda due to him having to leave the meeting early.

The first topic of general discussion was regarding the letter from the Planning Commission members to the Board of County Commissioners asking for a four way traffic light to be installed at the Appleton Road / MD Rte. 273 intersection. The letter was approved by all and signed by Chairman Mortimer. A copy of the letter can be found in the Office of Planning and Zoning.

The second topic of discussion was regarding the request of DPW for specific approvals being received prior to Final Plats being submitted for review by the Planning Commission. The specific approvals consist of first, the technical approval of the SWM plan, inclusive of the construction costs, the estimate with the execution of the I&M agreement being the last item to be completed. Second, the technical approval of the road and stormdrain plans inclusive of the construction costs with the estimate with the execution of the Public Works agreement being the last item to be completed. Third, the technical approval of the Water and Sewer Plans, if required, inclusive of the construction costs. Fourth, obtaining all off-site easements necessary for construction prior to Final Plat submittal. Fifth, requesting and receiving water and or sewer allocation prior to Final Plat submittal for the Planning Commission and lastly, approval of the state and federal permits necessary for construction of roads, stormdrain, water, sewer and SWM. Those requirements relate specifically to section 4.2.13. Mr. Di Giacomo provided the commission with the said section as written today as well as the proposed language.

Chairman Mortimer stated that the above request was in response to the Planning Commission member's request to more clearly delineate what had to be completed. Mr. Whittie concurred.

A motion for approval of the amendments made to section 4.2.13 was made by Mr. Wallace.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

The third topic of discussion was regarding the clarification of the language of expired plats being accepted for review by the Planning Commission, per the request of the Planning Commission members. Mr. Di Giacomo said that for Concept Plats, section 4.2.12 was made even more explicit than it is already. As for Preliminary Plats, section 4.1.20, again, the language was made more

explicit stating that expired plats shall be treated as something that has no standing. Discussion ensued.

Ms. Campbell asked Mr. Di Giacomo if it was necessary to keep “density of a” in the language referring to plats in the Subdivision Regulations. She feels it could cause confusion. Mr. Di Giacomo stated that the said phrase is repeated in several other places in the regulations that could omit it as well. He suggested that “density of a” be omitted from all. Ms. Campbell concurred. Mr. Di Giacomo said that he would be willing to go through the entire Subdivision Regulations to find “density of a”, to have it removed.

A motion was made to remove “density of a” from sections 4.0.12 of the Subdivision Regulations by Mr. Edwards.

The motion was seconded by Mr. Wallace.

Chairman Mortimer asked that the topic of the duration of a Preliminary Plat approval be extended and the words “density of a” being removed from other sections of the ordinance, be added to the next months agenda under General Discussion.

## **12. Providence Reserve, Lots 1-29, MD Rte. 273, Preliminary Plat, PELSA, Co., Inc., Sixth Election District.**

Michael Paraskevich, PELSA Co., Inc. and Terrill Stammler, applicant, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR<sup>33</sup>

Density: The combined Providence Reserve-Stammler Concept Plat<sup>34</sup> was approved on 12/18/06, conditioned on:

- 1) The boundary line survey’s being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD’s completion being received prior to the Planning Commission’s review of the Preliminary Plat;
- 3) All necessary Bufferyards A being shown on the Plat prior to the TAC’s review of the Preliminary Plat; and
- 4) The Stammler Concept Plat being modified to be consistent with this design.

For Providence Reserve, the Concept Plat invoked the density provisions of §2.4.1 to propose 5 minor & 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1.

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<sup>33</sup> The NAR zone then permitted a density of 1 du/ 5 ac.

<sup>34</sup> The original Stammler Concept Plat, proposing 2 minor and 4 major subdivision lots for a proposed density of 1/6.24, was approved on 10/16/06, conditioned on:

- 1) The **boundary line survey**’s being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the **JD**’s completion being received prior to the Planning Commission’s review of the Preliminary Plat;
- 3) All necessary **Bufferyards A** being shown on the Plat prior to the TAC’s review of the Preliminary Plat;
- 4) A **setback modification** being granted for the existing dwelling on proposed Lot 1; and
- 5) Consideration being given to designing roadway connectivity to the adjacent proposal into the layout.

It revised the layout of the approved Stammler Concept Plat, and tied its proposed Lot 4 to the Providence Reserve by virtue of the proposed access.

Per Note # 12, the boundary line survey has been completed.

Note # 7 indicates that the minimum lot area is now 43,253, or 0.993 ac. (was 39,000 ft<sup>2</sup>, or 0.8953 ac.); however the lot area tables show the minimum (Lot 27) to be 0.97 ac., or 42,253 ft<sup>2</sup>. That must be corrected.

Minor Subdivision # 3754 has been cited.

The §4.1.22 (r) requirement has been satisfied, and the aggregate acreages agree with those cited in Note # 1.

Each sheet<sup>35</sup> has been given a sheet number. The title block now references MD 273 rather than Charles Johnson Farm Lane.

Note 14 documents that no steep slopes were found on the property.

Stream buffers have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96<sup>36</sup>, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

15% common open space is required; a combined 16.07% is proposed. All proposed "common open space" still has not been labeled and referenced as such.

The Bufferyard Standard C, required outside the right-of-way, along the road frontages of MD 273, is now depicted.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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<sup>35</sup> Per §4.1.22 (a), the scale shall be no smaller than 1" = 100' (1" = 200' where the average lot size is greater than five (5) acres as approved by the Office of Planning and Zoning). When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale. Each sheet must have the surveyor's seal.

<sup>36</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

The street tree planting easement has been shown, but only as “planting easement.” Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads.

The required 100’ BRL from MD 273 is now shown and labeled for proposed Lot 1.

The Providence Reserve FSD was conditionally approved on 11/3/06. The Natural Heritage Service Letter must be received prior to PFCP review. The Stammler FSD was approved on 10/2/06.

The PFCP for Providence Reserve was approved on 5/20/06; the PFCP for the entire Providence Reserve/Stammler project was approved on 6/11/08.

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The Reserve Circle road name has been approved.

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

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

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.

It is unclear why a signature block has been provided on a Preliminary Plat. Should this project move forward to Final Plat, then any Final Plat shall contain signature blocks pursuant to §4.2.13 (b).

Mr. Whittie, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The streets & storm drains must be designed to the new Road Code.
3. If the existing pond on Lot 8 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer’s report addressing MD Pond 378 requirements must be submitted with the SWM plan.
4. Where is the discharge point from the proposed SWM pond? The Department will not approve the SWM plan until the SHA have approved the discharge into their ROW.
5. The minimum horizontal curvature radius for a Minor Road is 200’. Clarify the location of C19?

6. Section 3.07.3 of the Road Code requires that slopes at intersections shall not exceed 5%. The proposed 6% & 11% slopes do not comply and must be revised. Section 3.02 mandates that the max slope for a minor road is 10% but not at intersections.
7. The intersection grade does not work and is not in compliance with the Road Code (2-3% cross slopes).
8. Verify the acceptable road slope, at the proposed entrance, with SHA.
9. The monumental entrance road geometry must accommodate all required turning movements. The lanes must be a minimum of 10' wide and left & right turn lanes needed at the site egress.
10. Identify the cart way pavement width, shoulders, drainage ditches, driveway locations, and any driveway pipes if required on the preliminary plat presented to the Planning commission.
11. There appear to be insufficient number of inlets for the slopes proposed.
12. The Department has concern about lot drainage. How do you propose to address runoff conveyance on lots to avoid adverse impacts on down-gradient lots?
13. Identify all drainage easements, where storm drain conveyance is run outside of County ROW, on the plat presented for Planning Commission review.
14. The driveway for Lot 1 must be located within 50' of the property line with Lot 2 to avoid conflict with the proposed intersection. The remainder of the lot frontage must be denied direct access on to Reserve Circle.
15. The driveway location for Lot 1 must comply with the new Road Code.
16. We have a question about the Dry Hydrant pull-off proposed? Is it necessary?
17. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 17.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 17.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 17.3 Requirements for Utility relocations.
  - 17.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 17.5 Requirements for Public Works Agreements.
  - 17.6 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment for 29 lots.

Add a note that percolation holes were located by field survey. Submit a written request for well variances for lots 5, 16, 25, 28 and 29. Septic tanks must be 100' from wells on lots 4, 5, and 17. Show accessible septic tank locations on lots 16, 17, 25, 28, and 29; not upslope of houses.

Keep well on lot 18 30' from dwelling. Keep sewage area on lot 22 25' from swale centerline.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All common open space being correctly labeled and referenced;
- 4) The street tree planting easements being correctly labeled and referenced;
- 5) The FCP/Landscape Plan being approved prior to Final Plat review; and
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**13. Pelham Manor, Lot 77, Section Two, Phase Two, Williams Road, Final Plat, Morris & Ritchie Associates, Inc., Second Election District.**

**WITHDRAWN**

**6. Kirks Mill Manor, Phase 1, Lots 5 & 15, MD Rte. 274, Final Plat, RJK Engineering and Associates, Ninth Election District.**

Robert Blomquist, RJ Engineering and Associates, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

The original Concept Plat proposing a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42, was originally approved on 12/19/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;

- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Common open space being labeled and referenced as such;
- 4) Fee simple access to the proposed common open space being shown on the Preliminary Plat.
- 5) All bufferyards being shown on the Preliminary Plat;
- 6) The proposed Paul's Court being labeled a private mini-road on the Preliminary Plat; and
- 7) The contiguous operating farms notice being provided on the Preliminary Plat.

The revised Concept Plat, with the same density but a significantly new layout was approved on 7/19/06, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) Common open space being labeled and referenced as such;
- 3) The stream buffer being expanded as necessary;
- 4) All bufferyards being shown on the Preliminary Plat;
- 5) The Bufferyard A on proposed Lots 13-15 being reconfigured to be consistent with §187.3;
- 6) The contiguous operating farms notice being provided on the Preliminary Plat; and
- 7) Sight distance for the proposed Lot 1 access being approved prior to the TAC's review of the Preliminary Plat.

This Phase 1 Final Plat is generally consistent with the approved Concept and Preliminary Plats.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>37</sup>

The 110' perennial stream 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

There are no habitats of rare, threatened, and endangered species on site. 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 MD 274, as shown.

The FSD has been approved. The PFCP was approved on 9/15/06.

The FCP/Landscape Plan was approved on 6/19/08. 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

15% common open space is required; approximately 17% (was almost 25%) was proposed.

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<sup>37</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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 contiguous operating farms notice has now been provided on the plat.

Mr. Whittie, DPW, read the comments of the department:

All required plans are technically complete and only administrative issues remain outstanding. Submit a check print prior to submitting the record plat for signature.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment. A well abandonment report for the old well must be submitted prior to record plat approval. Final plat is satisfactory.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to Final Plat recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat; and
- 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.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

At this point, Chairman Mortimer left the meeting.

#### **14. Chesapeake Cove, Lots 2-11, Oldfield Point Road, Final Plat, Morris & Ritchie Associates, Inc., Third Election District.**

James Keefer, Morris & Ritchie Associates, Inc. and Tim Henderson, Rich and Henderson, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

Density: The Concept Plat, proposing 10 lots (2-11) on 99.96 acres<sup>38</sup>, for a proposed density of 1/9.99, was approved on 9/17/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Variance for the driveway on proposed Lot 5 being obtained prior to the Planning Commission's review of the Preliminary Plat; and
- 4) The wetlands/tributary stream issue being resolved prior to the TAC's review of the Preliminary Plat.

The boundary line survey has been completed.

At the 2/20/08 Preliminary Plat review, staff recommended tabling because 2 issues were unresolved:

- 1) Some areas depicted as wetlands, could have been tributary intermittent streams – which would entail significantly increasing the buffers<sup>39</sup>. Subsequently, a 2<sup>nd</sup> field site visit was conducted on 2/8/08 with an expert from MDE, and his determination has been agreed to and is reflected on the plat.<sup>40</sup>
- 2) There remained CBCAC issues regarding the FIDS survey (the most recent guidance being used), so a subsequent site visit was conducted on 5/12/08. Resolution was understood having been reached.

The Preliminary Plat<sup>41</sup> was approved on 5/19/08, conditioned on:

- 1) The pending Critical Area issues being resolved prior to the Planning Commission's review of the Final Plat;
- 2) Health Department requirements being met;
- 3) DPW requirements being met;
- 4) The FCP, Landscape Plan & EA being approved prior to Final Plat review by the Planning Commission;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 6) Based upon the 5/12/08 site meeting, all FIDS issues being resolved prior to Final Plat review by the Planning Commission; and
- 7) All “common open space” being consistently labeled and referenced as such.

This Final Plat is generally consistent with the approved Concept and Preliminary Plats, except that, for environmental reasons, proposed Lot 11 would now be accessed via Scotland Point Road.

Is there any documentation of resolution of FIDS issues?

In a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle's nest.<sup>42</sup>

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<sup>38</sup> The SR zone permits a density of 1 du/ 1 ac.

<sup>39</sup> 25' buffers are required for wetlands; 110' buffers are required for intermittent tributary streams in the Critical Area.

<sup>40</sup> Per the 9/14/07 CBCAC letter, if some of the wetlands are actually tributary streams, then 110' buffers would be required.

<sup>41</sup> The Concept Plat's depicted protective zones around 2 Bald Eagle's nests were removed, but the Preliminary Plat was otherwise **consistent** with the approved Concept Plat.

<sup>42</sup> That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

In a 10/1/07 letter, the Planning Director wrote that OPZ found<sup>43</sup> that “the plats ... must show the required protective zones,” and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles’ nests could be added to the plat in lieu of the zones’ depiction. A 10/19/07 letter from the applicant’s counsel proposed said language, which, now found in two notes on sheet 1, was found to be satisfactory.

Should the major subdivision proposal receive Final Plat approval prior to the minor subdivision approval of proposed Lot 1, then proposed Lot 1 could be approved only through the major subdivision process.

5 lots<sup>44</sup> are proposed in the Critical Area RCA overlay zone, which has a permitted density of 1/20. The overall proposed CA density is 1/20.2.

Site meetings/field inspections were conducted with CBCAC & MDE staff on 11/2/07 and 2/8/08 to iron out tributary stream issues cited in a 9/14/07 letter. In addition, yet unresolved CBCAC-Critical Area Program issues could affect this project. CBCAC written comments were previously received and a joint review of draft text took place on 11/15/08.

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.<sup>45</sup> Steep slopes have been shown.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are now required in conjunction with permitting. Thus, the second condition of Concept Plat approval is now moot. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.<sup>46</sup>

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

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<sup>43</sup> As stated in the referenced letter, the finds was “based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program.”

<sup>44</sup> Including proposed Lot 5.

<sup>45</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

<sup>46</sup> Per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

15% common open space is required; 24.13% is proposed.<sup>47</sup> The C.O.S. sensitive areas<sup>48</sup> thresholds were included on the Preliminary Plat.

20% landscaping of the development envelope is required in the SR zone, but interior sidewalks were not recommended. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Oldfield Point Road, as shown.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides the proposed internal road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The impervious cover calculations were included in the Lot Area Table of the Preliminary Plat.<sup>49</sup> The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size.<sup>50</sup>

No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested. No structure shall exceed 35' in height. 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.<sup>51</sup>

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.

No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35' in height.

The FSD and Conceptual Environmental Assessment were approved on 7/19/07. The PFCP/PEA was approved on 12/5/07.

The FCP/Landscape Plan for Lots 2-11 was approved on 8/20/08. The EA/Habitat Protection Plan and Buffer Management Plan were approved on 8/21/08. The driveway alignment for proposed Lot 11 has not been shown.

Staff has carefully noted and considered the concerns of the CBCAC staff, especially as regards the issue of a 300' Buffer. Proposed Lot 11's access to Scotland Point Road (though not clearly depicted) and the regeneration for the former tilled field is a reasonable approach to providing more and better wildlife and FIDS habitat on site.

The Final Plat does not distinguish between reforestation areas and forest retention areas.

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<sup>47</sup> That calculation includes proposed Lot 5's 13.59 acres.

<sup>48</sup> Per §176.2.c & d, 15% of the required C.O.S. shall not consist of perennial or intermittent stream buffers, nontidal 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 nontidal or tidal wetlands.

<sup>49</sup> No more than 15% of the surface area can be **impervious** in the **RCA**.

<sup>50</sup> For any proposed lots **one acre or less** in size the impervious cover limitation is **25%** (§200.8.a).

<sup>51</sup> While proposed Lot 5's the dwelling location is outside the CA buffer, the proposed driveway would cross the wetlands/expanded CA buffer. A Variance would be required.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats.

Per §197.12.b (3), in the Critical Area portion of the project, all mitigation sites must be permanently protected through a conservation easement or other legal mechanism, as specified in Appendix F of A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area, dated June, 2000. Said easement(s) or other mechanism(s) must be recorded prior to recordation.

A Landscape Agreement must be executed prior to recordation.

The Chesapeake Cove Lane road name has been approved.<sup>52</sup>

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.

If approved, said approval will be considered null and void until the CBCAC's 10/9/07 sanctions prohibiting Final Plat approvals in the Critical Area are lifted. Any Record Plats could be signed only after the said lifting of restrictions.

Mr. Whittie, DPW, read the comments of the department:

All required plans are technically approved and only administrative issues remain outstanding. Submit a check print prior to submitting the final plat for recordation.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment.

A revised matching preliminary plat must be submitted prior to record plat approval. Eagle nest restrictions related to septic system construction that were noted on the preliminary plat must be noted on the record plat.

Identify a permitted way to install the sewer line between the house and sewage area on lot 11.

Well on lot 10 must be outside of forest conservation easement.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) The Record Plat's being signed only after the CBCAC's 10/9/07 sanctions prohibiting Final Plat approvals in the Critical Area have been lifted;
- 2) Health Department requirements being met;
- 3) DPW requirements being met;
- 4) The Landscape Agreement being executed prior to Recordation;

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<sup>52</sup> Its location is consistent with §7.2.12.E.4.

- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) For the Critical Area portion of the project, per §197.12.b (3), all mitigation sites being permanently protected through conservation easement(s) or other legal mechanism(s) (as specified in Appendix F of *A Guide to the Conservation of Forest Interior Dwelling Birds in the Chesapeake Bay Critical Area*, dated June, 2000) being recorded prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 8) The Record Plat's distinguishing between reforestation areas and forest retention areas;
- 9) The Record Plat's reflecting Lot 11's access off of Scotland Point Road; and
- 10) All access agreements for Lot 11 being recorded prior to recordation.

A motion for approval with conditions was made by Mr. Wallace.  
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

**15. Old York Estates, Lots 10A & 10B, Shady Beach Road, Final Plat, RJ Engineering and Associates, Ninth Election District.**

Robert Blomquist, RJ Engineering and Associates, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat<sup>53</sup> was approved on 11/20/06,<sup>54</sup> conditioned on:

- 1) The acreage of proposed Lots 10A and 10B being included on all subsequent submittals;
- 2) Current documentation of the completion of the JD sufficing if acceptable to the Corps of Engineers; otherwise documentation being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) Any sight distance issues being resolved prior to the TAC's review of any Preliminary Plat.

There are currently 23 major subdivision lots in Old York Estates, consistent with the 3/20/00 Concept Plat density approval of 1/5.2. If approved, this resubdivision would create the 24<sup>th</sup> and final lot on the 120 Old York Estates acres, thus revising the overall density to 1/5.

The Concept Plat for the original parcel of which these proposed lots are a part (Joseph H. McKinney, etal) was originally approved 3/15/99 (at a density of 1:3.0). Subsequently, along with 5

<sup>53</sup> That Concept Plat actually a proposed resubdivision of the Old York Estates subdivision for the purpose of creating one additional lot.

<sup>54</sup> At that time, the NAR base density remained at 1 du/ 5 ac. On 1/1/07 the NAR permitted density became 1/10.

proposed lots on the south side of Shady Beach Road, these lots were included in a revised Concept Plat for "Shady Beach LLC."

That Concept Plat was approved 3/20/00 at a density of 1/5.2 with 7 conditions.

- 1) That the Preliminary Forest Conservation Plan being approved prior to Preliminary Plat review by the Planning Commission,
- 2) A Landscape Plan for bufferyards and street trees being approved prior to Final Plat review by the Planning Commission,
- 3) A Landscape Agreement for bufferyards and street trees 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 and the metes and bounds description of the forest retention areas being shown on the record plat,
- 5) The common open space access easements behind and between proposed lots being marked with concrete monuments,
- 6) A jurisdictional determination being done prior to Preliminary Plat review by the Planning Commission,
- 7) The 1300-foot cul-de-sac receiving a Road Code waiver from the Dept. of Public Works.

The Preliminary Plat for Section II, Lots 10-27, was approved 5/15/00 with the following conditions:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) 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,
- 4) That a Landscape Agreement for bufferyards and street trees be executed prior to recordation;
- 5) 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,
- 6) That the common open space access easements behind and between proposed lots be marked with concrete monuments,
- 7) That permits be obtained from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation,
- 8) That lot boundaries on the index sheets be rectified prior to Planning Commission review of the Final Plat.

At the Preliminary Plat stage, Section II consisted of proposed Lots 10-27. Proposed Lots 14-27 then proceeded separately, and they were considered to be in Section III.

Section I, Lots 5-9 was recorded on 8/11/00.

The Section II Final Plat, lots 10-13, was approved by the Planning Commission on 7/17/00 and recorded on 8/11/00.

The Section III Final Plat, lots 14-26, was approved by the Planning Commission on 9/18/00 and recorded on 2/12/01.

Subsequently, Lot 11 was subdivided into 11A and 27 with Preliminary-Final Plat approval on 6/18/01, conditioned on:

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;

- 3) 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,
- 4) That a landscape agreement for bufferyards be executed prior to recordation;
- 5) 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, and
- 6) The vicinity map and the legend being corrected.

The Lots 11A & 27 Record Plat was signed on 9/12/01. The recordation of the new Lot 27 was consistent with the Old York Estates Concept Plat's density approval of 1/5.2.

A resubdivision plat was signed on 6/7/04 for Lot 10, involving modifications to the Forest Conservation Plan (FCP).

The Lots 10A & 10B Concept Plat was approved on 11/20/06, conditioned on:

- 1) The acreage of proposed Lots 10A and 10B being included on all subsequent submittals;
- 2) Current documentation of the completion of the JD sufficing if acceptable to the Corps of Engineers; otherwise documentation being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) Any sight distance issues being resolved prior to the TAC's review of any Preliminary Plat.

The Preliminary Plat, reviewed by the TAC on 6/6/07, was approved on 8/18/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A revised FCP being approved before Final Plat review;
- 4) All references to Lot 19 in the Site Data column being changed;
- 5) The Density Tabulation column being modified to accurately reflect the NAR zone's permitted density;
- 6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 7) The standard forest retention notes being included on the Final & Record Plats;
- 8) Slope graphics being made consistent on a Revised plat to be approved by the Health Department, DPW and OPZ prior to any Final Plat submission; and
- 9) A note appearing on the Final Plat stating that this lot exhausts the subdivision potential for this development.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>55</sup>

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<sup>55</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Slopes greater than 25% have now been shown.

The Jurisdictional Determination (JD) performed in conjunction with the original subdivision may serve to satisfy the JD requirement for this resubdivision.<sup>56</sup>

The FSD (9/13/99), PFCP (4/24/00), FCP /Landscape Plan (6/13/00) were previously approved. The original FSD's approval has expired (9/13/04), and a revised FSD was approved on 11/6/06. The FFCP has been revised and was approved on 8/20/08.<sup>57</sup>

All Old York Estates' recorded deed restrictions and HOA documents must be modified to include these lots and then be recorded prior to recordation.

Modified 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, with the metes and bounds description of the FRA being shown on the Record Plat. The standard forest retention notes must be included on the Record Plat.

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

Mr. Whittie, DPW, read the comments of the department:

The Stormwater Management Plan has been technically approved and only administrative issues remain outstanding. Please submit a check print to the department prior to submitting final plat for signature.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment.

A new drainfield for the existing house must be installed and approved prior to record plat approval. Final plat is satisfactory.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat;
- 4) The standard forest retention notes being included on the Record Plat;

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<sup>56</sup> Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a **JD** is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

<sup>57</sup> The Natural Conservation Area shown on the Preliminary Plat is not governed by the Forest Conservation Regulations.

- 5) All Old York Estates' recorded deed restrictions and HOA documents being modified to include these lots and then be recorded prior to recordation;
- 6) The owners of the new lot becoming members of the Homeowners' Association that was created for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation; and
- 7) Any Landscape Agreement being executed prior to recordation.

A motion for approval with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

A motion to adjourn the September Planning Commission meeting was made by Mr. Edwards.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

The September Planning Commission meeting adjourned at 3:27 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

October 20, 2008

**Present:** B. Patrick Doordan; Joe Janusz; Ken Wiggins; Wyatt Wallace; H. Clay McDowell; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Trish Rarick, Court Reporter.

**Absent:** Bill Mortimer, Guy Edwards.

**Call to Order:** Vice Chair Doordan called the meeting to order at 10:00 a.m.

**Approval of the Minutes:** Mr. Janusz made a motion for approval. The motion was seconded by Mr. Wallace. All approve. Motion carried.

### **1. The Estates at Slicer's Mill, Lots 1-13, Slicer's Mill Road, Final Plat, KCI Technologies, Inc., Sixth Election District.**

Brian Morgan, KCI Technologies, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, which included 2 minor and 11 major subdivision lots on 57.375 acres, for a density of 1/5.2159, was approved on 6/19/06,<sup>1</sup> conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 3) The § 174.b (2) being granted for Slicer's Mill Way, so long as it continues follow the alignment of an existing lane.

The revised Concept Plat<sup>2</sup> was approved on 12/21/06, conditioned on:

- 1) (Because the acreage has changed as a result of the boundary line survey) Either the design being modified to provide 60% open space to qualify for bonus density, or to reduce the number of lots to stay within the standard, base NAR density of 1:5 prior to the TAC's review of the Preliminary Plat;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) The § 174.1.b (2) waiver being granted for Lydia Isabella Way; and
- 4) The § 174.2.b (1) waiver being granted for Lauren Marie Court.

The Preliminary Plat was approved on 5/21/07, conditioned on:

- 1) Health Dept. requirements being met;

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<sup>1</sup> At that time, the NAR zone permits a density of 1 du/ 5 ac.

<sup>2</sup> The plat that was submitted as a Preliminary Plat for the 12/6/06 TAC review proposed significant design changes; therefore, it was treated as a revised Concept Plat. It was consistent with the previous density approval in terms of the number of lots, but the acreage had changed (from 57.375 acres to 49.944).

- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 5) Documentation of PECO's approval of the impacts to their ROW being submitted prior to the Planning Commission's review of the Final Plat.

We received documentation of PECO's approval of the impacts to their ROW on 10/10/08.

The boundary line survey has been completed.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control & slope stabilization before, during & after disturbance activities.<sup>3</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The applicant reported at TAC review that there are no field delineated wetlands on site; therefore, a JD has not been completed.

15% common open space is required; 39.27% is now proposed. The large lot (8) and common open space together comprise 60.03% of the gross acreage; thus, bonus density eligibility has been maintained.

No landscaping of the development envelope is required and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the Slicer's Mill Road frontages.

The 10' street tree planting easement must be shown for the entirety of Lydia Isabella way. It is required, outside the right-of-way, along both sides of all internal roads.

The FSD was approved on 5/18/06 (8 endangered species are known in the area, but no habitats were found on site). The PFCP was originally approved 2/18/07 and revised 5/13/07.

The FCP was approved on 7/1/08; the Landscape Plan was approved 7/15/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

The proposed road names have been approved.

Covenants prohibiting the subdivision of the large lot must be recorded prior to plat recordation and again noted on the Record Plats.

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

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<sup>3</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

Mr. Woodhull, DPW, read the comments of the department:

All plans for the proposed subdivision are technically complete. The Department will not approve the final design plans until all outstanding administrative issues are complete. The DPW will not sign the record plat until this as well as all issues have been addressed to the satisfaction of the Department.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment. The final plat can be satisfactory with minor revisions to sewage areas and submission of a satisfactory revised preliminary plat.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 4) Covenants prohibiting the subdivision of the large lot being recorded prior to plat recordation and noted on the Record Plat;
- 5) The 10' street tree planting easement being fully depicted and noted on the Record Plat;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established, with \$50 per recorded lot being placed in escrow for improvements prior to recordation; and
- 8) A Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Aston Pointe, Lots 1-302, Appleton, Jackson Hall School Roads and MD Rte. 273, Preliminary Plat Extension, Morris & Ritchie Associates, Inc., Fourth Election District.**

Richard Bechtel, Esq., appeared before the board and asked for Planning Commission member Ken Wiggins to recuse himself from this project. The recusal was requested due to the applicant's concern regarding whether Mr. Wiggins can review the above said project fairly and impartially with him being an active member of ARCA. Mr. Bechtel stated that Mr. Wiggins has made defamatory

comments regarding Mr. Bechtel and the applicant. Mr. Wiggins recused himself for all Aston Pointe submittals on today's agenda.

Vice Chair Doordan stated that Mr. Wallace would be reading the Health Department's comments in Mr. Wiggin's absence.

Bill Stritzinger, developer, Fred Sheckles, Megan Maffeo, Morris & Ritchie Associates, Inc., and Richard Bechtel, Esq., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.9 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR & BG

Density: The SR zone permits a density of 2 du/ 1 ac. with community facilities.

The Concept Plat, proposing 302 lots on 390.04 acres, was approved on 4/19/04, conditioned on:

- 1) The road names being approved prior to Preliminary Plat approval;
- 2) The estimated staging of construction being shown of the Preliminary Plat submitted for TAC review;
- 3) The PFCP's being approved prior to Preliminary Plat approval;
- 4) The sensitive areas thresholds in the common open space information being provided on the Preliminary Plat prior to TAC review;
- 5) A Sensitive Species Survey being completed prior to the TAC's review of the Preliminary Plat;
- 6) A Traffic Impact Study (TIS) being completed prior to the TAC's review of the Preliminary Plat;
- 7) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 8) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat approval;  
and
- 9) A bufferyard and setback modification being granted for the existing structure on proposed Lot 301.

On 5/20/04, the Planning Commission subsequently approved a revision to the Concept Plat that eliminated roadway connectivity to Locharron Drive in the Highlands.

On 10/18/04, the Planning Commission rescinded the requirement (condition #5 of Concept Plat approval) for a sensitive species survey for the midland sedge, as that species was declassified as rare, threatened, or endangered.

The Preliminary Plat, also proposing 302 lots, was approved on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The required bufferyards between zones being required on the Landscape Plans associated with any Site Plans submitted for the BG-zoned portion;
- 4) Non-motorized access to the BG portion being included with any future Site Plans;

- 5) The Site Plan the proposed golf course maintenance facility being approved prior to Final Plat review by the Planning Commission;
- 6) The Site Plan the proposed golf course clubhouse facility being approved prior to Final Plat review by the Planning Commission;
- 7) The details of the safety management issue associated with the 12<sup>th</sup> hole being included by note or graphically on the plat prior to Final Plat review by the Planning Commission;
- 8) The Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;
- 9) Documentation of the groundwater appropriation permit and verification of the capability of the proposed water system to serve all proposed lots being received from MDE and DPW prior to Final Plat review by the Planning Commission;
- 10) Plans for the proposed water tank being approved by DPW prior to Final Plat review by the Planning Commission;
- 11) The identity of the waste water treatment plant again being included on the Final and Record Plats;
- 12) The name of the water company providing the water also being included on the Final and Record Plats, if it is a private company;
- 13) Written verification of sewer capacity being received prior to the Planning Commission's review of the Final Plat;
- 14) The implementation of the traffic improvement recommendations of DelDOT, DPW, and SHA being a condition of Preliminary Plat approval;
- 15) The identity of the gas line owner being provided on the Final and Record Plats;
- 16) Confirmation being received from the gas line company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement;
- 17) All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review, and all documents requiring recordation being recorded prior to the recordation of the Record Plat;
- 18) The final Forest Conservation Plan (FCP) and the Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 19) All details, including reforestation areas, match up between the Final Plat and the FCP;
- 20) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 21) Note # 11 being modified on the plat to reflect that 59.17 acres of common open space are required prior to the Planning Commission's review of the Final Plat;
- 22) The common open space sensitive area calculation being modified consistent with the modification to Note # 11 prior to the Planning Commission's review of the Final Plat;
- 23) The contiguous operating farm notice being provided on the Final and Record Plats; and
- 24) A vegetative or agricultural buffer being considered for the area adjacent to the Blackwell property, if appropriate, as part of the Landscape Plan.

The Master Water and Sewer Plan has been amended for this site.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the one-year extensions were granted on 1/16/07 and 11/19/07 – thus extending the Preliminary Plat's validity until 11/19/08.

Unless another one-year extension is granted, or the Phase 1 Final Plat is recorded in the interim, the Preliminary Plat's validity will expire on that date.

If a one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended to 10/20/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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 pertinent changes.

Mr. Woodhull, DPW, read the comments of the department:  
Department has no objection to the extension requested.

Mr. Wallace read the comments of the Health Department:  
The Health Department has no objection to extension of preliminary plat approval.

Mr. Doordan asked if anyone would like to speak in favor of this project. No one spoke.

Mr. Doordan asked if anyone would like to speak in opposition of this project. Edward Cairns, 104 Jackson Hall School Road, Elkton, spoke in opposition of this project. See file for comments.

Mr. Di Giacomo read the recommendation of the staff:  
The granting of a 1-year extension of Preliminary Plat approval, to expire on 10/20/09.

A motion for the granting of an extension was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

### **3. Redstone, Lots 1-18, Old Elk Neck Road, Concept Plat Extension, Northern Bay Land Planning, Third and Fifth Election District.**

Mike Estes, Northern Bay Land Planning and Joe Martinuk, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 5 minor, and 13 major subdivision lots on 68.44 acres, for a proposed density of 1/5.25, was approved on 10/16/06, conditioned on:

- 1) A copy of the boundary line survey being submitted prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of any Preliminary Plat; and
- 3) Road names being approved prior to the Planning Commission's review of any Preliminary Plat.

At that time, the NAR zone permitted a base density of 1 du/ 5 ac.<sup>4</sup>

In addition, at that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat's validity expired on 10/16/08.

If the Concept Plat's validity had not already expired, then the Planning Commission would be guided by §4.0.10 of the Subdivision Regulations, which stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations."

Staff would report that there had been a significant change to the Zoning Ordinance with respect to the density permitted in the NAR zone: Effective 1/1/07, the permitted density in the NAR zone became 1/10.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested (with the exception of noting the density change that has occurred). The outstanding comments from the October 16, 2006 Planning Commission meeting still apply and will not be read at this time. However, the Applicant is reminded specifically of the requirements to provide the Protocol 3 Road Condition Survey & Road Improvements plan for Old Elk Neck Road and sight distance measurements for all access points prior to submitting the preliminary plat for TAC review. Before this project is presented to the TAC for Preliminary Plat review, the department will need to have resolved all off side road improvement issues and make sure sight distances have been addressed.

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Has any consideration been given as to how SWM will be addressed for this site?
3. Has any consideration been given to looping the internal roads?
4. A protocol 3 road condition survey is required for Old Elk Neck Road along this development's road frontage
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 5.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 5.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

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<sup>4</sup> Effective 1/1/07, the permitted density in the NAR zone became 1/10.

- 5.3 Requirements for Utility relocations.
- 5.4 Requirements for Stormwater Inspection and Maintenance Agreements
- 5.5 Requirements for Stopping Sight Distance
- 5.6 Compliance with Section 3.07.15 of the Cecil County Road Code.
- 5.7 Requirements for Public Works Agreements.
- 5.8 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. Applicant must provide stopping sight distance measurements for the Old Elk Neck Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.
6. Section 3.07.15 of the Road Code requires that Old Elk Neck Road be upgraded to a Major Collector Road or equivalent standard for 100' either side of the proposed intersection location. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.
7. A Public Works Agreement is required for the streets & storm drainage construction.
8. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection extension of concept plat approval.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

In addition to the issue of the NAR downzoning in relation to the §4.0.10 considerations, the recommendation must be not granting an extension of a Concept Plat that has already expired, and, therefore, has no standing.

A motion for not granting the extension was made by Mr. Wallace.

The motion was seconded by Mr. Wiggins.

The motion carried with Mr. McDowell, Mr. Wallace and Mr. Wiggins voting for not granting the extension.

Mr. Janusz voted in opposition of not granting an extension.

#### **4. The Estate of Isaac Boyd, 1 Lot, Ridge Road, Preliminary / Final Plat, Northern Bay Land Planning, Sixth Election District.**

Mike Estes, Northern Bay Land Planning appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

§4.0.1 of the Subdivision Regulations allows eliminating a Concept Plat for projects with fewer than 10 lots and 25 acres, & §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Density: The NAR zone permits a base density of 1 du/ 10 ac. This Preliminary-Final Plat proposes 1 lot plus remaining lands on 213.53 acres, for a proposed density of 1/106.765.

Per note # 5, the boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>5</sup> 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.<sup>6</sup>

No common open space is required.

No landscaping of the development envelope is required & no sidewalks are recommended.

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<sup>5</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>6</sup> See Note # 10.

Any tree removal within a public right-of-way requires approval from the Maryland DNR.

Staff supports the requested Bufferyard Standard C waiver for this existing dwelling. The FSD was approved on 11/27/06. As no additional development is proposed, staff recommended that a sensitive species survey not be required.<sup>7</sup>

This particular portion of the property is exempt per §3.2N, and a Landscape Plan was not required.

The Data Column information meets the §4.2.13 (r) requirement.

The contiguous to operating farms notice has been provided on the plat as Note # 9.

Mr. Woodhull, DPW, read the comments of the department:

Is the purpose of this subdivision to create a lot around an existing dwelling? If that is the case no Stormwater Management (SWM) is required. However any future increases in impervious surface must address SWM at the building/grading permit stage.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment. Preliminary final plat is satisfactory.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met; and
- 2) DPW requirements being met.

A motion for approval was made by Mr. Wallace.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

#### **5. The Estate of Ella Patchell, Lot 2, MD Rte. 274, Preliminary / Final Plat, Northern Bay Land Planning, Fifth Election District.**

Mike Estes, Northern Bay Land Planning, Sean Hash, Kathy Hash and Terry Hash, applicants, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

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<sup>7</sup> The Natural Heritage Letter reported four endangered species (Serpentine Aster, Rigid Tick-trefoil, Northern Dropseed, & Northern Bedstraw) could occur onsite.

Density: The NAR zone permits a maximum density of 1 du/ 10 ac. A Preliminary-Final Plat for Lot 1 was approved on 6/15/98, with a condition that any additional subdivision require a Concept Plat for the entire parcel.

Thus, the Concept Plat, proposing 1 new lot, 1 existing lot, and remaining lands on 69.977 acres, for a proposed density of 1/23.326, was approved on 7/21/08, Conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat.

The boundary line survey has been done.

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>8</sup>

No steep slopes are present.

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 or intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of the Biggs Highway.

The Bufferyard Standard A setbacks have been shown.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

Per Note # 9, this project is exempt under §3.2.K.

The Landscape Plan was approved on 9/15/08.

A Landscape Agreement must be executed prior to recordation.

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<sup>8</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The adjacent agricultural operations notice is provided as Note # 10.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to approval of any grading/building permit for Lot 2. The fees for design review of this project must be provided at the time of first design submittals.
2. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

2.1 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

2.2 Requirements for Stormwater Inspection and Maintenance Agreements

*Notes and requirements identified for record:*

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance. An Inspection & Maintenance Agreement is required for the private SWM facilities.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment. Preliminary/final plat is satisfactory.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) A Landscape Agreement being executed prior to recordation.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

**6. Lands of Herschell B. Claggett, Lots 4-6, Glebe Road, Final Plat, Michael Scott, Inc., First Election District.**

Mike Scott, Surveyor and Herschell Claggett, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 and §3.9.1 regarding public notification.<sup>9</sup>

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<sup>9</sup> This project was submitted for April '07 TAC review under the name "Lands of Dana S. Corrin." It had to be withdrawn because of failure to comply with §3.8 of the Subdivision Regulations.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR, RCA

Density: The Concept Plat, proposing 3 lots<sup>10</sup> on 209.3 acres, for a proposed density of 1/69.77,<sup>11</sup> was approved on 8/20/07,<sup>12</sup> conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The PFCP/Environmental Assessment being completed prior to Preliminary Plat review by the Planning Commission.

The proposed RCA density is 1/26.07.<sup>13</sup>

The Preliminary Plat was approved on 4/21/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP, EA and Landscape Plan being approved prior to Planning Commission's review of the Final Plat;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 5) The contiguous operating farms notice's being included on the Final and Record Plats; and
- 6) All comments from the CBCAC being fully addressed and met to the satisfaction of the Office of Planning and Zoning prior to Final Plat approval.

This Preliminary/Final Plat<sup>14</sup> proposes to slightly revise the previous Preliminary Plat, but be otherwise consistent with it and the approved Concept Plat.

The private mini-road was eliminated from the design due to there being an ESLC conservation easement limiting development to 3 lots, and the ESLC considering the proposed mini-road to be a 4<sup>th</sup> lot.

The new proposed layout essentially includes the previously-proposed mini-road as part of Lot 4, with proposed Lots 5 & 6 having an access easement across out to Glebe Road.

This new proposed layout is consistent with the approved Variance #3312.

A PRMA must be executed prior to recordation.

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.

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<sup>10</sup> Minor Subdivision #3682, Pegasus Farms LLC (m52, p487) was approved on 5/31/07; thus, there currently exists no more minor subdivision potential.

<sup>11</sup> The SAR zone permits a maximum base density of 1 du/ 20 ac.

<sup>12</sup> Subsequently, on 12/20/07 a deed of conservation easement was made between Herschell B. Claggett, Sr. and the ESLC for that property and recorded (WLB 2449/399).

<sup>13</sup> 78.2 acres are in the Critical Area's RCA designation, which also permits a density of 1/20.

<sup>14</sup> §2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA. In the critical area, no structure shall exceed 35' in height.

The plat has been signed and sealed; and the boundary line survey has been completed.

Note # 4 on sheet 2 of 9 serves to satisfy the §4.1.22 (r) requirement.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>15</sup>

Slopes greater than 25% have been shown.

A 110' perennial stream buffer is required from all perennial streams present. Is a "blue line stream" the same as a perennial stream? The 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.<sup>16</sup> These new requirements of the Corps of Engineers supersede the second condition of Concept Plat approval.

Per the Natural Heritage Letter, no rare, threatened, or endangered species exit onsite.<sup>17</sup> This subdivision shall be subject to the habitat protection criteria of the County's Critical Area Program.

No common open space or landscaping is required, and no sidewalks were recommended.

The adjacent properties' zoning has been shown.<sup>18</sup>

Where feasible, the natural vegetative equivalent may be used to satisfy any bufferyard requirements.

The FSD was approved, with conditions, on 8/16/07.<sup>19</sup> An Environmental Assessment has been submitted in accordance with §200.1.

The PFCP & Preliminary Environmental Assessment were approved on 3/19/08.

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<sup>15</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>16</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

<sup>17</sup> The site may contain FIDS habitat, and the adjacent open waters are known as historic waterfowl concentration areas.

<sup>18</sup> Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

<sup>19</sup> Per §5.1.C, Cecil County Forest Conservation Regulations. The condition was that the existing dwelling and two barns be removed prior to PFCP approval (Demolition Permit # H4495).

The FCP, EA and Landscape Plan has been approved, but must be revised per the revised Preliminary/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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Variance application #3312 has been approved.

The CBCAC staff sent comments on 3/4/08. They have been addressed.

The contiguous operating farm notice has been provided as a note on sheet 4 of 9.

Mr. Woodhull, DPW, read the comments of the department:

The SWM plan for this subdivision is technically complete and the Road Plan is at the final stage with minor comments that remain outstanding. Otherwise, only administrative issues remain outstanding, those being the Public Works agreement and the I&M agreement. All easements identified on the design plans must be reflected on the Record Plat. Submit a Record Plat checkprint to the department for continuity review prior to submitting the mylars for signature. The DPW will not sign the Record Plat until those issues have been addressed.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment. Final plat is satisfactory.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any remaining details of the revised FCP, EA and Landscape Plan being approved prior to Recordation; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **7. Elk Nest, Lots 1-26, MD Rte. 272, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc. and Mike Pugh, Corridor Land Services, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification signs.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR, MB & LDA

Density: The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities. The LDA zone permits a density of 3.99/1 or the density permitted in the underlying zone (2/1), whichever is more restrictive.

The Concept Plat was approved for 26 Lots at a density 1.4/1 on 6/21/04, conditioned on:

- 1) The Jurisdictional Determination being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes; and
- 3) A study to determine the appropriate termination of the County owned portion of West Shady Beach Road, agreeable to the Planning Commission/Department of Public Works.

The Preliminary Plat, also proposing 26 lots, was approved on 1/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP being approved prior to Final Plat review;
- 4) Landscape Plan being approved prior to Final Plat review;
- 5) Environmental Assessment being approved prior to Final Plat review;
- 6) Details of the Final Plat and FCP matching up, including clarification of the Forest Retention lines and their identification on both the Final Plat and the FCP.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, one-year extensions of the Preliminary Plat's validity were granted on 12/18/06 and 11/19/07.

Unless a Final Plat is approved and recorded, or an extension is granted in the interim, the Preliminary Plat's validity will expire on 11/19/08.

Today's requested extension would extend the Preliminary Plat's validity for one additional year, until 10/20/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- a) Change of adjoining land use.
- b) Change in street or highway plan.
- c) Change in zoning or subdivision regulations."<sup>20</sup>

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<sup>20</sup> If the Planning Commission chooses to be guided by §4.1.18, then staff reports no such changes relating to Preliminary Plats since the 3/20/06 extension.

There have been no such pertinent changes.

The Jurisdictional Determination (JD) has been completed.

Mr. Woodhull, DPW, read the comments of the department:

The Department of Public Works has no objection to the Planning Commission granting a one-year extension to the Preliminary Plat approval for this project. All comments made at the January 18, 2005 Planning Commission meeting remain applicable to this extension request. We will not re-read those comments at this time, but they will appear in the minutes for record.

1. Preliminary Plats must show all information required by Section 4.1.22 of the Subdivision Regulations. Section 4.1.22 k, m, n, & p are relevant in this case and the required information must be shown on the Preliminary Plat submitted for Planning Commission review. This required information is lacking for the plat submitted here for your review.
2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, which will appear in the minutes but will not be read at this time. (“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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”)
3. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. (“No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”)
4. Are any SWM facilities proposed for this site?
5. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.
6. The existing cross culverts under West Shady Beach Road must be shown on the plat per Section 4.1.22 (p) of the Subdivision Regulations.
7. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
8. Careful consideration of the existing stormwater drainage along Hance Point Road must be given in developing the Lot Grading Plans for Lots 1-6. This also applies to the lots located in the area of the existing smaller culvert under West Shady Beach Road.
9. Is West Shady Beach Road proposed to remain as private? If so Elk Nest Drive cannot be public (non-contiguous). Please indicate the proposed road ownership on the plat.
10. Since West Shady Beach Road is to be deeded to the County, the proposed road must be constructed to Minor Road standard per the Road Code. Including the requirement that the road must be terminated in a cul-de-sac bulb. This construction will involve working immediately adjacent to wetlands in the area of Lots 15& 16. Therefore the Department will require substantial Geo-Tech investigation of the suitability of the sub-grade, in this area, to meet Road Code standards.

- 11.** The DPW continues to desire that the southern extension of West Shady Beach Road become a public road. This section of road will be the County's only access to the proposed County owned pump station. The DPW envisions this as being a 16' not 12' wide paved road ending in a Tee Turnaround or parking area for the proposed pump station.
- 12.** The Board of County Commissioners and this Department have meet with the residents of Lots 1-22 to discuss the issues of sanitary sewer service and the possibility of the portion of West Shady beach Road fronting their lots being made a County road. We have received endorsement that with certain limitations the residences agree to the private lane becoming Public ROW with the following restrictions:
  - a. A narrower than standard ROW being conveyed to the County.
  - b. Lot 29 being denied access to West Shady Beach Road in the area of Lot 7.
- 13.** The existing community has expressed interest in being included in the sanitary sewer plan.
- 14.** The cul-de-sac bulb is in non-compliance with the Standard R-13 of the Road Code. The bulb must be 150' in diameter not 100 as shown. The change in diameter will require moving the cul-de-sac bulb east a sufficient distance to maintain the ROW outside of any existing lots (i.e. 15-17). The road design must address the access to Lots 1-22 off of the cul-de-sac bulb?
- 15.** There has been some confusion as to the ownership of Hances Point Road in the area of its intersection with West Shady Beach Road. This is not helped by the plat lacking ownership data for this road.
- 16.** The entrance requirements for West Shady Beach Road on to Hances Point Road will be those of the SHA. Clearly this area of Hances Point Road requires some remediation. The Applicant must coordinate with SHA to obtain access permitting.
- 17.** Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
- 18.** Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code.
- 19.** The Department conducted a traffic count study of Hance Point Road on 7/8/04. This study identified an ADT of 2161.
- 20.** Section 2.13 of the Road Code must be adhered to for the construction of the private mini-road. These requirements include 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.).
- 21.** All driveways must be paved at least to the right of way and be provided with turnaround capability. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed. The Developer/Contractor must establish the driveways for any lots not built –out at that time. In addition any driveway in excess of 5% up-gradient-slope must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.
- 22.** The Lot 15 must be denied access to Elk Nest Drive and Lots 16, & 22 denied accesses to Elk View Court for 75' from the P.I. with West Shady Beach Road.
- 23.** Clear up the denied access references associated with West Shady Beach Road.
- 24.** Do the existing utility lines running adjacent to Lots 1-6 and the Common Open Space have an easement on any of these lots?
- 25.** No Road Code Variances have been requested to date.
- 26.** The sizing and routing of the sanitary sewer lines for this subdivision must follow those recommendations set forth in Alternative #5 of the Sewage Collection Alternatives for Carpenter

Point and Hance Point Study Areas for West Shady Beach Road. This includes providing a pump station to be built adjacent to Lot 7 at the southwestern end of West Shady Beach Road, running gravity line from this development along the southern section of West Shady Beach Road to the pump station, providing house connection for all dwellings adjacent to this new section of gravity main. The gravity main required from De La Plaine extending toward Hance Point Road must be maximized in length to allow as short a run of force main as is possible.

27. The pump station must be sized for build-out flows in the future design.
28. The lot containing the pump station must be dedicated to the Cecil County BOCC.
29. The gravity sanitary sewer line on Elk Nest Drive must be extended to provide for service connections to Lots 6-10.
30. The extent of the design only portion of the proposed sanitary sewer extension should be more clearly delineated.
31. The Department requires that the force main be routed along Hances Point Road rather than along the property line of Lots 6 & 7 as indicated.
32. Easements must be indicated on the plat for all SWM and/or utilities located outside of the County ROW
33. A sanitary sewer line stub-out must be provided on the northern side of the cul-de-sac bulb for future connection to Lots 18-22.
34. The sanitary sewer design for this project must include the design for providing future service, "by others", to these same lots.
35. The Developer must provide title evidence of ownership of the section of West Shady Beach Road from the cul-de-sac to the pump station or establish the existence of all easements and ROW required to successfully route the sanitary sewer line to and from the pump station.
36. An Inspection and Maintenance Agreement will be required for the SWM facilities.
37. A PWA will be required for the streets and storm drains as well as for sanitary sewer.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project.

John Williams, 2 Woodbine Circle, Elkton, spoke in opposition.

Discussion ensued regarding Critical Area comments.

Mr. Di Giacomo read the recommendation of the staff:

The granting of a 1-year extension of Preliminary Plat approval, to expire on 10/20/09.

A motion for approval was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **8. Meadows Hideaway, Lots 1-16, Calvary Lane, Concept Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., Joe Meadows, owner and H. Norman Wilson, Esq., appeared and presented an overview of the project.

Discussion ensued regarding the conversion of Calvary Lane becoming a county road. A copy of the “Right of Way and Road Maintenance Agreement” was provided. See file.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & MEB

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. The Concept Plat, consisting of 2 parcels of record, and invoking the density provisions of §2.4.1 to propose 8 minor and 8 major subdivision lots on 42.1 acres, for a proposed density of 1/5.26, was approved on 12/18/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission’s review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission’s review of the Preliminary Plat;
- 4) The road name’s being approved prior to the Planning Commission’s review of the Preliminary Plat;
- 5) Any necessary road frontage Variance being obtained from the Board of Appeals prior to Final Plat approval;
- 6) All documentation regarding the road ROW conveyance for adequate road access and private road access, and any formal agreements thereto, being submitted prior to Final Plat review;
- 7) §187.2 bufferyards being required to separate these proposed lots from surrounding MEB overlay zones and their activities; and
- 8) Plans for the private road (Calvary Lane) to convert to a county road with nothing less than county road regulation standards being submitted prior to Preliminary Plat approval. The burden will be on the applicant with the county having no responsibility in the conversion.

The NAR zone then permitted a base density of 1 du/ 5 ac.<sup>21</sup>

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat’s validity will expire on 12/18/08, unless an extension is granted or a Preliminary Plat is approved in the interim.

§4.0.10 of the Subdivision Regulations stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.

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<sup>21</sup> Effective 1/1/07, the permitted density in the NAR zone became 1/10.

g) Change in the Forest Conservation Regulations.”

Staff reports that there has been a significant change to the Zoning Ordinance with respect to the density permitted in the NAR zone: Effective 1/1/07, the permitted density in the NAR zone became 1/10.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. The outstanding comments from the December 18, 2006 Planning Commission meeting still apply and will not be read at this time. However, the Applicant is reminded specifically of the requirements to Improve Calvary Lane, from Goosemar to this property, to acceptable County standards & that the road with associated ROW is deeded to the BOCC of Cecil County and sight distance measurements for the road are approved prior to recording the final plat.

1. Access is currently provided to this property via a private road extending to Goosemar Road. What is the applicant proposing for Calvary Lane?
2. Until Calvary Lane, from Goosemar to this property, is built to acceptable County standards & ROW is deeded to the BOCC of Cecil County the DPW will not sign the record plat. An intermediate turnaround must be provided for Calvary Road. The fee simple dedication of the ROW must be identified on the final plat.
3. The specific standard will depend on the number of dwellings that potentially can access Calvary Lane?
4. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
5. Applicant must provide stopping sight distance measurements for the Goosemar Road access to DPW prior to preliminary plat submittal.
6. Section 3.07.15 of the Road Code requires that Goosemar Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
7. What is proposed for water & sewer service to these lots?
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  
  - 8.4 Requirements for Driveways.
  
  - 8.5 Requirements for Utility relocations.
  
  - 8.6 Requirements for Public Works Agreements.
  
  - 8.7 Requirements for County Roads

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
6. A Public Works Agreement is required for the streets & storm drainage construction.
7. The internal street grade leaving Goosemar Road may not exceed 5% within the limits of the intersection right-of-way.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to extension of concept plat approval.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. David Reeves, 432 Goosemar Road, Rising Sun and Rob Dubuque, 288 Calvary Road, Rising Sun, spoke in opposition.

Mr. Di Giacomo read the recommendation of the staff:

Not granting an extension of the Concept Plat because of the significant downzoning that has taken place in the NAR zone.

A motion for not granting an extension was made by Mr. Wiggins.

The motion was seconded by Mr. Janusz.

Members in favor of not granting an extension included Mr. Janusz, Mr. Wallace and Mr. Wiggins. Mr. McDowell opposed not granting an extension to this project.

Motion for not granting an extension carried.

Mr. Doordan explained that the # 9 & 10 agenda items would be heard together but voted on separately.

At this time, Mr. Doordan called for the #9 agenda item. The applicant was not present. The applicant's attorney stated that the applicant would arrive momentarily. Mr. Doordan asked if the #11 agenda item representative was present and ready to have their project reviewed. The representative for Pelham Manor said yes.

**11. Pelham Manor, Section 2, Phase 2, Lots 77-78, Williams Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Second Election District.**

Megan Maffeo, Morris & Ritchie Associates, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The original Concept Plat was approved at the NAR bonus density of 1/3.02 on 10/21/02, conditioned on:

- 1) The Bufferyard C requirement for proposed Lot 98 being 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;
- 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.

With some changes,<sup>22</sup> the Section 1 Preliminary Plat was approved on 5/19/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The FCP being modified to reflect changes in layout and lot numbering; and
- 4) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections.

Subsequently, the Section 1 Phase 1 Final Plat was approved on 7/18/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections;
- 4) An index sheet being included in the Record Plats;
- 5) The correct Election District being cited in the title block;
- 6) The Record Plat citing the common open space in one of the title blocks; and
- 7) 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, with these lot-owners becoming members.

A revised Section 1 Preliminary Plat was reviewed by the TAC on 8/6/03. It was generally consistent with the Concept Plat and the Section 1 Phase 1 Final Plat. It added 2.64 acres overall, altered the configuration and number of lots in Phase 2, and added 2 new proposed lots as Phase 3.

A revised Preliminary Plat for Section 1, Phase 3, Lots 58 & 59 was approved on 8/18/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;

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<sup>22</sup> A portion of the lot numbering system had changed, and the area of **common open space** had been reduced to 1.27 acres and moved from where lots 41 & 42 were then proposed to between proposed Lots 30 and 51.

- 3) The configuration of Phase 2 matching the configuration as shown on the approved preliminary plat, or the phrase "no revision proposed" being removed from Phase 2;
- 4) This section's required amount of forest retention being provided in subsequent sections and shown on subsequent forest conservation plans;
- 5) The approved Landscape Plan being revised to include Phase 3 and reflect lot line reconfigurations;
- 6) Site Data Note # 18 being revised to reflect the correct FEMA FIRM map number;
- 7) The block/grid number being added to the plat; and
- 8) The balance of the common open space and large lot acreage being provided in future sections.

That Preliminary Plat approval extended the validity of the 10/21/02 Concept Plat approval – from 10/21/04 until 8/18/05, per §4.0.9 of the Subdivision Regulations.

The Section 1 Phases 2 & 3 Final Plat was approved on 10/20/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Section One's required forest retention area being provided in subsequent sections;
- 4) Half of the common open space being provided on the Record Plat;
- 5) The acreages of proposed Lots 26, 27, 29, 41-42, & 59 being expressed in square feet on the Record Plat;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) If a Homeowners' Ass'n. has not already been established, then a Homeowners' Ass'n. for maintenance of common open space and landscape islands being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation; and
- 8) The tax map, grid, and parcel numbers being included on the Record Plat.

The Section 2 Phase 1 Preliminary Plat<sup>23</sup> was approved on 8/16/05<sup>24</sup> conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Section One's required forest retention area continued being provided in subsequent sections;
- 4) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage continued being provided in future sections;
- 5) A Landscape Agreement being executed prior to recordation;
- 6) All lot owners becoming members of the Homeowners' Ass'n. with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

The Section 2 Phase 1 Preliminary Plat approval, per §4.0.9, extended the Concept Plat's approval until 8/16/06. That Preliminary Plat approval remained valid until 8/16/07.

The Final Plat for Phases 2 & 3 that was approved on 10/20/03 (and signed on 3/31/04), was revised by adding 8.739 acres of common open space.

The revised Section 1 Phase 2/Section 2 Phase 1 Final Plat was approved on 10/16/06, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage continued being provided in future sections;

<sup>23</sup> It was generally consistent with the approved Concept, Preliminary and Final Plats. However, this plat includes a new stub road. The new stub road, proposed as Ayerle Court, does not drastically change the overall layout of the approved Concept Plat. In addition, the proposed Ayerle Court and proposed Lots 69-72, are proposed to be located in an area that previously was approved on the 10/21/02 Concept Plat as part of the large lot, Lot 98.

<sup>24</sup> Proposed Lots 77 & 78 were not included in the Preliminary Plat approved on 8/16/05.

- 4) A Landscape Agreement being executed prior to recordation;
- 5) All lot owners becoming members of the Homeowners' Ass'n. with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 7) The adjacent agricultural operation notice being added to the plat prior to recordation;
- 8) The required 10' street tree planting easement being depicted and/or noted on the plat prior to recordation; and
- 9) Sheet 2 of 6 reflecting the lot line between proposed lots 60 & 61 prior to recordation.

At that time, project history research revealed that the Concept Plat approval had lapsed on 8/16/06. Therefore, the Concept Plat was re-approved on 11/20/06, conditioned on:

- 1) All previous and now-pertinent conditions of approval remaining in full effect; and
- 2) A TIS being completed prior to the TAC's review of any subsequent submittal.

That Concept Plat re-approval remains valid until 11/20/08, and it preserves the overall project approved density 1/3.02.

The Recordation Plat for Lots 58 & 59 was signed on 3/31/04.

The Section 2 Phase 1 Recordation Plat for Lots 60-76 (approved on 10/16/06) was signed on 5/25/07. Proposed Lots 77 & 78 were not included in the Preliminary Plat approved on 8/16/05; they were, however, included on the Preliminary Plat review by the TAC on 7/6/05. Had they been included on the Preliminary Plat reviewed and approved by the Planning Commission, then, per §4.1.17, the 5/25/07 recordation would have extended their validity until 5/25/09.

A Recordation Plat for Revised Plat 3, Section 1, Phase 2, Open Space was signed on 5/25/07.

This Preliminary Plat is consistent with previous approvals and the Preliminary Plat (which included lots 60-78) reviewed by the TAC on 7/6/05.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No landscaping of the development envelope is required, and no sidewalks were recommended.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. The 10' street tree planting easement must be clearly shown on the Final and Record Plats. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD for both Sections I and II were approved on 10/2/02.

The PFCP for Section II included both proposed Lots 77 & 78 and was approved on 8/10/05.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of any FRA being shown on the Final & Record plats.

Precedent allows for the possibility of split lots, although split lots were not proposed in the approved Concept Plat.

Where are the 20.59 acres of common open space cited in Notes 9 & 21? Ms. Maffeo said the acreages are shown on the northeast and southeast side of the plat.

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. All lot owners in all sections and all phases must become members.

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.

Mr. Woodhull, DPW, read the comments of the department:

Stormwater Management for Section Two, Phase Two has been approved. We have no objection to approval of the preliminary plat conditioned on:

1. The Developer satisfactorily addressing the issue of road as-builts, geotechnical reports, and road deeds for Williams Road, Manor Circle, Witherbee Court and Pelhamdale Road in accordance with the Department's July 10, 2008 letter to Caldicot Pelham Manor, LLC prior to submitting the final plat for review.
2. A revised preliminary plat is submitted to the Planning Commission prior to requesting final plat approval for Lots 77-78. This revised plat would resolve whether Pelhamdale Road is terminated as a cul-de-sac or is connected back to Williams Road. The approved concept and preliminary plats for Pelham Manor include the requirement for looping Pelhamdale Road back to Williams Road to provide a second entrance to this Development. We understand that few if any additional lots are feasible in this development and that building this road as indicated on the approved plats is not desirable to either the Department or the Developer. However the issue of the need for a second entrance cannot be resolved without the Planning Commission's approval. Therefore the Department strongly recommends that the issue of the second entrance be addressed in the revised preliminary plat.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment. The final plat can be satisfactory with minor revisions to sewage areas and submission of a satisfactory revised preliminary plat.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage continued being provided in any future sections and on this Section 2 Phase 2 Final and Record Plats;
- 4) The FCP/Landscape Plan being approved prior to Final Plat review;
- 5) The 10' street tree planting easement's being depicted and noted on the Final Plat; and
- 6) Deed restrictions for the long-term protection of street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of any FRA being shown on the Final & Record Plats.

A motion for approval with conditions was made by Mr. Wallace.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**9. Aston Pointe, Lots 62-106, 166-178 and Common Open Space, Section One, Phase two, Jackson Hall School Road, Final Plat, Morris & Ritchie Associates, Inc., Fourth Election District.**

**10. Aston Pointe, Lots 107-165, 180-293 and Common Open Space, Section Two, Jackson Hall School Road, Final Plat, Morris & Ritchie Associates, Inc., Fourth Election District.**

Bill Stritzinger, owner, Fred Shekells, Megan Maffeo, Morris & Ritchie Associations, Inc. and Richard Bechtel, Esq., appeared and presented an overview of the project.

Discussion ensued regarding the letters received from MDE and Artesian Water.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.9 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR & BG

Density: The SR zone permits a density of 2 du/ 1 ac. with community facilities.

The Concept Plat, proposing 302 lots on 390.04 acres, was approved on 4/19/04, conditioned on:

- 1) The road names being approved prior to Preliminary Plat approval;
- 2) The estimated staging of construction being shown of the Preliminary Plat submitted for TAC review;
- 3) The PFCP's being approved prior to Preliminary Plat approval;
- 4) The sensitive areas thresholds in the common open space information being provided on the Preliminary Plat prior to TAC review;
- 5) A Sensitive Species Survey being completed prior to the TAC's review of the Preliminary Plat;
- 6) A Traffic Impact Study (TIS) being completed prior to the TAC's review of the Preliminary Plat;

- 7) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 8) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat approval;  
and
- 9) A bufferyard and setback modification being granted for the existing structure on proposed Lot 301.

On 5/20/04, the Planning Commission subsequently approved a revision to the Concept Plat that eliminated roadway connectivity to Locharron Drive in the Highlands.

On 10/18/04, the Planning Commission rescinded the requirement (condition #5 of Concept Plat approval) for a sensitive species survey for the midland sedge, as that species was declassified as rare, threatened, or endangered.

The Preliminary Plat, also proposing 302 lots was approved on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The required bufferyards between zones being required on the Landscape Plans associated with any Site Plans submitted for the BG-zoned portion;
- 4) Non-motorized access to the BG portion being included with any future Site Plans;
- 5) The Site Plan the proposed golf course maintenance facility being approved prior to Final Plat review by the Planning Commission;
- 6) The Site Plan the proposed golf course clubhouse facility being approved prior to Final Plat review by the Planning Commission;
- 7) The details of the safety management issue associated with the 12<sup>th</sup> hole being included by note or graphically on the plat prior to Final Plat review by the Planning Commission;
- 8) The Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission;
- 9) Documentation of the groundwater appropriation permit and verification of the capability of the proposed water system to serve all proposed lots being received from MDE and DPW prior to Final Plat review by the Planning Commission;
- 10) Plans for the proposed water tank being approved by DPW prior to Final Plat review by the Planning Commission;
- 11) The identity of the waste water treatment plant again being included on the Final and Record Plats;
- 12) The name of the water company providing the water also being included on the Final and Record Plats, if it is a private company;
- 13) Written verification of sewer capacity being received prior to the Planning Commission's review of the Final Plat;
- 14) The implementation of the traffic improvement recommendations of DelDOT, DPW, and SHA being a condition of Preliminary Plat approval;
- 15) The identity of the gas line owner being provided on the Final and Record Plats;
- 16) Confirmation being received from the gas line company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement;
- 17) All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review, and all documents requiring recordation being recorded prior to the recordation of the Record Plat;
- 18) The final Forest Conservation Plan (FCP) and the Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 19) All details, including reforestation areas, match up between the Final Plat and the FCP;

- 20) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 21) Note # 11 being modified on the plat to reflect that 59.17 acres of common open space are required prior to the Planning Commission's review of the Final Plat;
- 22) The common open space sensitive area calculation being modified consistent with the modification to Note # 11 prior to the Planning Commission's review of the Final Plat;
- 23) The contiguous operating farm notice being provided on the Final and Record Plats; and
- 24) A vegetative or agricultural buffer being considered for the area adjacent to the Blackwell property, if appropriate, as part of the Landscape Plan.

The Master Water and Sewer Plan has been amended for this site.

One-year extensions of Preliminary Plat approval were granted on 1/16/07 and 11/19/07 – thus extending the Preliminary Plat's validity until 11/19/08.

Another one-year extension was granted earlier today. It will expire on 10/20/09.

A Final Plat for Lots 1-61 (Section One Phase One) was approved on 3/17/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The submitted Phase One Record Plat being signed and sealed, as required by §4.2.13 (a) 5;
- 4) The nomenclature for the "10' landscape easement" being changed to "10' street tree planting easement" on the Record Plat;
- 5) The Record Plat's containing notes satisfying the requirements of §4.2.13 (t) and §4.2.13 (u);
- 6) The Record Plat's noting the correct zoning classification(s) of the property;
- 7) A Landscape Agreement being executed prior to recordation;
- 8) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 9) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation.
- 10) An additional 58.271 acres of common open space being required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat carrying forward; and
- 11) All applicable conditions of Preliminary Plat approval being carried forward to apply to all future Phases.

This Final Plat is generally consistent with the approved Concept and Revised Concept Plats, the Preliminary Plat, and the Section One Phase One Final Plat, except for lot numbering, acreage, and common open space.

As to lot numbering, there is a gap between proposed Lot 178 on this Section One Phase Two Final Plat and proposed Lot 180 on the to-be-reviewed Section Two Final Plat. In addition to the missing Lot 179, the Preliminary Plat's proposed Lots 294-302 are not represented in either.

In the case of 294-300, those proposed lots were located on land now corresponding to proposed Lots 193-199 in the to-be-reviewed Section Two Final Plat. A number of lots were lost because of slight design modifications. Proposed Lot 302 on the Preliminary Plat approved on 4/18/05 became Lot 1 on Minor Subdivision # 3638,<sup>25</sup> approved on 10/4/06. Proposed Lot 301 on the Preliminary Plat approved on 4/18/05 became Lot 1 on Minor Subdivision # 3748, approved on 3/5/08.

<sup>25</sup> Minor Subdivisions 3638, 3662, 3668, 3734, 3748, and 3775 must be cited on the Final and Record Plats.

Moreover, Section One Phase One consisted of 61 lots and 0.899 acres of common open space on 31.8 acres; Section One Phase Two, is now proposed to consist of 58 lots and 18.346 acres of common open space on 48.715 acres, and Section Two proposes 173 lots and 31.171 acres of common open space on 112.607 acres.

With respect to acreage, in the aggregate, these plats, after uncoupling the Newark Country Club and Dudkewitz properties via the minor subdivision process, represent 292 lots and 50.416 acres of common open space on 193.122 acres, for a proposed density of 1.51/1, which is permitted in the SR zone with community facilities. Thus, there is a net decrease of 8 proposed lots. Are there any plans to subsequently include those 8 lots in an additional section or phase? Mr. Bechtel said no.

With respect to common open space, after the uncoupling of the Newark Country Club and Dudkewitz properties, 193.122 acres requires 28.97 acres (15%) of common open space. While 50.416 acres of common open space represents 26.11% of the 193.122 acres, the condition # 10 of the 3/17/08 Section One Phase One Final approval and conditions #21 & #22 of the 4/18/05 Preliminary Plat approval.

With regard to the conditions of Preliminary Plat approval:

- The 1<sup>st</sup> was “Health Department requirements being met.” Health Department comments raise no objection to Section 1 Phase 2 Final Plat approval other than the issue of water allocation, but that comment was made prior to the Health Department’s receipt of the 10/15/08 allocation letter from Artesian Resources. The Record Plats must identify Artesian Resources as the water supply source.
- The 2<sup>nd</sup>, “DPW requirements being met,” has been satisfied.
- The 3<sup>rd</sup>, “The required bufferyards between zones being required on the Landscape Plans associated with any Site Plans submitted for the BG-zoned portion,” relates to a future action, the site plan approval(s) for the BG-zoned portion, and we, therefore, reiterate our 1/23/08 and 3/17/08 comment that it “shall be satisfied prior to the approval of the future Site Plan(s) for the commercial parcel.”
- The 4<sup>th</sup>, “Non-motorized access to the BG portion being included with any future Site Plans” also relates to a future action; therefore, we again reiterate our 1/23/08 and 3/17/08 comment that it “shall be satisfied prior to the approval of the future Site Plan(s) for the commercial parcel.” Inasmuch as this Section 1 Phase Two area does not abut the BG-zoned acreage, this condition is moot for this Final Plat.
- The 5<sup>th</sup> condition was, “The Site Plan for the proposed golf course maintenance facility being approved prior to Final Plat review by the Planning Commission.” Its wording, but not its intent, was rendered irrelevant when, via Minor Subdivisions # 3638<sup>26</sup> & # 3662,<sup>27</sup> the Newark Country Club was routed on a separate, parallel Site Plan approval path. That condition predated those minor subdivisions, when it was anticipated that the Newark Country Club facility would be approved as part of the subdivision. Staff made it clear that the details required of site plans in §291 would pertain. Either way, the same §291 details would pertain, with the only difference in the separate site plan approval process being sequence – not substance.

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<sup>26</sup> Approved 10/04/06.

<sup>27</sup> Approved 1/31/07.

No Site Plan for the Newark Country Club has yet been submitted.

- The 6<sup>th</sup>, whose wording, “The Site Plan the proposed golf course clubhouse facility being approved prior to Final Plat review by the Planning Commission,” was also rendered obsolete when, via Minor Subdivisions # 3638<sup>28</sup> & # 3662,<sup>29</sup> the Newark Country Club was routed on a separate, parallel Site Plan approval path. That condition predated those minor subdivisions, when it was anticipated that the Newark Country Club facility would be approved as part of the subdivision. Again, staff made clear that the details required of site plan in §291 would pertain. Once more, either way, the same §291 details would pertain, with the only difference being in the separate site plan approval process being sequence – not substance.
- The 7<sup>th</sup>, “The details of the safety management issue associated with the 12<sup>th</sup> hole being included by note or graphically on the plat prior to Final Plat review by the Planning Commission,” relates to the aforementioned Newark Country Club Site Plan. The layout has changed so that homes are now farther away from the 12<sup>th</sup> hole that was depicted on the Preliminary Plat. Again, once the Site Plan is submitted, it will be checked for safety management issues associated with all proposed holes.
- The 8<sup>th</sup> condition, “The Master Water & Sewer Plan being amended prior to Final Plat review by the Planning Commission,” has been satisfied: the site is now classified S-2 & W-2.
- The 9<sup>th</sup>, “Documentation of the groundwater appropriation permit and verification of the capability of the proposed water system to serve all proposed lots being received from MDE and DPW prior to Final Plat review by the Planning Commission,” relates to §5.2 of the Subdivision Regulations, which state: “A proposed final plat shall be disapproved unless one of the following provisions are made for disposal of sewage and the provision of water:

5.2.1 – Each building lot has been approved for individual and/or community sewage and water facilities by the Health Department Approving Authority.

5.2.2 – Prior to Final Plat approval, a Public Works Agreement for community water and/or sewage facilities has been consummated with the Cecil County Department of Public Works.”

While the §5.2 requirement and its intent remain, the specific language of the condition was rendered outdated for Section 1 Phase 2 and Section 2 because of the franchise agreement between the County and Artesian Resources. Thus, the 10/15/08 water allocation letter from Artesian Resources satisfies the §5.2 requirement, upon which the 9<sup>th</sup> condition (with now-outdated wording) was predicated, has been satisfied.<sup>30</sup>

- The 10<sup>th</sup>, “Plans for the proposed water tank being approved by DPW prior to Final Plat review by the Planning Commission,” has been satisfied.
- The 11<sup>th</sup>, “The identity of the waste water treatment plant again being included on the Final and Record Plats,” has been satisfied. That information is contained in General Note # 3.

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<sup>28</sup> Approved 10/04/06.

<sup>29</sup> Approved 1/31/07.

<sup>30</sup> The 9<sup>th</sup> condition cited the approval of the GAP by MDE because, per §4.2.13 (u) and §5.2, there must be provision for water for Final Plat approval. With the water allocation letter from Artesian Resources, the approval of the GAP is moot insofar as the possible approval of this Phase of the proposal is concerned.

- The 12<sup>th</sup> condition, “The name of the water company providing the water also being included on the Final and Record Plats, if it is a private company,” was rendered moot for Section One Phase One. For Section One Phase Two, Artesian Resources must be named on the Record Plat.
- The 13<sup>th</sup>, “Written verification of sewer capacity being received prior to the Planning Commission’s review of the Final Plat,” has been satisfied, as evidenced 3/17/08 Section One Phase One review testimony that sewer allocation had been granted for 300 lots. Approval of this Section One Phase Two’s 58 lots would increase the aggregate utilization to 119 (61 in Section One Phase One + 58 in Section One Phase Two) lots.
- The 14<sup>th</sup>, “The implementation of the traffic improvement recommendations of DeIDOT, DPW, and SHA being a condition of Preliminary Plat approval,” has resulted in the following:
  - The applicant’s acceptance of the traffic improvement recommendations of DeIDOT, DPW, and SHA.
  - OPZ’s reading into the record of every subsequent public TAC or Planning Commission review of an Aston Pointe or Wohner Property that the applicant had accepted the traffic improvement recommendations of DeIDOT, DPW, and SHA, as was a condition of approval of the Aston Point Preliminary Plat. Each such reading, and the applicant’s not objecting at each public reading, demonstrated agreement on said recommendations.
  - OPZ’s inclusion of the following condition of Phase 1 Final Plat approval recommendation: “All applicable conditions of Preliminary Plat approval being carried forward to apply to all future Phases.” The 14<sup>th</sup> is certainly one of those applicable conditions.
  - There have been numerous meetings among the applicant, the applicant’s consultants, DeIDOT, DPW, SHA, and OPZ to plan the details and implementation of recommended transportation improvements.

Therefore, for these reasons, OPZ on 1/23/08 and 3/17/08 reported to the Planning Commission that the 14<sup>th</sup> condition had been satisfied.<sup>31</sup> We today reiterate that report.

- The 15<sup>th</sup>, “The identity of the gas line owner being provided on the Final and Record Plats,” is not met because the gas line is not shown on the Section One Phase Two Final Plat. It appears that a portion of the pipeline does pass through Section One Phase Two. Therefore, per §4.2.13 (g), the gas line easement must be shown, and Eastern Shore Natural Gas must be identified on the Section One Phase Two Record Plat. Otherwise, that condition will not have been satisfied, and, therefore, the Record Plat will not be signed.
- The 16<sup>th</sup>, “Confirmation being received from the gas line company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement,” is satisfied. Documentation in the form of a letter dated 8/6/07 from Eastern Shore Natural Gas was received and entered into the file.

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<sup>31</sup> In fact, there have been numerous implementation coordination meetings among the developer, the County and SHA.

- The 17<sup>th</sup>, “All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review, and all documents requiring recordation being recorded prior to the recordation of the Record Plat,” is satisfied. Documentation in the form of a letter dated 8/6/07 from Eastern Shore Natural Gas was received and entered into the file.
- The 18<sup>th</sup> condition, “The final Forest Conservation Plan (FCP) and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat.” A PFCP for the entire site was approved on 4/17/05. The Section 1 Phase One FCP/ Landscape Plan was approved on 12/20/07.<sup>32</sup> The Section One Phase Two and the Section 2 FCP/Landscape Plans were approved on 9/18/08.<sup>33</sup> with the condition that a forest conservation tally sheet be provided with all future Phases
  - The 19<sup>th</sup>, “All details, including reforestation areas, match up between the Final Plat and the FCP,” has been satisfied. The only difference is that lot numbers have changed, as has been noted previously.
- The 20<sup>th</sup>, “Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats,” has been satisfied. For example, please see General Note # 2, and the graphic depiction for proposed Lots 103-106 on sheet 2 of 4.
- The 21<sup>st</sup> condition was, “Note # 11 being modified on the plat to reflect that 59.17 acres of common open space are required prior to the Planning Commission’s review of the Final Plat.” There is no Note on this Section One Phase Two Final Plat corresponding to Note # 11 on the Preliminary Plat. Each sheet contains a note indicating the common open space acreage that is being provided in Section One Phase Two. Therefore, the 10<sup>th</sup> condition of the 1/23/08 recommendation of Phase 1 Final Plat approval was, “An additional 58.271 acres of common open space being required in future sections, and the 21<sup>st</sup> & 22<sup>nd</sup> conditions of Preliminary Plat carrying forward.” However, the new aggregate acreage of 193.122 acres demands only 28.97 acres (15%) of common open space, while 50.416 acres (26.11%) is proposed. The common open space sensitive area threshold calculations have been submitted and are satisfactory.
- The 22<sup>nd</sup>, “The common open space sensitive area calculation being modified consistent with the modification to Note # 11 prior to the Planning Commission’s review of the Final Plat,” was satisfied with the submission of the common open space sensitive area threshold calculations, which were satisfactory.
- The 23<sup>rd</sup>, “The contiguous operating farm notice being provided on the Final and Record Plats,” has been satisfied with the inclusion of General Note # 4.
- The 24<sup>th</sup> and final condition of Preliminary Plat approval, “A vegetative or agricultural buffer being considered for the area adjacent to the Blackwell property, if appropriate, as part of the Landscape Plan,” was satisfied in the Section One Phase One FCP/ Landscape Plan that was approved on 12/20/07.

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<sup>32</sup> It was approved with the condition that a forest conservation tally sheet be provided with all future phases.

<sup>33</sup> They were approved with the condition that that the FFCP be revised based on reforestation areas erroneously being shown on the slopes of SWM devices. That must be corrected in order for any Record Plats to be signed.

A Landscape Agreement must be executed prior to recordation.

This plat erroneously shows Country Club Drive's being separated by a section of Aston Pointe Drive. That must be corrected on the Record Plat.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being 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. If an HOA has already been established for either Section One Phase One or Section Two, then the lot owners of Section One Phase Two must become members of that HOA.

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 Master Water and Sewer Plan.

The Record Plat shall contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

All documents relating to the gas line easement requiring recordation must be recorded prior to the recordation of the Record Plat.

Mr. Woodhull, DPW, read the comments of the department:

Water & sewer service is available to all the lots proposed in this subdivision. (County sanitary sewer allocation for 300 equivalent living units (ELU) was granted on March 8, 2007. County water allocation for 61 ELU was granted December 19, 2007. In an October 15, 2008 letter Artesian Water Maryland, Inc. has identified their intent to provide water for the Aston Pointe subdivision.)

On August 19, 2008 the Cecil County Board of County Commissioners approved a franchise agreement between the County and Artesian Water Company. As part of this agreement the County will turn over the Meadowview Waste Water Treatment Plant and the Meadowview Water Treatment Plant. Due to the fact that the County will no longer be the owner and operator of the Meadowview Wastewater & Meadowview Water Treatment Plants the Department of Public Works will not be involved in the issuing of either water or sanitary sewer service to this development.

With that said, the SWM plan, Water Distribution plan (based on onsite wells & treatment plant), Sewer Service plan (based on use of Meadowview WWTP) and Road & Storm Drain plans are technically complete for the lots proposed. Only administrative issues remain outstanding. The Department will not sign the final plat until all these issues have been resolved to the Department's satisfaction. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature.

Mr. von Staden, DEH, read the comments of the department:

Water & sewer service is available to all the lots proposed in this subdivision. (County sanitary sewer allocation for 300 equivalent living units (ELU) was granted on March 8, 2007. County water allocation for 61 ELU was granted December 19, 2007. In an October 15, 2008 letter Artesian Water Maryland, Inc. has identified their intent to provide water for the Aston Pointe subdivision.)

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With that said, the SWM plan, Water Distribution plan (based on onsite wells & treatment plant), Sewer Service plan (based on use of Meadowview WWTP) and Road & Storm Drain plans are technically complete for the lots proposed. Only administrative issues remain outstanding. The Department will not sign the final plat until all these issues have been resolved to the Department's satisfaction. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature.

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. Citizens' that spoke in opposition are as follows; Ed Cairns, 104 Little Egypt Road, Elkton, John Williams, 2 Woodbine Circle, Elkton, Ron Hartman, 164 Little Egypt Road, Elkton, Russell Holland, 20 East Parkway, Elkton and Owen Thorne, 20 Hilwood Road, Elkton. See file for comments as read.

Discussions ensued regarding whether the Preliminary Plat approval conditions have been met for this project to move forward.

Mr. Di Giacomo read the recommendation of the staff for agenda item # 9:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Record Plat's reflecting necessary revisions to the FFCP/Landscape Plan;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Homeowners' Association for maintenance of common open space being established (unless one has already been established in conjunction with the recordation of Section One Phase One or Section 2 ) with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 7) The Record Plat's containing 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 Master Water and Sewer Plan;
- 8) The Record Plat's containing a statement, signed by the owner, to the effect that public water and sewer facilities will be available to all lots/homes offered for sale;
- 9) The Record Plat's correcting the Country Club Drive-Aston Pointe Drive confusion;
- 10) The gas line easement being shown on the Record Plat and the gas line owner's being identified on the Record Plat;
- 11) All documents relating to the gas line easement requiring recordation being recorded prior to the recordation of the Record Plat; and
- 12) All applicable conditions of Preliminary Plat approval being carried forward to apply to any possible future Phases.

A motion for approval was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

When the vote was taken on the motion all voting members were in opposition of approval. Motion failed.

A motion for approval with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

Members in favor of the motion for approval with conditions included Mr. McDowell and Mr. Janusz.

Mr. Wallace voted in opposition of the motion for approval.  
Mr. Wiggins recused himself from this vote.

Motion for approval with conditions carried.

Mr. Di Giacomo read the recommendation of the staff for agenda item #10:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Record Plat's reflecting necessary revisions to the FFCP/Landscape Plan;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Homeowners' Association for maintenance of common open space being established (unless one has already been established in conjunction with the recordation of any phase of Section One) with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 7) The Record Plat's containing 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 Master Water and Sewer Plan;
- 8) The Record Plat's containing a statement, signed by the owner, to the effect that public water and sewer facilities will be available to all lots/homes offered for sale;
- 9) The Record Plat's correcting the Country Club Drive-Aston Pointe Drive confusion;
- 10) All documents relating to the gas line easement requiring recordation being recorded prior to the recordation of the Record Plat; and
- 11) All applicable conditions of Preliminary Plat approval being carried forward to apply to any possible future Phases.

A motion for approval with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. McDowell.

The members in favor of approval with conditions included Mr. Janusz and Mr. McDowell.  
Mr. Wallace voted in opposition of approval for this project.

Motion for approval with conditions carried.

## 12. Bracebridge Hall, Growth Allocation Request, Grove Neck Road, Morris & Ritchie Associates, Inc., Second Election District.

James Keefer, Morris & Ritchie Associates, Inc., David Parrack, Esq. and Jim Chaffin, owner appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department for #12:  
Zoning: SAR, RCA (Critical Area) -- GROWTH ALLOCATION

Growth Allocation is basically a process of designating new LDA and IDA areas in the Critical Area in order to accommodate more intense activity or more intense density. In this case, the proposed project seeks to have 40 of 276.589 SAR/RCA acres re-designated as LDA.

§206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas.

Pursuant to that requirement, the TAC reviewed this application in June 2008. The Planning Commission is taking place today.

After the Planning Commission reviews the application, it then recommends to the Board of County Commissioners whether or not to award the Growth Allocation. Their recommendation is based upon the established point award system.

Scoring: The Cecil County Critical Area Program, adopted 7/5/88, established an application screening process “whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation.” That process consists of a point award system, the intent of which is “to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system.”

The details of the point award system are contained in §206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.<sup>34</sup>

The applicant has scored the project and awarded it 105 points, which is above the threshold for the awarding of Growth allocation and reclassification. The points awarded by the applicant are as follows:

1. For “Development Type,”<sup>35</sup> a maximum score of 40 points is possible, and the applicant has self-scored the project 40 points. 87.2 % open space is proposed.<sup>36</sup> Forest contiguity is maintained and the 20-acre minimum open space outside the Critical Area is exceeded by approximately 180 acres. Staff concurs with the 40 point score.

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<sup>34</sup> This proposed project is located in **Suburban District** as defined by the Cecil County Comprehensive Plan. Therefore, there can be no exemption from the point award system, as provided by §212 of the Zoning Ordinance, since the location is **not in a Development District**.

<sup>35</sup> §208.1.

<sup>36</sup> The applicant’s commentary incorrectly cites 60 open space being required. In fact, §175.2.k requires at least 70% open space, which can include one “large lot.”

2. For “Buffer Enhancement,”<sup>37</sup> a maximum score of 20 points is possible, with the applicant having conservatively self-scored the project 0 points. Staff concurs.
3. For “Location of Development,”<sup>38</sup> the applicant has self-scored the project 10 out of a maximum score of 15 points. This site is across the Back Creek from and adjacent to Indian Acres. Staff again concurs with the scoring.
4. For “Forest and Woodland Protection,”<sup>39</sup> a maximum score of 10 points is possible, with the applicant having taken credit for 4. Staff concurs with the analysis, but, since there isn’t 40% forest cover, only 3 points can be awarded. In addition, the proposal does not satisfy the requirements for points that might possibly have been awarded for afforestation that are set forth in §208.4.c.
5. For “Habitat Protection,”<sup>40</sup> a maximum score of 10 points is possible, and the applicant has self-scored the project 10 points. Staff concurs with the awarding of 1 point each for the avoidance of wetland impacts (‘a’) and a forest management plan (‘f’). Until the easements referenced in item ‘b’ can be clearly demonstrated, and the enhancements referenced in ‘e’ are finalized, those 8 self-awarded points in those two subsections must be reduced to 4, at least for the time being.
6. For “Water Quality,”<sup>41</sup> a maximum score of 8 points is possible, with the applicant having self-scored the project all 8 points, based upon approximately 3% planned impervious cover. Staff concurs.
7. For “Resource Utilization,”<sup>42</sup> the applicant has self-scored the project 0 out of a possible 6 points. Staff again concurs.
8. For “Erosion Control,”<sup>43</sup> a maximum score of 3 points is possible, with the applicant having self-scored the project 3 points. Staff agrees with that score.
9. For “Water-dependent Facilities,”<sup>44</sup> a maximum score of 3 points is possible, with the applicant having taken credit for 2 for 50% shoreline protection. Staff agrees.
10. For “Bonus Points,”<sup>45</sup> a maximum score of 65 points is possible, and the applicant has self-scored the project 25 points. Based on the narrative, staff concurs.

The net result is that there appears to be a surplus of 7 points, although the self-scoring by the applicant showed a surplus of 12 points. Based on this analysis, staff finds that this project is eligible for consideration for the granting of Growth Allocation.

Staff would recommend approval of awarded growth allocation. That recommendation specifically would go to the Board of County Commissioners.

See file for scoring sheet.

Mr. Di Giacomo read the comments for # 13:

This proposal<sup>46</sup> seeks to modify to an approved and recorded subdivision.

Zoning: SAR & RCA

Density: The Concept Plat was approved at 1/5 bonus density<sup>47</sup> on 7/19/04, conditioned on:

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<sup>37</sup> §208.2.

<sup>38</sup> §208.3.

<sup>39</sup> §208.4.

<sup>40</sup> §208.5.

<sup>41</sup> §208.6.

<sup>42</sup> §208.7.

<sup>43</sup> §208.8.

<sup>44</sup> §208.9.

<sup>45</sup> §208.10

<sup>46</sup> It was reviewed by the TAC on 7/2/08.

<sup>47</sup> The SAR zone then permitted a maximum base density of 1 du/ 8 ac., or 1/5 if bonus density is granted. The RCA overlay zone permitted a density of 1/20.

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 2) A sensitive species survey being done prior to the Planning Commission's review of the Preliminary Plat;
- 3) A JD being done prior to the Planning Commission's review of the Preliminary Plat;
- 4) A note being placed on the plat to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 5) A Traffic Impact Study (TIS) being completed prior to the TAC's review of the Preliminary Plat;
- 6) A mid-block turnaround being required on Gettysburg Drive (outside the Critical Area in so far as possible) and a mid-block turnaround being waived on McGill Creek Farm Lane; and
- 7) Water quality issues being met.

A Preliminary Plat with a slightly revised layout was presented to the Planning Commission, for informational purposes only, on 11/21/05.

A 1-year extension of Concept Plat approval was granted on 5/15/06.<sup>48</sup>

The Preliminary Plat, proposing 106 lots on 530.502 acres<sup>49</sup> at a density of 1/5.005, was approved on 8/21/06,<sup>50</sup> conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP, Landscape Plan and Final Environmental Assessment being completed prior to Final Plat review(s);
- 4) The requested (7/11/06 letter) details and plat copy being supplied to the CBCAC staff prior to Final Plat review;
- 5) The adjacent agricultural operations notice being placed on the Final and Record Plats;
- 6) 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 Final and Record Plats; and
- 7) Bald Eagles Nest Zone 3's critical dates being listed on the Final/Record Plats.

The Final Plat was approved on 4/16/07 conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) The Critical Area designation, density and boundary being included on the Record Plat;
- 5) The Record Plat noting the §3.2B exemption;
- 6) The adjacent agricultural operations notice being placed on the Record Plat;
- 7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 8) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 9) A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members; and

<sup>48</sup> A Preliminary Plat was reviewed by the TAC on 4/5/06.

<sup>49</sup> 26.711 acres of tidal wetlands had been deducted for a net tract area of 530.502 acres.

<sup>50</sup> The Critical Area Commission staff raised an issue regarding the RCA density calculation, because some lots outside the Critical Area would be served by a SWM facility inside. In the absence of specific citations regarding the interpretation of CA density calculation in the County or state CA Programs, and in the absence of precedents of its application, staff did not perceive that issue as the basis of any recommendation of disapproval of a Preliminary Plat. Subsequently, documentation was received on 1/17/07 that all CA issues had been satisfactorily addressed.

10) Permits being obtained for any wetland or stream impacts prior to recordation.

The Record Plat was signed on 9/12/07 and recorded. Thus, all 106 lots legally exist. The plat's Project Address (under 'Site Data') has been changed to Grove Neck Road.

A possible bed & breakfast has been discussed for this site. Therefore, the applicant was advised that, per §84.1, bed & breakfasts are permitted in the SAR zone only with a Special Exception, and, per §84.1.a, only if the dwelling was in existence at the time of the adoption of the Zoning Ordinance (7/1/93).

The proposed golf course will require Growth Allocation and the reclassification from RCA to LDA. That is a requirement of §100.6. The Growth Allocation proposal exceeded to 90-point threshold established under §207.<sup>51</sup>

The proposed new club house facilities must be approved by the site plan process, consistent with §291 and Appendix A, as well as §100 and §157.

The proposed golf course must be consistent with the provisions of §100<sup>52</sup> and §157.

§100.4 requires vegetative screening (Bufferyard standard B) of off-street parking. This is also required by §157.8. How does this design satisfy that requirement? Mr. Keefer said the off street parking would be interval into the project so it would not be seen from outside and landscaping would be provided.

§157.2 requires 100' & 175' setbacks from lot lines for tees and greens, respectively, unless vegetative buffers are provided. Proposed vegetative buffers must be approved as part of the Landscape Plan, per §157.3.

§157.1 mandates a 200' setback for the fairway centerline from all lot lines, unless a vegetative buffer is provided.

The proposed driving range is consistent with §157.5's design standards.

The proposed dwelling setbacks appear to be consistent with §157.4.

The provisions of §157.10 shall not apply to this proposal.

Private roads require a Variance from the Board of Appeals prior to the Planning Commission's approval of the Revised Record Plat Final Revisions.

The proposed use of shared facilities will require an amendment to the Master Water & Sewer Plan, as well as compliance with §175, prior to the Planning Commission's approval of the Revised Record Plat Final Revisions.

§175.2.k requires at least 70% open space<sup>53</sup>, which can include one "large lot."

§175.3.c.1 requires that there be 10,000 ft<sup>2</sup> of subsurface disposal area set aside for each dwelling unit using the shared facility.

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<sup>51</sup> If granted, the Growth Allocation and reclassification from RCA to LDA **shall not** increase the number of lots beyond the 106 that legally exist today.

<sup>52</sup> If the proposed golf course is to be a public facility, then it shall be consistent with the provisions of §106.

<sup>53</sup> The Growth Allocation application's documentation cited an erroneous 60%.

This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

All approvals of the shared community facilities shall precede final approval of the proposed revisions.

The Zoning Ordinance is silent on the issue of fractional ownership. Single family dwellings, as a structure type, are permitted in the SAR zone. Inasmuch as the ITE Trip Generation manual suggests that interval ownership units generate fewer trips than single family dwellings, staff will not recommend a revised TIS. However, the Board of Appeals may want to revisit the TIS question in conjunction with any §84.1 Special Exception application as may be required.

Would the fractional, or interval, ownership component have an impact on school attendance projections? Mr. Chaffin said no.

Again, all required Special Exceptions, Variances, Master Water & Sewer Plan amendments, the Growth Allocation, and the site plan approval for the proposed clubhouse must be obtained in advance of final approval of the revisions by the Planning Commission. The Planning Commission's approval of the Revised Record Plat Final Revisions shall precede recordation of the Revised Recordation Plats.

The use of dry hydrants is recommended, in consultation with the Cecilton Fire Company.

Any expansion of the existing boat dock shall be governed by §'s 169 & 198.

All Health Department requirements shall be met prior to final approval.

All DPW requirements shall be met prior to final approval.

All Maryland Critical Area Commission comments shall be addressed.

A revised FCP/Landscape Plan/Environmental Assessment shall be approved prior to final approval.

Resultant, revised deed restrictions for the long-term protection of forest retention/afforestation areas, street trees, and vegetative buffers shall be recorded prior to any re-recordation, with the metes and bounds description of the FRA's appearing on the Revised Final and Revised Recordation Plats.

As cited in Note# 19, this project is exempt, per §3.2B.

If revisions are necessary, then revisions to the HOA documents shall be recorded prior to the re-recordation of the Revised Recordation Plats. Would the proposed fractional ownership units fall under a condominium regime? Mr. Parrack said no.

All previous conditions of Preliminary and Final Plat approvals shall remain in effect, as applicable.

Mr. Woodhull, DPW, read the comments of the department for #12:

The Cecil County Department of Public Works has no objection to the granting of the allocation requested.

Mr. Woodhull also read the comments for #13:

1. While the Cecil County Department of Public works concurs with the Developers request that the internal streets proposed be private, the Applicant must seek a variance from the Zoning Board of Appeals in regards to lots not fronting on a county road. The issue of this variance

should be resolved prior to the Planning Commission reviewing the preliminary plat. Mr. Parrack said the hearing is to be held on October 28, 2008.

2. The Department would want assurances that if the management organization fails the ownership and associated responsibility for the roads would be legally transferred to the owners of the units proposed. The type, details and language of said assurances must be established to the satisfaction of this Department prior to our recommending approval of the final plat to the Planning Commission.
3. The Developer will be responsible for the previously approved offsite road improvements and those improvements must be identified on the Final Plat submitted for Planning Commission review. A Public Works Agreement will be required for these improvements to Grove Neck Road.
4. The plat proposed indicates that a shared waste water facility is provided to service this development only.
5. It is the Department's position that for shared facilities DPW be the Controlling Authority. However in accordance with Section 175 of the Subdivision Regulation the Board of County Commissioners of Cecil County designates the Controlling Authority.
6. The Applicant needs to make a formal request of the Board of County Commissioners to designate DPW as the Controlling Authority. The issue of who is the Controlling Authority must be resolved prior to the Planning Commission review of the Final Plat.
7. The Developer(s) must be aware of the fact that over and above the construction cost they will be responsible for the ongoing maintenance costs of the proposed shared sewerage facility.
8. The Master Water & Sewer Plan must be amended to include this development.
9. A SWM plan, Road & Storm Drain plan, Mass and Final Grading plan, and a Sanitary Sewer plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
10. An Inspection and Maintenance Agreement will be required for the SWM facilities.
11. PWA's will be required for the shared WWTF, streets and storm drains.
12. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, which will appear in the minutes but will not be read at this time. ("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. Any change to the Forest Retention, Forestation, or Reforestation will require a consistency review, of the SWM approval, with CCDPW.")
13. The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. ("No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.")

Mr. Wiggins read the comments of the Health Department for #12:  
No Health Department comments required.

Mr. Wiggins also read the comments for # 13:

A Groundwater Appropriation Permit must be issued to the new owner prior to final plat approval. The Groundwater Appropriation Permit differs for subdivided lots and condominiums. The Groundwater Appropriation Permit must indicate which lot arrangement is being used. Water appropriations will also be required for the clubhouse facilities and golf course irrigation. Proposed wells must be at least 30' from all dwellings and 15' from all road right-of-ways. (Check well on lot 80 to house on lot 81, well on lot 78 to house on lot 78, etc.)

The Cecil County Master Water and Sewer Plan must be amended to include this property prior to any approval of a shared facility or community sewage disposal system.

The narrative attached to the submittal addressing Ownership and Maintenance indicates the “Community Association” will own, operate, and maintain the community sewage system. No mention is made of a controlling authority that is required for a shared facility under Comar 26.04.05.

The narrative continues on page 3 to indicate that four different ownership arrangements are being considered. While the plats submitted show proposed lots, one option discussed was condominiums. Since condominiums and lots are reviewed differently, what is on the table at this meeting? Use of condominiums in Phase 1 would require shared facility approval prior to Phase 1 plat approval.

Sizing of the on-site sewage disposal system requires quantification of a maximum sewage design flow. Initial conversations with the developer indicated that the golf course and clubhouse facilities would only be available to property owner members. The attached narrative now states that a limited number of non-property owner members will be permitted. A written proposal detailing the maximum number of non-property owner members is required. The written proposal must also include information about restaurant and bar seating capacities, the total number of slips at the pier, and permitted boat lengths. (If boats over 22’ are permitted, a proposal for holding tank pump-out facilities is required.) The written proposal should detail all non-residential uses of the property in each phase.

Show any grading which may occur in any part of an area designated for sewage disposal. No easements can be permitted over the designated sewage area other than for installation, inspection, operation, and maintenance of the shared facility sewage disposal system.

A sewage plan for the shared facility septic system must be submitted to and approved by the Maryland Department of the Environment, Cecil County Department of Public Works, and the Cecil County Health Department prior to final plat approval. A groundwater discharge permit must be issued prior to final plat approval.

Until ownership and shared facility creation issues are resolved, the Cecil County Health Department and Maryland Department of the Environment cannot fully review sewerage issues for either phase of the proposed development.

**Phase 1:**

Phase 1 proposes 19 lots with on-site wells and interim sewage disposal systems on the plat, but the narrative mentions the possibility of condominiums. Comments are assuming the creation of the lots shown on the plat submitted for review.

Submit a written request for a well variance for lots 1,2,5,7,8,13, and 17. A test hole with a percolation rate is required in the sewage area on lots 8 and 11.

Note 21 states that “the golf course construction is planned as part of phase one, but its completion and the modification of the manor house is dependent on the proposed wastewater treatment plant, which is part of phase two”. The Health Department can not approve any site plans or building permits related to the golf course until plans to construct the large flow shared facility sewage disposal system have been approved.

Note 24 states that the manor house will be used as a bed and breakfast during phase 1. Submit a written description of proposed menu items to the Cecil County Health Department to determine if a

food license is required. Any food service plan review that is required must be complete before site plan or building permit approval.

**Phase 2:**

Comments are assuming the creation of the lots shown on the plat submitted for review. Comar 26.04.05.03C(1) and Comar 26.04.03.03A(1) require 10,000 square feet of designated sewage area for each dwelling unit. With the retention of the two tenant houses, 24.8 acres must be designated. Indicate on the plat how much sewage area has been shown. Hole #24 is identified on Health Department evaluation sheets as an unsatisfactory hole, yet is listed in the data table as an observation hole and shown in a designated sewage area. Portions of the sewage areas proposed in Phase 2 are not adequately defined by percolation holes. Part of one sewage area is proposed 250' from the nearest test hole. As proposed, additional seasonal testing is required to adequately define the required sewage area.

The swimming pool must have plans approved by the Department of Health and Mental Hygiene prior to site plan or building permit approval. All regulated food operations must have plans approved by the Cecil County Health Department prior to site plan or building permit approval.

All structures generating sewage flow including the maintenance facility, dock building, and the restroom by the putting green must be incorporated into the shared facility sewage disposal system.

Final and record plats are required to have the following statements:

1. Public sewerage will be available to all lots offered for sale (by the owner's signature block).
2. Use of public sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department's signature block).

Mr. Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff for the Growth Allocation Request: Based on this analysis, staff finds to that this project is eligible for consideration for the granting of Growth Allocation. Staff recommends approval of awarded growth allocation.

A motion for approval was made by Mr. Wallace.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried. Growth Allocation request to be heard by the Board of County Commissioners on November 18, 2008.

Mr. Di Giacomo read the recommendation of the staff for the Record Plat Preliminary Revisions for Phases 1 (interim) and 2:

**APPROVAL of the Revised Record Plat Preliminary Revisions, conditioned on:**

- 1) All previous conditions of Preliminary and Final Plat approvals remaining in effect, as may be applicable;
- 2) All Health Department requirements being met prior to any submittal for approval of the Revised Record Plat Final Revisions;

- 3) All DPW requirements being met prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 4) All Maryland Critical Area Commission comments being satisfactorily addressed prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 5) A revised FCP/Landscape Plan/Environmental Assessment being approved prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 6) The proposed Growth Allocation being awarded prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 7) The proposed Variance for the private road being granted prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 8) Final Site Plan approval for the proposed clubhouse being obtained prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 9) The Master Water and Sewer Plan being amended prior to any submittal for the approval of the Revised Record Plat Final Revisions;
- 10) Any necessary Special Exceptions being granted prior to any submittal for the approval of the Revised Record Plat Final Revisions;
- 11) All §175 requirements being satisfied prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 12) Documentation of all necessary approvals for the shared facilities being submitted prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 13) All §100 and §157 requirements being met prior to any submittal for approval of the Revised Record Plat Final Revisions;
- 14) All questions relating to HOA revisions and the possibility of a condominium regime being fully answered prior to any submittal for approval of the Revised Record Plat Final Revisions; and
- 15) Consultation with the Cecilton Volunteer Fire Company on the issue of dry hydrants taking place prior to any submittal for approval of the Revised Record Plat Final Revisions.

A motion for approval was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **General Discussion:**

- **Discussion of the difference in the processing of condominium, apartment, single family home and lotominium plans.**

Mr. Di Giacomo explained that the difference is the result of state law. For apartments, single family home and lotominiums, there is a Concept, Preliminary and Final Plat. They follow the same route as proposed subdivisions. With respect to condominiums only, there is a Concept Plat that is approved and then instead of a Preliminary Plat, it is called a Preliminary Plat / Site Plan. The Preliminary Plat / Site Plan includes all the details that would ordinarily be present with a Preliminary Plat and Final Plat. In addition, it would have to meet all of the requirements of § 291. If that is approved by the Planning Commission, then at that point the developer / builder can get building permits based on that. When it comes back as a Final Plat, the plans represent as-builts.

- Consideration of the duration of Preliminary Plat approvals being extended.**  
 Mr. Di Giacomo explained that there was discussion regarding whether Preliminary Plat approvals should either be extended to 3 years or an extension of a Preliminary Plat should be extended to 2 years. Mr. Doordan felt that there was no down side to extending the approvals or extensions. Mr. Wallace felt that depending on the status of the economy an extension may or may not be a good idea. Mr. McDowell felt that the timelines as they are today are good to get the engineers working more diligently on the requirements. Mr. Wallace also had some concerns about approvals being valid for too long and changes in the Subdivision Regulations and Zoning Ordinance (i.e. densities) being exempt. Mr. Janusz asked if this change would affect all projects or just new projects. Mr. Di Giacomo said it would only affect new projects. Mr. Janusz and Mr. Doordan said they are comfortable with a 2 year Preliminary Plat approval extension. Mr. Di Giacomo said he will send the Commission members proposed wording for this amendment. Mr. von Staden stated that whether the regulations change or not, the Health Department requirements are under other regulations where deadlines differ from those of the Planning Commission. The applicants need to be aware that they will be responsible for keeping track of those requirements and deadlines. Mr. Di Giacomo and Ms. Campbell said the condition that is put on all approvals stating “Health Department requirements being met” would cover that issue.
- The omitting of “density of a” from the Subdivision Regulations in regards to plats.**  
 Mr. Di Giacomo explained that this relates to § 4.0.10 of the Subdivision Regulations. Ms. Campbell, last month, mentioned that she would like to have “density of a” removed because there is more involved with a Concept Plat than just the density. Staff concurs. Mr. Doordan asked Mr. Di Giacomo to include new language on this amendment with the other correspondence that he will be sending the Commission members. Ms. Campbell also mentioned language in the Zoning Ordinance that pertained to attorney’s fees for zoning violations. She would also like the proposed language for that change to be included for review.

At this time, discussion ensued regarding applicants turning in pertinent information at the last minute.

Vice Chair Doordan proclaimed the adjournment of the October Planning Commission meeting.

The October Planning Commission meeting adjourned at 5:03 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

November 17, 2008

**Present:** Bill Mortimer, B. Patrick Doordan; Joe Janusz; Ken Wiggins; Guy Edwards; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Trisha Rarick, Court Reporter.

**Absent:** Wyatt Wallace, H. Clay McDowell - alternate.

**Call to Order:** Chairman Mortimer called the meeting to order at 12:00 p.m.

**Approval of the Minutes:** Mr. Doordan made a motion for approval. The motion was seconded by Mr. Wiggins. All approve. Motion carried.

Chairman Mortimer announced that #6, Pelham Manor has been withdrawn from today's agenda.

### **1. Orchard Hill, Lots 1-7, Russell Road, Final Plat, PELSA Co., Inc., Fourth Election District.**

Douglas Galyen, managing member for Blitz Creek Investment, LLC and Mike Paraskewich, Sr., PELSA Co., Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 4 minor subdivision lots and 3 major subdivision lots on 17 acres, for a proposed density of  $1/5.66^1$ , was approved on 11/20/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat; and
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 4/21/08 conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) All septic area graphics being made consistent;
- 4) All slopes 25% or greater being graphically identified on a revised Preliminary Plat that is deemed acceptable to the Office of Planning and Zoning prior to any Final Plat submission;
- 5) The FCP and Landscape Plan being approved prior to any Final Plat submission; and

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<sup>1</sup> At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac.

- 6) The Brewster Bridge Rd. road widening right-of-way graphic's being changed to indicate that it is to be dedicated in fee simple to the Board of County Commissioners of Cecil County, not the SHA.

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

§4.2.13 (b) requires that the signature block be in the lower left-hand corner of the plat. Therefore, it must be adjusted prior to recordation.

§4.2.13 (c) requires that lot acreages be included in tabular form above the signature block. That, too, must be adjusted prior to recordation.

The Brewster Bridge Rd. road widening right-of-way must be dedicated in fee simple to the Board of County Commissioners of Cecil County, as shown.

Documentation of the JD has been received.<sup>2</sup>

No common open space is required, though it is still recommended for SWM facilities.<sup>3</sup>

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Brewster Bridge and Russell Roads.

The 10' street tree planting easement has been depicted. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Orchard Hill Lane. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was conditionally approved on 11/3/06.<sup>4</sup>

The PFCP was approved on 9/19/07.

The FCP/Landscape Plan was approved on 9/29/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

The proposed Orchard Hill Lane mini-road name has been approved.

Minor Subdivision # 172 has been cited on the plat.

The design is consistent with §7.2.12.E.5.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

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

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<sup>2</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>3</sup> Access to any common open space between lots would need to be marked with concrete monuments.

<sup>4</sup>The Natural Heritage Service Letter needed to be received prior to PFCP review.

operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Mr. Woodhull, DPW, read the comments of the department:

All required plans are technically complete. However the required Lot Grading note is not on the final plat. The record plat will not be signed until the note has been placed on the final plat and the administrative issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. The existing septic tank for the house on lot 7 must be pumped by a licensed pumper and filled with earth prior to record plat approval. Final plat can be satisfactory with addition of pumping details on lots 1, 3 and 5.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) A Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the mini-road becoming members;
- 6) The adjacent agricultural operation note being added to the plat prior to recordation;
- 7) The signature block being moved to the lower left-hand corner of the plat, per §4.2.13 (b);
- 8) The lot acreage table being moved to a position above the signature block in the lower left-hand corner of the plat, per §4.2.13 (c); and
- 9) The street tree/forestry non-disturbance note being added to the plat prior to recordation.

A motion for approval with conditions was made by Mr. Wiggins.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

## **2. Fieldstone, Lots 1-6, Stoney Battery Road, Final Plat, PELSA Co., Inc., First Election District.**

Doug Willard, owner and Mike Paraskewich, Sr., PELSA Co., Inc., appeared and presented an overview of the project.

Discussion ensued regarding pending Critical Area issues that this project has encountered.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR & RCA

Density: The Concept Plat, proposing 7 lots on 56.03<sup>5</sup> acres, for a proposed density of 1/8.00<sup>6</sup>, was approved on 10/16/06, conditioned on:

- 1) The boundary line survey's being completed prior to the TAC's review of the Preliminary Plat;
- 2) The PFCP/preliminary Environmental Assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 3) A JD being completed prior to Preliminary Plat review by the Planning Commission; and
- 4) The Protocol 3 road survey, as described by DPW, being required prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat was approved on 7/21/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan/EA being approved prior to Final Plat review;
- 4) The Critical Area Buffer being clearly shown on the Final Plat;
- 5) Steep slopes being differentiated prior to Final Plat review;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;

The 4<sup>th</sup> condition of Preliminary approval, the Critical Area Buffer's being clearly shown is still of concern. The Critical Area boundary is depicted, but the tidal influence of the Morgan Creek may not extend all the way to this property – in which case there would be no Critical Area Buffer to be shown.

§4.2.13 (b) requires that the signature block be in the lower left-hand corner of the plat. Therefore, it must be adjusted prior to recordation.

§4.2.13 (c) requires that lot acreages be included in tabular form above the signature block.

That, too, must be adjusted prior to recordation.

This Final Plat is generally consistent with the approved Concept & Preliminary Plats. Only 6 lots are now proposed, for a revised, overall density of 1/9.53.

The RCA overlay zone permits a density of 1/20. Only a portion of the proposed Lot 1 is intended in the Critical Area.<sup>7</sup> Per §200.1, an EA must be submitted.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices

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<sup>5</sup> The post-boundary line survey acreage is now cited as 57.188.

<sup>6</sup> The SAR zone then permitted a base density of 1 du/ 8 ac. Bonus density eligibility then carried with it a permitted density of 1/5.

<sup>7</sup> Only 6.8 acres of proposed Lot 1 is in the Critical Area. The CBCAC-imposed moratorium on lot approvals remains in effect.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

Areas of steep slopes have been depicted. The steep slopes need to be differentiated between those greater than 25% and those between 15% and 25%.

The 110' perennial stream 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. The JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

Though preferred for SWM facilities, no common open space is required for only 6 lots.

No landscaping was required and no sidewalks were recommended in the SAR zone.

Bufferyard Standard C is not required along the Stoney Battery Road frontages. Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Whitetail Way.

The FSD and conceptual environmental assessment were approved on 5/4/06.

The PFCP/preliminary EA was approved on 9/19/07.

The final FCP/Environmental Assessment/Landscape Plan was approved on 10/15/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat.

The proposed road name, Whitetail Way, has been approved.

Minor Subdivision # 2355 has been cited on the plat.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

Mr. Woodhull, DPW, read the comments of the department:

The SWM plan is technically complete and only minor comments remain outstanding on the road & storm Drain plan. The Department will not sign the record plat until the PWA & I&M Agreement have been executed. Submit a check print for review prior to submitting the plat for recordation.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. Final plat is satisfactory with addition of pumping details on lots 1 – 4, and 6.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the mini-road becoming members;
- 4) The Landscape Agreement's being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat;
- 6) Per §4.2.13 (b), the signature block being moved to the lower left-hand corner of the plat prior to recordation;
- 7) Per §4.2.13 (c), the lot acreage table being moved to the lower left-hand corner of the plat, just above the signature block, prior to recordation;
- 8) Documentation of the MDE Permit being submitted prior to recordation;
- 9) The street tree/forestry non-disturbance note being added to the plat prior to recordation; and
- 10) Either the Critical Area Buffer being clearly shown on the Record Plat, with a note to the effect that there is no development potential for the RCA portion of Lot 1; or,
- 11) If it can be determined that the tidal influence of the Morgan Creek does not extend to this property, then a note being placed on the Record Plat to the effect that there is no development potential for the RCA portion of Lot 1.

Mr. Wiggins asked Mr. Di Giacomo if the staff recommendation covers the Critical Area concerns for this project. Mr. Di Giacomo said yes.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approved. Motion carried.

**3. Bohemia Crossing, Lots 1-10 (Lots 11-15 are located in New Castle County, DE), Old Telegraph Road, Preliminary Plat, Landmark Consulting Engineers, Inc., Second Election District.**

Kevin McAghon, Landmark Consulting Engineers, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR and RCA

Density: The Concept Plat, invoking the density provision of §2.4.1 and proposing 4 minor and 6 major subdivision lots on 49.20 acres, for a proposed density of 1/8.2,<sup>8</sup> was approved on 12/18/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) All areas of natural constraints table data being corrected prior to the TAC's review of any Preliminary Plat; and
- 5) Road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat, and, since New Castle County 911 will handle, and the Middletown Fire Company will respond to, emergency calls for the 5 proposed NCC homes, documentation of NCC's approval of the road name on which the NCC lots front will also being submitted prior to the Planning Commission's review of any Preliminary Plat.

No new lots are proposed within the Critical Area RCA overlay zone.<sup>9</sup> The Critical Area acreage has not been provided, as required by §4.1.22 (v) 1 – even though no development is proposed.

As to the development of the proposed lots in New Castle County, respective Final Plats for this project must be approved in both counties prior to recordation in either county. Final Plat should make crystal clear the fact that the NCC lots are not being approved by the Cecil County Planning Commission.

General Note # 2 indicates that a boundary line survey was completed March, 2007, and sheet 7 of 9 has been signed and sealed by a Maryland Professional Land Surveyor.

It is unclear why sheet 1's Zoning Regulations information cites the 'minimum parcel size.'

The Vicinity Map does include the Tax Map and Parcel information,<sup>10</sup> but not the block information although the Tax Map and Parcel information is included in General Note #1.

This plat does not meet the §4.1.22 (r) requirement to incorporate an area/density table.<sup>11</sup>

Slopes greater than 25% have been shown on sheet 7 of 9.<sup>12</sup>

Prior to Final Plat review, the applicant must address all relevant CBCAC Buffer concerns expressed in their 9/23/08 letter.

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'.

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<sup>8</sup> The permitted density of the SAR zone was then 1/8. Effective 1/1/07, the permitted SAR maximum density became 1/20.

<sup>9</sup> The Concept Plat reported both 5.14 and 6.19 Critical Area RCA overlay zone acres.

<sup>10</sup> This is required by §4.1.22 (b).

<sup>11</sup> The information can be found on the plat, but not in one table, per §4.1.22 (r).

<sup>12</sup> Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. Thus, the 2<sup>nd</sup> condition of Concept Plat approval has been rendered moot. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96<sup>13</sup>, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

15% common open space is required; 60.60% is now proposed. The Zoning Regulations table incorrectly cites 60% common open space and 15% open space requirements. This design maintains bonus density eligibility.

No landscaping of the development envelope is required and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Telegraph Road.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. It has been shown only on sheet 8 of 9, the Grading Plan.

Because the Natural Heritage Service has exceeded their 30-day response window, the FSD was conditionally approved on 11/16/06. The Natural Heritage Letter must be submitted prior to PFCP approval, and any recommended species surveys must be completed prior to the TAC's review of any Preliminary Plat.

The PFCP/Preliminary Environmental Assessment was approved on 9/16/08.

The FCP, Landscape Plan, and environmental assessment 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The Centennial Circle road name has been approved by the County 911 Emergency Center.

New Castle County has approved addresses for the 5 proposed NCC homes, and NCC Emergency Services has been notified. There is no documentation that Cecil County Emergency Services has also been notified.

With respect to fire suppression, what is planned in the way of a drafting tank and/or dry hydrants? Mr. McAgthon stated that they plan to have a connection to the Bohemia Creek; a dry hydrant.

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<sup>13</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

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.

The GAP may need to be issued prior to Final Plat review. Coordination between MDE and DNREC may be necessary.

Per 9/23/08 CBCAC comments, Note # 24 on sheet 1 states that the development rights in the RCA are exhausted.

The Cecil County Public Schools reported that any potential students in the 5 NCC homes would be served by schools of New Castle County's Appoquinimink School District.

The 4<sup>th</sup> condition of Concept Plat approval was that all data in the 'areas of natural constraints' table be corrected prior to the TAC's review of any Preliminary Plat. This relates to the missing Critical Area Acreage coefficient.

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.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Sight distance measurements for the Old Telegraph Road access have been submitted and approved.
3. The required Protocol 3 Road Condition Survey & Road Improvements Plan for Old telegraph Road, along the entire frontage of this development, has been submitted. In accordance with the Department's May 21, 2008 comments the Applicant shall be responsible for the following work and this must be identified on the preliminary plat submitted to the Planning Commission:
  - 3.1. Replacement of the existing culvert under Old Telegraph Road located immediately north of the proposed entrance.
  - 3.2. Re-establish the roadside drainage swale on the east side of Old Telegraph Road, immediately north of the existing culvert.
  - 3.3. Mill and overlay both lanes of Old Telegraph Road along the entire frontage of the proposed development.
4. The Department will require proof that any/all MDE stream crossing permits have been obtained prior to approval of the final road & storm drain plans.
5. Geo-technical analysis of all road crossings of wetlands/streams are required to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
6. Who required that a water line be installed between the drafting tank and from the Great Bohemia Creek? It has always been the Department's understanding that the initial fill & subsequent refills of this or any drafting tank would be the responsibility of the serving Fire Company. This can be achieved with far less environmental impact by the Fire Company through use of a tanker truck than by running a pipe through the 110' riparian buffer and out into the creek.
7. The preliminary SWM submittal incorrectly identifies this site as being in the Transitional Region. This site is in the Coastal Plain and as such no 251-9.A.3 determination is required.

8. The Recharge Volume Requirements ( $Re_v$ ) for this or any site cannot be met by use of the proposed above ground detention basin (P1-5, or W1-4). Refer to Table 4.3 BMP Selection – Stormwater Treatment Suitability of the MDE 2000 Design Manual. Recharge must be accomplished outside of the basin. Look at Table 4.3 for acceptable methods to meet the  $Re_v$  requirements (i.e. roadside ditches as dry swales, infiltration basins, bioretion, etc...).
9. What form of drainage is proposed in the rear yards of Lots 2-5? Both the SWM & Lot Grading plans must address this. If the runoff is to be concentrated a private storm water conveyance easement will be required and it must be identified on the preliminary plat and final plats.
10. The Inspection & Maintenance easement for the SWM pond as well as any conveyance easements for proposed storm drain pipe must be called out as appropriate on the preliminary and final plats.
11. For the portion of the development in Delaware the applicant must comply with all pertinent requirements imposed by them in regards to SWM, lot grading, building permits, etc...
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 12.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 12.3 Requirements for Utility relocations.
  - 12.4 Requirements for Public Works Agreements.
  - 12.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 12.6 Requirements for County Roads.
  - 12.7 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Old Telegraph Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any

driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Discussion ensued regarding pending Critical Area issues for this project.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to final plat approval.

Move the well on lot 1 to 15' off the road right-of-way and across from the driveway for lot 2. Move the well on lot 6 to be above the 40' contour line.

Adjust sewage areas on lots 2, 7 and 10 to be 25' from roadside ditches.

Contact Maryland Department of the Environment regarding non-tidal wetlands and waterways permits for installing the proposed waterline for the fire suppression tank.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Frank Dinbowitz spoke in opposition of this project.

Discussion ensued regarding the condition and sight distance on Old Telegraph Road.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met;
- 3) The area/density table, required by §4.1.22 (r), being included on the Final Plat;
- 4) The Critical Area acreage being included on the Final Plat;
- 5) All §4.1.22 (b) information being included on the Final Plat;
- 6) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 7) The required 10' street tree planting easement being depicted and noted on the Final and Record Plats;
- 8) The confusion between open space and common open space being eliminated from the Zoning Regulations table on the Final and Record Plats;
- 9) The FFCP/Landscape Plan/Environmental Assessment being approved prior to submittal of the Final Plat; and
- 10) Any other relevant Critical Area Commission comments being adequately addressed prior to submittal of the Final Plat.

A motion for approval with conditions was made by Mr. Doordan.

The motion was seconded by Mr. Edwards.

Members in favor of approval were Mr. Wiggins, Mr. Edwards and Mr. Doordan.

The sole vote in opposition of approval was Mr. Janusz.

Motion for approval with conditions carried.

#### **4. Lands of John H. Curtis, Lots 2A, 2B and 2C, Bohemia Church Road, Final Plat, McCrone, Inc., First Election District.**

John Curtis, owner and Mike Burcham, McCrone, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR

Density: The Concept Plat,<sup>14</sup> proposing 3 lots on 36.2 acres, for a proposed density of 1/12.07, was approved<sup>15</sup> on 10/16/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat; and
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat.

Per the DNR Natural Heritage Letter, no rare, threatened or endangered species occur on site.

The Preliminary Plat was approved on 8/18/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met; and
- 3) The FCP/Landscape Plan being approved prior to Final Plat review.

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

The Critical Area RCA overlay zone permits a density of 1/20. Only proposed Lot 2C is partially within the Critical Area; its proposed density is 1/29.9. The proposed new lots, 2A and 2B, are located entirely outside the Critical Area.<sup>16</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>17</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no

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<sup>14</sup> This was submitted as a major subdivision because the minor subdivision potential of the parcel of record from which lot 2 was created has been exhausted.

<sup>15</sup> At that time, The SAR zone permitted a maximum base density of 1 du/ 8 ac. Bonus density was not an issue.

<sup>16</sup> Thus, the moratorium on lot approvals inside the Critical Area, now defunct, was moot for proposed Lots 2A and 2B.

<sup>17</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.

No common open space was required. No landscaping of the development envelope is required, and no sidewalks are recommended in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Bohemia Church Road, and the 100' BRL has been depicted.

The FSD was approved on 10/10/06.

The PFCP/Preliminary Environmental Assessment was approved on 7/17/08.

The FCP/Landscape Plan/Environmental Assessment was approved on 10/14/08.

Ordinarily, an environmental assessment would need to be submitted in accordance with §200.1 of the Zoning Ordinance. However, as noted on the plat, there shall be no new development on Lot 2C, and proposed Lots 2A and 2B are located entirely outside the Critical Area.

Any 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, with the metes and bounds description of the FRA being shown on the Record Plat.

The contiguous operating farm notice has been provided on the plat.

Mr. Whittie, DPW, read the comments of the department:

A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to approval of any grading/building permit for Lots 2A and/or 2B. The standard SWM deferral note required on the final plat is missing. The Department will not sign the record plat until the appropriate note is added to the plat.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. The final plat is satisfactory.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 4) The Landscape Agreement's being executed prior to Recordation;
- 5) A note being added to the Record Plat to the effect that FIDS are present in the Critical Area portion of Lot 2C, and, therefore, any possible disturbance of this area shall comply with all applicable development restrictions; and
- 6) The original Minor Subdivision number's being referenced on the Record Plat.

Discussion ensued regarding Critical Area Commission concerns.

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approved. Motion carried.

**5. Lands of Gregory and Danita Walker, Lots 1-3, Old Elk Neck Road, Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.**

Danita Walker, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & RCA

Density: The Concept Plat,<sup>18</sup> proposing 3 lots on 11.5963 acres, for a proposed bonus density of 1/3.8654, was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) The Critical Area acreage being added to all subsequent plats; and
- 5) Reference to remaining lands being supplanted by reference to the large lots on all subsequent plats.

The Preliminary Plat was approved on 7/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan being approved prior to Final Plat review;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 5) Note # 12 being modified to reflect the fact that building lots are, in fact, proposed; and
- 6) A waiver of the front BRL being granted.

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

Proposed Lot 1 is the large lot, upon which bonus density approval was predicated; thus its prohibition from further subdivision is cited.

Lot 1's Critical Area acreage is only 1.5261; therefore, the RCA density is 1/1.5261, even though the dwelling is outside the Critical Area.

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<sup>18</sup> The NAR zone then permitted a base density of 1 du/ 5 ac., with bonus density eligibility permitting density of 1/3.

A copy of CBCAC staff comments were provided to the applicant. No more than 20% of the forest or developed woodland may be removed, and no more than 15% of the surface area can be converted to impervious surface in the RCA.

No steep slopes have been depicted on site.<sup>19</sup>

A 110' perennial stream buffer is required from any perennial streams present.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting.<sup>20</sup> If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96,<sup>21</sup> or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review, but required to be completed prior to recordation.

No common open space was required for fewer than 10 lots. No landscaping is required and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Elk Neck Road.

The FSD was conditionally approved as the NHS exceeded their 30-day response window.<sup>22</sup>

The PFCP was approved on 6/13/08.

The FCP/Landscape Plan was approved on 10/16/08.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

Covenants prohibiting the subdivision of the large lot must be recorded and again noted on the Record Plat.

The contiguous operating farm notice has been provided as Note # 10.

Note #12 must be modified (2 new building lots are proposed.) prior to Final Plat review.

The CBCAC has expressed concern about future development in the RCA portion of Lot 1 because of FIDS habitat, but Lot 1 cannot be further subdivided. To address the possibility of future accessory structures, staff recommends the addition of a note to the effect that "Any possible future development of the RCA portion of this site must comply with local and state Critical Area Programs."

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<sup>19</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>20</sup> Thus, the second condition of Concept Plat approval has been rendered moot.

<sup>21</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

<sup>22</sup> Habitats of rare, threatened, & endangered species must be avoided.

Mr. Woodhull, DPW, read the comments of the department:

All required plans are technically complete and only administrative issues remain outstanding. The record plat will not be signed until these issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filled with Maryland Department of the Environment.

Final major subdivision plat matches preliminary plat. Plat is satisfactory.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to Recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (**FRA**s) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat;
- 5) Deed restrictions prohibiting any further subdivision of the large lot being recorded prior to Recordation; and
- 6) A statement being added to the Record Plat to the effect that "Any possible future development of the RCA portion of this site must comply with local and state Critical Area Programs."

A motion for approval with conditions was made by Mr. Doordan.  
The motion was seconded by Mr. Wiggins.

All approved. Motion carried.

**6. Pelham Manor, Lot 77, Section Two, Phase Two, Williams Road, Final Plat, Morris & Ritchie Associates, Inc., Second Election District.**

**WITHDRAWN**

**7. Lands of Rummel, Lots 6-18, Spears Hill Road, Preliminary Plat, Century Engineering, Second Election District.**

Jeff and Judy Rummel, owners, Troy Slevin, Century Engineering and Dennis Clower, Esq., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR<sup>23</sup>

Density: Invoking the density provisions of §2.4.1, the Concept Plat, proposing 2 minor- and 17 major-subdivision lots on 51.7017 acres, at a bonus density of 1/3.042<sup>24</sup>, was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The roadway easement acreage's deduction clearly demonstrating there to be at least 60% net common open space for bonus density eligibility;
- 3) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 4) The PFCP being approved any sensitive species issues also being adequately addressed prior to the Planning Commission's review of the Preliminary Plat;
- 5) All road names being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 6) An amendment to the Brickhouse Farm Estates TIS being completed prior to the TAC's review of the Preliminary Plat.<sup>25</sup>

The boundary line survey has been completed.

This Preliminary Plat for proposed Lots 6-18 is consistent with the approved Concept Plat and the overall Preliminary Plat reviewed by the TAC on 9/3/08.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>26</sup>

No slopes greater than 25% have been shown.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are now required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.<sup>27</sup>

Thus, the third condition of Concept Plat approval has been rendered moot.

No rare, threatened, or endangered species exist on site.

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<sup>23</sup> The NAR zone's permitted density was reduced to 1/10, effective 1/1/07.

<sup>24</sup> The NAR zone permitted a base density of 1 du/5 ac.; bonus density eligibility carried with it a permitted density of 1/3.

<sup>25</sup> This condition was added, the request of DPW. There was no Brickhouse Farm Estates TIS, and a Protocol 3 Road Condition Survey was completed instead, to the satisfaction of DPW. See Note # 19.

<sup>26</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>27</sup> Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a JD need not be done.

15% common open space is required; 60.8% is proposed.<sup>28</sup> As stated at Concept Plat reviews, all 'common open space' must be consistently labeled and referenced as such. Even though no common open space is proposed as part of Phase 1, all common open space must be so labeled and referenced on the plat.

Concerning Parcels 618, 619, and 620 in Tax Map 38, a note must appear on any Final and Record Plat stating that they can be activated as building lots only via the major subdivision process.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Spears Hill Road.

The setbacks on the proposed building lots are indicated in Note # 7, and the front BRL's are depicted on the plat.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Their details are provided on sheet 2, but the 10' street tree planting easement needs to be labeled. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 11/08/06.

The PFCP was approved on 9/29/08.

The FCP/Landscape Plan must be approved prior to submission of the Final Plat.

A Landscape Agreement must be executed prior to recordation.

The internal road name, Rimmell Way, 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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.

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.

Notes 4, 10 & 12 & the acreage insert below the Line Table meet the §4.2.13 (r) requirement.

The applicant is reminded of the provision of §7.2.12.B.6.

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<sup>28</sup> The roadway easement depicted in the common open space is specifically prohibited in §176.2.a. Therefore, the roadway easement's acreage has been deducted from the common open space total acreage, and the proposal is still eligible for bonus density under the provisions of §22 that were in effect on 12/21/06.

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The applicant has provided sight distance measurements identifying adequate distances are obtainable for the Spears Hill Road access location.
3. The protocol 3 road condition survey & road improvements plan for the entire length of Spears Hill Road has been submitted and reviewed. We concur with the findings presented. The Department's August 7, 2008 letter has identified the extent of the Applicant's responsibilities as road side drainage improvements along the development's Spears Hill Road frontage and the mill & overlay of both lanes of Spears Hill Road for 100' either side of the point of intersection with the proposed access road.
4. The Department previously requested that the applicant amend the TIS for Brickhouse Farm Estates to address the additional traffic loading generated by this development. However due to the relatively small number of lots (19) we no longer see a benefit to revisit the Brickhouse Farm TIS at this time and withdraw our request.
5. The acceleration/deceleration lanes shown are not correct. Each lane consists of 100' of 10' wide pavement. The 100' is divided into a 50' long transition lane with a 5/1 taper stripe and the remaining 50' long speed change lane. The 100' length is measured from the PC of the entrance curve.
6. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way and the maximum grade break (algebraic difference) at the intersection is 6%.
7. It appears that driveway pipes will be required for all but one or two lots. These pipes must be analyzed & sized to provide adequate drainage to the SWM facility at the time of design.
8. The proposed street trees must be located outside the ROW.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 8.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 8.3 Requirements for Utility relocations.
  
  - 8.4 Requirements for Public Works Agreements.
  
  - 8.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  
  - 8.6 Requirements for County Roads.
  
  - 8.7 Requirements for Driveways.

***Notes and requirements identified for record:***

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

- b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
  4. A Public Works Agreement is required for the streets & storm drainage constructions.
  5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  6. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way.
  7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be filed for the entire concept (both phases) prior to final plat approval.

The area identified as proposed lots 1 – 5 and 19 are not being reviewed at this time and may or may not be approved in the future. The Health Department will not approve final / record plat referring to specific future lots on the plat or in the area table. It is recommended that this area be identified as "reserved for future development"

Wells on lots 8, 13 and 14 must be 30' from dwellings. No well location can be seen on lot 11. Submit a written request for well variances for lots 7, 17 and 18.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A note appearing on the Final Plat to the effect that Parcels 618, 619, and 620 in Tax Map 38 shall be activated as building lots only via the major subdivision process;
- 4) The FCP/Landscape Plan being approved prior to submission of the Final Plat;
- 5) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final and Record Plats;
- 6) The Final Plat's depicting and clearly labeling the 10' street tree planting easement outside the right-of-way; and
- 7) All common open space being shown or referenced on the Final Plat being clearly labeled and referenced as such.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approved. Motion carried.

**8. Cherrington, 379 Units, Blue Ball and Dogwood Roads, Concept Plat, Van Cleef Engineering Associates, Third Election District.**

Scott Lobdell, Van Cleef Engineering and Lou Rammunno, Representative for the owner, appeared and presented an overview of the project.

Discussion ensued regarding access to Blue Ball Road being denied and the possibility of having 2 access points on Dogwood Road.

Commissioner Demmler voiced her concern for the overcrowding of Elkton High School and how this development would add to the overcrowding.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RM

Density: This Concept Plat proposes 379 dwelling units on 66.14 acres, for a proposed density of 5.73/1. The RM zone permits a density of 12 du/ 1 ac. for townhouses and 16/1 for apartments (as a structure type).

The Election District information still has not been added to the title block.<sup>29</sup>

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

Parcel 1135 is not included in what is ostensibly a table of adjacent properties' data, on Sheet 1 of 4.

Is Parcel 1135 included in the cited 66.14 acres? Mr. Lobdell said no.

Why are difference parcel boundary graphics used for P. 1135? Mr. Lobdell said he believes it is a scaling issue.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>30</sup>

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'. The depicted floodplain appears tied to the FEMA map rather than actual topographic information.

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<sup>29</sup> This omission was cited at TAC review, and the requirement is found in Item # 3 of Appendix A of the Zoning Ordinance. Clearly, the Election District information is required of all site residential plans, which this Concept Plat is considered to be, per §291.2.

<sup>30</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. In this case, given the proposed wetland impacts, it must be obtained prior to Final Forest Conservation Plan approval.<sup>31</sup> JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

20% open space is required in the RM zone; 69.29% is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal 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 nontidal or tidal wetlands. The open space sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per §29.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

Sidewalks have been shown. In the interest of safety, the proposed "active open space" areas, especially if tot lots, should be moved as far away from vehicular traffic as possible. Are any bike lanes proposed to be striped or back racks installed? Mr. Lobdell said bike racks would not be a problem. He said they have not looked into having bike lanes.

Per §29.5.a (1), a 25' Bufferyard standard C is required around the perimeter of the development tract.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Dogwood Roads.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Singerly Fire Company prior to the TAC's Preliminary Plat review.

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 buildings shall be set back at least 20' from all parking areas and internal roads (§29.4.h).

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§29.4.d).

The maximum length of an apartment building is 300 feet (§29.4.j).

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<sup>31</sup> Upon FCP approval, a grading permit can be issued. However, grading cannot be permitted in a wetland area unless an MDE/Corps permit to do so has been issued.

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard 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 DNR.

The FSD was approved on 10/15/08.

The PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The internal road names must be approved by the County's 911 Emergency Center 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.

A Traffic Impact Study (TIS) will be required prior to the TAC's Preliminary Plat review.

The number and ratio of off-street parking spaces to dwelling units has not been provided, as required by §4.0.13(m)3. The parking requirements set forth in §277 must be met.

At TAC review (7/2/08), SHA testified that "all access must be off Dogwood Road with no direct access onto Blue Ball Road (MD 545)." Why does this design include direct access onto Blue Ball Road? Mr. Lobdell said was under the impression that he had to submit the same plan that went before the TAC. Discussion ensued.

The design of the entrance onto Blue Ball Road in conjunction with the proposed locations buildings 42, 46, and 47 is awkward with respect to backing movements from parking areas and vehicle ingress and egress movements.

A number of existing structures are depicted; what will be their disposition? Mr. Lobdell said the homes that are within the owner's property limits will be removed.

Are Parcels 221, 222 & 294 proposed to access the new access road from MD 545? Mr. Lobdell said those properties are owned by a separate entity. They are currently wooded lots.

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 Master Water and Sewer Plan.

The Master Water and Sewer Plan classifies this site as W2 and S2.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all apartments offered for lease.

Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final 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.

For apartments with a proposed townhouse structure type, the "lot" information contained in Subdivision Data Note # 13 does not pertain.

Mr. Di Giacomo stated that he feels this plat needs to come before the TAC again before the Planning Commission makes their reviews.

Mr. Woodhull, DPW, read the comments of the department:

This plat does not address the SHA's refusal to allow direct access onto MD 545. The Department strongly recommends that the concept plat be withdrawn by the applicant or disapproved by the Planning Commission and resubmitted to the TAC with a revised layout reflecting two acceptable entrances off of Dogwood Road.

At the TAC the Developer expressed that they were not pursuing annexation by the Town of Elkton. Is that still true? If so where do you propose to obtain both water and sanitary sewer service for this site? Mr. Lobdell said Artesian has said that they would be able to provide water to this property.

The following comments are based on the site remaining un-annexed:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The water system must accommodate fire flow requirements. Identify fire hydrant locations on the preliminary plat submitted to the Technical Advisory Committee (TAC) for review. Also submit the proposed fire hydrant locations to the serving fire company for their review & comment.
3. Easements for water & sewer lines outside of county ROW must be provided and shown on the preliminary plat presented to the TAC for review.
4. Identify all SWM Access, Inspection & Maintenance, and drainage easements on the preliminary plat presented for TAC review.
5. How is SWM being addressed especially water quality requirements?
6. The Department has a concern about where the discharge from the SWM pond adjacent to Bldg. No. 40. It appears that it will cross an adjoining property prior to reaching Dogwood Run. As such make sure that you comply with all necessary requirements of Section 251-13 D of the Cecil County Storm Water Management Ordinance.
7. The proposed 379 apartments with the 2,547 average daily trip ends they generate will greatly increase the traffic loading on Dogwood Road. Therefore a Traffic Impact Study (TIS) is required for this proposal as is a traffic count identifying current loading of Dogwood Road.

8. With the current condition of Dogwood Road and the traffic loading generated by the 379 units proposed the Developer will be required to provide a Protocol 2 road condition survey & road improvements plan for the full extent of Dogwood Road. This survey and road improvement plan must be approved by the DPW prior to the TAC review of the preliminary plat. At this time the Developer needs to be aware that offsite road improvements to Dogwood Road will be required based upon the approved road improvement plan.
9. The State Highway Administration (SHA) stated at the TAC review of this project that it will not allow the proposed direct access onto MD 545 (Blue Ball Road). Your only access will be onto Dogwood Road. It is the Department's position that a development of this size needs a minimum of two entrances and as such the Developer will have to redesign the layout to accommodate this.
10. The currently proposed Dogwood Road entrance does not appear to be acceptable. The Developer does not own sufficient road frontage on Dogwood Road at the proposed entrance to accommodate the acceleration & deceleration lane requirements identified in Sections 3.07.6 & 3.07.7 of the Cecil County Road Code as well as the requirements of Section 3.07.8 if a by-pass lane is warranted for this development.
11. The Developer is responsible for obtaining any/all ROW required to accommodate the entrances.
12. The proposed monumental entrance must be designed to accommodate the turning movement requirements identified in Section 3.07 of the Cecil County Road Code
13. A sight distance submittal is required for all proposed Dogwood Road access points. The submittal must address intersection as well as stopping sight distances for both entrances and be approved prior to submitting the preliminary plat for TAC review. Mark the centerlines of this proposed entrances in the field.
14. The entrance issue must be resolved to the Departments satisfaction prior to submitting the preliminary plat for TAC review. That plat must identify all improvements agreed to by the Department.
15. The internal streets will be privately owned and maintained by the apartment complex owner. While the County will not take ownership the internal streets must be designed to County standards.
16. The Department has concerns about proposed Building No. 1 being on the entrance portion of the proposed internal street system. The potential for conflicts between the main egress/ingress traffic and vehicles maneuvering into & out of the proposed parking spaces makes for a poor building location.
17. There are also concerns regarding the construction of buildings, streets and a SWM over designated wetlands. Any MDE permitting required for this SWM pond location must be obtained prior to the Department approving the SWM plan.
18. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

18.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

18.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.

18.3 Requirements for Utility relocations.

18.4 Requirements for Stormwater Inspection and Maintenance Agreements

18.5 Requirements for Public Works Agreements.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.

- a. *Final Plat:* “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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
  - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
  4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  5. A Public Works Agreement is required for the streets & storm drainage constructions.

Mr. Doordan read the comments of the Health Department:

Show all existing structures and locate existing well (s) on preliminary plat. Locate existing septic systems on preliminary plat. All existing wells must be abandoned and sealed by a licensed well driller prior to record plat approval. Septic tanks, cesspools, or seepage pits must be pumped by a licensed septic hauler and filled with earth prior to record plat approval.

This site is adjacent to an area of failing septic systems as listed in the Cecil County Master Water and Sewer Plan (Dogwood Road / Blue Ball Road). Every effort should be made during the design of this project to allow the extension of public sewage and public water to the area.

Identify the water supply and public sewer plant to be utilized for this project. Adequate water and sewer allocations are required prior to final plat approval.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Discussion ensued regarding the possible withdraw of this plat.

Mr. Lobdell officially withdrew this plat from the agenda. The applicant was reminded to bring the project before the TAC prior to going before the Planning Commission.

Mr. Di Giacomo recommended that the applicant not have to meet the public notification requirement with regard to the mailings. That has already been done. The signs have to stay up.

General Discussion:

- Action item on whether to extend a Preliminary Plat approval extension from 1 to 2 years.

The following is the recommendation of staff as read by Mr. Di Giacomo:

“Pursuant to last month’s discussion regarding the language in our Subdivision Regulations governing the duration Preliminary Plat approvals, and how that current length is inconsistent with the three (3) year approvals of Concept Plats and possibly inappropriate relative to the complexity and level of effort of new stormwater management regulations, please review the amendment proposed below.

§4.1.17 now states, “Preliminary Plat approval shall be valid for two (2) years from the date of Planning Commission approval. The Recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may request and extension in accordance with Section 4.1.8;” and

§4.1.18 now states, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for one (1) year upon application of the developer. If granted, said extension shall run for (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

A request for extension of a preliminary plat approval shall be filed no later than the date of the submission deadline for the Planning Commission meeting prior to the expiration of said Preliminary Plat, as established in Appendices A and B of these Regulations.”

I propose either amending §4.1.17 to, “Preliminary Plat approval shall be valid for ~~two (2)~~ **three (3)** years from the date of Planning Commission approval. The Recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation. If a Final Plat is not recorded during the period, then the developer may request and extension in accordance with Section 4.1.8;” or amending §4.1.18 to, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for ~~one (1) year~~ **two (2) years** upon application of the developer. If granted, said extension shall run for ~~one (1) year~~ **two (2) years** from the date said extension is granted. In connection with such request, the Commission shall consider the following:

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

A request for extension of a preliminary plat approval shall be filed no later than the date of the submission deadline for the Planning Commission meeting prior to the expiration of said Preliminary Plat, as established in Appendices A and B of these Regulations.”

Discussion ensued regarding the overcrowding of schools and the concern of an abundance of developments waiting to move forward.

A motion for approval of Preliminary Plat approvals being valid for 3 years was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

Members in favor of Preliminary Plat approvals being valid for 3 years included Mr. Doordan, Mr. Edwards and Mr. Janusz.

The sole vote in opposition was Mr. Wiggins.

- Action item on omitting the “density of a” phrase from several sections of the Subdivision Regulations.

The following is the recommendation of staff as read by Mr. Di Giacomo:

“Pursuant to last month’s discussion regarding the language in our Subdivision Regulations referencing Concept Plats, and how that current language may erroneously suggest that Concept Plat approvals concern only the permitted density of a subdivision proposal, please review the amendments proposed below.

§4.0.8 now states, “The review by the Planning Commission of the Concept Plat is to allow the subdivider to determine feasibility of his project prior to incurring extensive costs for surveying and engineering and to determine the maximum density allowable on the parcel. Acceptance for Planning Commission review does not guarantee approval. Approval of a Concept Plat does not guarantee subsequent (i.e., Preliminary and Final) approvals.”

I propose amending §4.0.8 to, “The review by the Planning Commission of the Concept Plat is to allow the subdivider to determine feasibility of his project prior to incurring extensive costs for surveying and engineering and to determine the maximum density allowable **and an acceptable layout** on the parcel. Acceptance for Planning Commission review does not guarantee approval. Approval of a Concept Plat does not guarantee subsequent (i.e., Preliminary and Final) approvals.”

§4.0.11 now states, “If an extension of the density approval of a Concept Plat has been denied or approved, the subdivider and other concerned agencies shall receive written notice to that effect.”

I propose amending §4.0.11 to, “If an extension of the density **and layout** approval of a Concept Plat has been denied or approved, the subdivider and other concerned agencies shall receive written notice to that effect.”

§4.0.12 now states, “A disapproved or voided density of a Concept Plat has no status and any further consideration or review submission shall be treated as a new application.”

I propose amending §4.0.12 to, “A disapproved or voided density **and layout** of a Concept Plat has no status and any further consideration or review submission shall be treated as a new application.”<sup>32</sup>

A motion for approval to change the language as read by Mr. Di Giacomo was made by Mr. Janusz. Then motion was seconded by Mr. Doordan.

All approved. Motion carried.

Chairman Mortimer stated that the Planning Commission had asked the county commissioners to request from the state that full signalization be placed at the intersection of MD Rte. 273 and Appleton Road. The state had denied the request. Chairman Mortimer said that another fatality has occurred at this light since the commission asking for the signal. He requested that this request be resubmitted. He asked that staff to get driving statistics for this intersection for the Planning Commission to review.

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<sup>32</sup> Previously, it was recommended that §4.0.12 be amended to “A disapproved, **expired**, or voided density of a Concept Plat has no status and any further consideration or review submission shall be treated as a new application.”

Chairman Mortimer proposed that the Planning Commission meet with the outgoing and incoming County Commissioners in a work session. Some items that Chairman Mortimer would like to address at the work session include the following:

- The possibility of raising HOA fees to help cover the extension costs that are incurred.
- The process of open space calculation.
- Changing the language regarding clustering.
- Mr. Doordan to give an update on the Comprehensive Plan Subcommittee progress.
- The adoption of architectural standards.
- An update on workforce housing.
- APFO (Adequate Public Facilities Ordinance) and impact fees.
- The creation of a training manual for new Planning Commission members.

A work session between the Planning Commission and the Board of County Commissioners will be scheduled. The time and place will be announced at a later date.

A motion to adjourn was made by Mr. Edwards

The motion was seconded by Mr. Wiggins.

All approved. Motion carried.

The November Planning Commission meeting adjourned at 2:21 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes  
December 15, 2008**

**Present:** B. Patrick Doordan; Joe Janusz; Ken Wiggins; Guy Edwards; Wyatt Wallace; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopolous, Court Reporter.

**Absent:** Bill Mortimer, H. Clay McDowell - alternate.

**Call to Order:** Vice Chair Doordan called the meeting to order at 10:00 a.m.

**Approval of the Minutes:** Mr. Janusz made a motion for approval. The motion was seconded by Mr. Wiggins. All approve. Motion carried.

**1. Charlestown Crossing, US Rte. 40 & Rte. 7, Preliminary Plat Extension, PUD, Taylor Wiseman Taylor, Inc., Fifth Election District.**

Michael Vaughan, representative for Charlestown Crossing, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

**Zoning:** SR, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal

**Density:** The SR zone permits a base density of 1 du/ 1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development.

Per §256 of the Zoning Ordinance, the PUD "Sketch Plat/Special Exception Application" was granted a Special Exception on 9/28/04 by the Board of Appeals<sup>1</sup> – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the "employment" area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);

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<sup>1</sup> Because a PUD is permitted in the SR zone only by Special Exception

- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots<sup>2</sup> at a density of 2.63/1, was approved<sup>3</sup> on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;

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<sup>2</sup> On 224.73 SR-zoned acres

<sup>3</sup> The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and
- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. The 4/18/05 Preliminary Plat was granted 1-year extensions on 3/19/07 and 1/23/08. Unless either a Final Plat is approved<sup>4</sup> and recorded or, as requested, the Preliminary Plat's validity is again extended in the interim, said validity will expire on 1/23/09.

§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 for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the date said extension is granted. In connection with such request, the Commission shall consider the following:

- 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.

Another extension would prolong the validity of the Preliminary Plat for one year from the date upon which the extension is granted -- 12/15/09.

School information:	Elementary Charlestown	Middle Perryville	High School Perryville
FTE	186	628	950
Capacity	292	688	944
% Utilization	64%	91%	101%

<sup>4</sup> The Phase 1 Final Plat was approved on 6/16/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) The 10' street tree planting easement being depicted and noted on the Record Plat;
- 5) Deed restrictions for the long-term protection of the street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's containing 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 Master Water and Sewer Plan;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) A Maintenance Association for the maintenance of the private mini-roads being established prior to recordation; and
- 11) No lots fronting on any private roads.

No Charlestown Crossing Phase 1 Record Plats have been subsequently recorded, which, per §4.1.17, would have extended the Preliminary Plat's validity for an additional two (2) years from the date of said recordation.

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. Our previous comments still apply and will be included in the minutes but will not be read at this time:

1. The Department understands that the water supply for this development will be a private system with an onsite tower and/or tankage. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.
2. A SWM plan, Road & Storm Drain plan, Sanitary Sewer Collection & Pumping System/Force Main plan, Water Distribution System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for final plat Approval. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note. These notes will be identified in the record but will not be read at this time.

Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."

Final Plat: "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."

Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."

3. If stormwater discharge is directed off of the site on to adjacent property owners the Developer must follow the requirements of Section 251-13 and Section 251-15.D of the Cecil County SWM Ordinance.
4. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.
5. The 100-year flood plain must be plotted by elevation (rather than graphically from the FEMA maps) on the construction drawings. This requires an engineer's analysis.

6. Any proposed sewer alignments outside road rights-of-way are required to have an access road along them. Access road construction may be gravel, 10" depth, with grass cover.
7. All driveways must be paved at least to the right of way and those accessing Charlestown Crossing Boulevard and Dove Road, must be designed with on-lot turnaround capability. The Developer is responsible to complete all driveway paving within the road right-of-way at the time of surface course installation for the internal streets. This requirement includes vacant but platted lot driveways. All driveways exceeding 5% up-gradient-slope must be paved to the crest. If the development is phased this requirement will apply to each individual phase as it is completed. The Lot Grading Plan and Street Construction Drawings must include notes to this effect.
8. If any of the proposed internal streets have wetlands crossings, a geo-technical investigation of the suitability of the sub-grade soils will be required.
9. The stream crossing for Charlestown Crossing Boulevard will require an MDE permit and is to be designed to pass the 100-Year storm without roadway overtopping. Re-map the 100-year flood plain impacted by the road crossing as called for in Comment #6 and based upon the crossing engineer's hydraulic design.
10. It appears that this crossing may involve a single span in excess of 100'. This may be beyond the capabilities of a bottomless pre-cast arch and, therefore, a bridge may be required. The road design must address this. Whatever product is used to cross the stream the Department requires borings to be taken, at the point of abutment locations, and indicating adequate bearing capacity exists. Design of the crossing should not proceed prior to preliminary agreement from the DPW on the crossing type.
11. Any open space adequately sized and/or proposed for active recreation that abuts "Collector" roads should be provided with some form of decorative barrier to separate active open space and/or playgrounds and tot lots from travel ways. This also should be considered for any such open space provided on "Minor" roads near their intersection with "Collector" Roads. The Department requires that these 'barriers' be shown on the street construction drawings and included in the PWA's for each section/phase of development.
12. An I&M Agreement is required for all SWM facilities.
13. Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA to cover the same.
14. Public Works Agreements will be required for all public infrastructure shown.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to Preliminary Plat extension.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Discussion ensued regarding the submittal of a Final Plat.

Mr. Di Giacomo read the recommendation of the staff:

The **granting** of another one-year extension of Preliminary Plat approval, to expire on **12/15/09**.

A motion for the granting of a 1 year extension was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Lands of Ronald & Linda Guns, Lots 3, 4 and Add-On of Remaining Lands, Concept Plat Extension, Tony's Road, C. Robert Webb, Professional Land Surveyor, Third Election District.**

Bob Webb, Surveyor and Ronald Guns, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: RR<sup>5</sup>

Density: The Concept Plat<sup>6</sup> proposing 2 lots plus remaining lands on 9.5543 acres (which should have been stated as 11.4432 acres) for a bonus density of 1/3.18 (or 1/3.81, based upon 11.4432 acres), was approved on 12/21/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) The front setback modification being granted;
- 4) The Area Tabulation being clarified prior to the TAC's review of the Preliminary Plat; and
- 5) The remaining lands being given a lots number, to serve as the large lot, prior to the TAC's review of the Preliminary Plat.

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat's validity will expire on 12/21/08, unless an extension is granted or a Preliminary Plat is approved in the interim.

§4.0.10 of the Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations."

Staff notes only a change to the zoning classification of the property: effective 1/26/07 the entirety of the property became RR-zoned. The RR zone now incorporates the same density provisions as did the NAR and RR zones at the time of Concept Plat approval.

If granted, the requested extension would expire on 12/21/09.

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<sup>5</sup> At the time of Concept Plat approval, the site was zoned **NAR** and **RR**, but rezoned to all **RR** on 1/26/07.

<sup>6</sup> Parcel 144 has exhausted minor subdivision eligibility through the creation of parcels 558, 613, 635 & 636. The remaining lands must be given a lot number, so that they can serve as the large lot – which, in this case consist of **83.5%** of the total area.

School information:	Elementary	Middle	High School
	Leeds	Cherry Hill	North East
FTE	391	494	1084
Capacity	408	775	1009
% Utilization	96%	64%	107%

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. Our comments from the 12/18/06 Planning Commission still apply and will be included in the minutes but not be read at this time:

1. A SWM plan and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The Department recommends that a common driveway access on to Tony's Road be provided for Lots 3 & 4.
3. Sight distance measurements will be required for the proposed driveway access points for Lots 3 & 4. The proposed driveway centerline locations must be marked in the field.
4. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 4.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
  - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 4.3 Requirements for Utility relocations.
  - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements
  - 4.5 Requirements for Driveways.

**Notes and requirements identified for record:**

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat:* "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
  - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to concept plat extension.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a one (1) year extension, to expire on **12/21/09**.

A motion for the granting of a 1 year extension was made by Mr. Janusz.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

### **3. Meadows Hideaway, Lots 1-5, 8, 9 & 11-16, Calvary Lane, Preliminary Plat, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., David Parrack, Esq. and Joe Meadows, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & MEB<sup>7</sup>

Density: The Concept Plat, consisting of 2 parcels of record, and invoking the density provisions of §2.4.1 to propose 8 minor and 8 major subdivision lots on 42.1 acres, for a proposed density of 1/5.26,<sup>8</sup> was approved on 12/18/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) The road name's being approved prior to the Planning Commission's review of the Preliminary Plat;
- 5) Any necessary road frontage Variance being obtained from the Board of Appeals prior to Final Plat approval;
- 6) All documentation regarding the road ROW conveyance for adequate road access and private road access, and any formal agreements thereto, being submitted prior to Final Plat review;
- 7) §187.2 bufferyards being required to separate these proposed lots from surrounding MEB overlay zones and their activities; and
- 8) Plans for the private road (Calvary Lane) to convert to a county road with nothing less than county road regulation standards being submitted prior to Preliminary Plat approval. The burden will be on the applicant with the county having no responsibility in the conversion.

Concept Plats then remained valid for two years; therefore, its validity will expire on 12/18/08, unless an extension is granted or this Preliminary Plat is approved in the interim.

With no public road frontage or direct public road access, a Variance is required from the Board of Appeals prior to Final Plat approval. What steps have been taken in that regard? Mr. Sutton said they have not pursued the variance yet.

Has it been determined that the owners of those proposed lots could access Goosemar Road via the private road? Mr. Sutton said yes; it would be along the existing 50' ROW.

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<sup>7</sup> The Comprehensive Plan requires that the ultimate use of parcels in a Mineral Extraction District be determined "after extraction has occurred, or the mineral is demonstrated to be economically unrecoverable." In this case, the proposed ultimate use is the 16 proposed lots in this subdivision, and a letter was received 12/12/06, documenting that this site's minerals were then recoverable for approximately 6 more months.

<sup>8</sup> The NAR zone then permitted a base density of 1 du/ 5 ac.; bonus density was not an issue. Effective 1/1/07, the permitted density in the NAR zone became 1/10.

Site Note # 7 indicates that the boundary line survey has been completed.

Proposed Lots 6, 7, & 10 are now “reserved for future development.” Why? Mr. Sutton said those lots are subject to wet season perc testing that will need to be done.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>9</sup>

Steep slopes have been shown.

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD’s are now required in conjunction with permitting; thus the second condition of Concept Plat approval has been rendered moot. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.<sup>10</sup>

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

15% common open space is required; 19.47% (was 22.8%) is proposed.

No landscaping is required and no sidewalks are recommended in the NAR zone.

No Bufferyard Standard C is required because there are no road frontages.

The approved PFCP satisfies the §187.2 requirement.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Rows of street trees with 10’ planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10’ street tree planting easement has not been shown. 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 DNR.

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<sup>9</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

<sup>10</sup> Per the Planning Commission’s policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area or the large lot, a **JD** need not be done.

The FSD was approved on 11/8/06.

The PFCP was approved on 11/18/08.

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The proposed Meadows Hideaway Lane road name has been approved. However, the plan is for the right-of-way shown on sheet 2 of 2 to be known as Calvary Lane out to the point of access to Goosemar Road, in which case there would be 2 unconnected Calvary Lanes – one leading to Goosemar and the other to Ebenezer Church Road. That situation could render emergency service response problematic.

Has it been determined that the 30' strip of land along the northwesterly Calvary Lane to be dedicated to the Board of County Commissioners is actually desired by the County? Mr. Sutton said that is still to be determined.

What steps have been taken to satisfy the 8<sup>th</sup> condition of Concept Plat approval? Mr. Sutton said he has submitted the road improvement plan to DPW.

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.

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.

School information:	Elementary	Middle	High School
	Bay View	North East	North East
FTE	569	753	1084
Capacity	608	712	1009
% Utilization	94%	106%	107%

Mr. Woodhull, DPW, read the comments of the department:

1. As a long standing policy, the DPW requires that a project at the preliminary plat stage of development have an off site road improvements plan acceptable to the Department prior to Planning Commission review. The preliminary plat must contain by note and/or detail the scope of work agreed to by the Developer and the Department. This is done in part to make clear to the Developer and the community that the details of an off site road improvements plan are in fact achievable. In this particular case the 'off site road improvements' is defined to include the proposed Calvary Lane improvements. This submittal lacks description of work associated with an acceptable off site road improvements plan.

2. The question of whether or not adequate sight distance for the proposed Goosemar Road intersection is achievable remains unresolved.
3. With these major issues unresolved the Department does not recommend approval of the preliminary plat.
4. Until Calvary Lane, from Goosemar to this property, is built to acceptable County standards & ROW is deeded to the BOCC of Cecil County the DPW will not sign the record plat. An intermediate turnaround must be provided for Calvary Road. The fee simple dedication of the ROW must be identified on the final plat.
5. The specific road construction standard (i.e. Minor, Minor Collector...etc.) will depend on the number of dwellings that potentially can access Calvary Lane?
6. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 7.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 7.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 7.4 Requirements for Driveways.
  - 7.5 Requirements for Utility relocations.
  - 7.6 Requirements for Public Works Agreements.
  - 7.7 Requirements for County Roads

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
6. A Public Works Agreement is required for the streets & storm drainage construction.
7. The internal street grade leaving Goosemar Road may not exceed 5% within the limits of the intersection right-of-way.

Mr. Woodhull also said to address the ROW dedication shown adjacent to Lots 12 and 13, the department would not recommend that the county take that in.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment prior to final plat approval.

Adjust the well location on lots 4 and 5 to avoid the need for a well variance. The existing well on lot 1 appears to be in a stormwater easement. How will the well be protected? Adjust the sewage area on lots 1, 11 and 15; see Health Department. Show pumping on lot 16.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. David Reeves, 432 Goosemar Road, Rising Sun, MD 21911, Christine Reeves, 432 Goosemar Road, Rising Sun, MD 21911, Tracy Oikemus, 385 Calvary Lane, Rising Sun, MD 21911, David Dubuque, 59, Commerce St., Kenton, DE 19955, and Robert Dubuque, 288 Calvary Lane, Rising Sun, MD 21911, spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

**DISAPPROVAL, because:**

- 1) The 8<sup>th</sup> condition of Concept Plat approval has not been fully met;
- 2) The 10' street tree planting easement has not been shown; and
- 3) The road name issue has not been fully resolved.

A motion for disapproval per staff's recommendation was made by Mr. Edwards. The motion was seconded by Mr. Janusz.

All disapprove. Motion carried.

**4. Meadows Hideaway, Lots 1-16, Calvary Lane, Concept Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., David Parrack, Esq., and Joe Meadows, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR & MEB

Density: The NAR zone permits a maximum base density of 1 du/ 5 ac. The Concept Plat, consisting of 2 parcels of record, and invoking the density provisions of §2.4.1 to propose 8 minor and 8 major subdivision lots on 42.1 acres, for a proposed density of 1/5.26, was approved on 12/18/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;

- 4) The road name's being approved prior to the Planning Commission's review of the Preliminary Plat;
- 5) Any necessary road frontage Variance being obtained from the Board of Appeals prior to Final Plat approval;
- 6) All documentation regarding the road ROW conveyance for adequate road access and private road access, and any formal agreements thereto, being submitted prior to Final Plat review;
- 7) §187.2 bufferyards being required to separate these proposed lots from surrounding MEB overlay zones and their activities; and
- 8) Plans for the private road (Calvary Lane) to convert to a county road with nothing less than county road regulation standards being submitted prior to Preliminary Plat approval. The burden will be on the applicant with the county having no responsibility in the conversion.

The NAR zone then permitted a base density of 1 du/ 5 ac.<sup>11</sup>

At that time, per §4.0.9, Concept Plat approvals remained valid for two years. Therefore, the Concept Plat's validity will expire on 12/18/08, unless an extension is granted or a Preliminary Plat is approved in the interim.

§4.0.10 of the Subdivision Regulations stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the density approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year from the anniversary of the original date of approval. In connection with such request, the Commission shall consider the following:

- a) Change in the zoning classification of the property.
- b) Change in the Zoning Ordinance.
- c) Change in the Subdivision Regulations.
- d) Change in the Comprehensive Plan.
- e) Change in the Critical Area designation of the property.
- f) Change in the Critical Area Program.
- g) Change in the Forest Conservation Regulations."

Staff reports that there has been a significant change to the Zoning Ordinance with respect to the density permitted in the NAR zone: Effective 1/1/07, the permitted density in the NAR zone became 1/10.

In addition, a requested extension was not granted at the 10/20/08 Planning Commission meeting.

School information:	Elementary	Middle	High School
	Rising Sun	Perryville	Perryville
FTE	803	717	950
Capacity	715	818	944
% Utilization	112%	88%	101%

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the extension requested. The remainder of our comments apply and will be included in the minutes but not be read at this time:

1. The Department, as a policy, requires a project at the preliminary plat stage of development have an off site road improvements plan, acceptable to the Department, prior to Planning Commission

<sup>11</sup> Effective 1/1/07, the permitted density in the NAR zone became 1/10.

review and that the plat contain by note or detail the scope of work agreed to by the Developer and the Department. In this particular case the ‘off site road improvements’ is defined to include proposed Calvary Lane improvements. No improvements plan has been submitted and this submittal lacks description of work associated with an approved off site road improvements plan. As such the Department will not recommend approval to the Planning Commission.

2. While the requirements to Improve Calvary Lane, from Goosemar to this property, to acceptable County standards & that the road with associated ROW is deeded to the BOCC of Cecil County are approved prior to recording the final plat the Department wants it made very clear to the Developer and the community, at this stage, that what is being agreed to is achievable.
3. The first sight distance measurements submitted for the Goosemar Road access appeared to indicate that with a reduction of the oververtical curve to the south acceptable sight distance measurements can be achieved. The 12/8/08 road improvements submittal appears to propose that much greater vertical reduction over a longer stretch of road is required. This must be resolved between the DPW and the Developer’s Engineer. The road improvements plan submitted does not address tying in the two existing driveways adjacent to the oververtical vegetative clearing and or grading along the shoulder of the road in either direction if necessary, and roadside drainage improvements.
4. The work associated with the Sections 3.07.06., 3.07.07, & 3.07.15 of the Road Code must be included in the road improvements plan. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
5. Until Calvary Lane, from Goosemar to this property, is built to acceptable County standards & ROW is deeded to the BOCC of Cecil County the DPW will not sign the record plat. An intermediate turnaround must be provided for Calvary Road. The fee simple dedication of the ROW must be identified on the final plat.
6. The specific road construction standard (i.e. Minor, Minor Collector...etc.) will depend on the number of dwellings that potentially can access Calvary Lane?
7. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
8. What is proposed for water & sewer service to these lots?
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 9.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 9.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 9.3 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 9.4 Requirements for Driveways.
  - 9.5 Requirements for Utility relocations.
  - 9.6 Requirements for Public Works Agreements.
  - 9.7 Requirements for County Roads

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.

- a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
  3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
  4. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
  5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
  6. A Public Works Agreement is required for the streets & storm drainage construction.
  7. The internal street grade leaving Goosemar Road may not exceed 5% within the limits of the intersection right-of-way.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to concept plat extension.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. Christine Reeves, 432 Goosemar Road, Rising Sun, MD 21911, Tracy Oikemus, 385 Calvary Lane, Rising Sun, MD 21911, David Dubuque, 59 Commerce St., Kenton, DE 19955 and David Reeves, 432 Goosemar Road, Rising Sun, MD 21911 spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

Not granting an extension of the Concept Plat because of the significant downzoning that has taken place in the NAR zone.

Discussion ensued regarding the conflict between the applicant and the neighbors.

A motion for not granting an extension of the Concept Plat approval per staff's recommendation was made by Mr. Wiggins.

The motion was seconded by Mr. Wallace.

Members in favor of not granting an extension included: Mr. Wiggins, Mr. Wallace and Mr. Edwards.

Mr. Janusz voted in opposition of not granting an extension.

Motion for not granting the extension carried.

#### **5. Cinnamon Woods, Phases 2 & 3, Sites 38-102, 107-127 & 143-200, Mt. Zoar Road, Final Plat, Bay State Land Services, Eighth Election District.**

Mitch Enzer, Bay State Land Services, Heidi Remsburg, David Dodge, Smart Growth Land Management Co. and Sherm Hill, developer, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This Phases 2 & 3, Sites 38-102, 107-127 & 143-200 proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: MH

Density: Manufactured home parks are permitted a density of 6/1.

Formerly known as the Mt. Zoar Mobile Home Park, a Concept Plat was approved by the Planning Commission on 8/17/98 at a density of 2.59 units per acre.

The Mt. Zoar Mobile Home Park, Phases I, II, & III Preliminary Plat for 158 sites was approved on 10/19/98 by the Planning Commission with the following conditions:

- 1) Health Department requirements being met,
- 2) Department of Public Works requirements being met,
- 3) Plan for the private water and sewer system being approved by the Department of Public Works and the Health Department prior to final plat approval,
- 4) Plans for the wastewater treatment plant being approved by the Health Department and the Maryland Department of the Environment prior to final approval,
- 5) Maryland Department of the Environment issuing a permit to construct the wastewater treatment plant prior to final plat approval,
- 6) Bufferyard D being modified to fill in gaps on School House Road,
- 7) Outparcels being labeled as future development,
- 8) All references to lots being changed to sites,
- 9) Permits being obtained from the Corps of Engineers and the Maryland Department of the Environment for wetland impacts prior to recordation,
- 10) Setbacks being shown correctly,
- 11) Open space areas being shown,
- 12) Groundwater Appropriation Permit being issued by the Maryland Department of the Environment prior to final approval,
- 13) Accel, decel, and by-pass lanes being provided at both entrances,
- 14) A JD being done prior to final plat review,
- 15) "t" turn arounds being provided at the end of the streets adjacent to the future development areas.

A Final Plat was disapproved by the Planning Commission review in March 2000, but the Phase I Final Plat, proposing 63 manufactured home sites, was approved on 4/17/00, conditioned on:

- 1) That Health Department Requirements be met;
- 2) That DPW requirements be met;
- 3) That a deed restriction for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) 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 forest retention areas must be clearly shown.
- 4) That the standard forest retention/street tree note be placed on the plat.
- 5) That a landscape agreement be executed prior to recordation,
- 6) That any changes to the water or sewer plants be approved by DPW;
- 7) That the owner-operator of the community water and sewer service be approved by MDE and the Board of County Commissioners prior to recordation;

- 8) That permits from the Corps of Engineers and MDE for all wetland impacts prior to recordation;
- 9) That if any tot lots are to be included in Phase I, then details of the kinds of equipment will need to be included in the Public Works agreement;
- 10) That the gap in the Bufferyard D be filled in on the landscape plan for subsequent phases,
- 11) That access to open space between sites must be marked with concrete monuments,
- 12) That the word “Community” be replaced with “Park” in the title block on the Record Plat,
- 13) That the Master Water and Sewer Plan be amended prior to recordation.

Because of a pending appeal, the applicant sought and was granted a one-year extension of Preliminary Plat approval on 8/21/00. The Preliminary Plat’s validity would have expired on 10/19/00 without an extension the recordation of Phase I – which was in doubt because of the pending appeal.

The Phase I Record Plat was recorded on 8/5/03. Per §4.1.17, that extended Preliminary Plat validity until 8/5/05.

The original Concept Plat approval expired on 8/21/01. The original FSD also had expired (on 10/16/03), so a new FSD was submitted and approved on 6/13/06.

The Phase II & III Concept Plat, proposing 137 new, plus the 63 existing Phase I manufactured home sites on 79.27 acres, was approved at the new proposed overall density of 2.52/1 on 6/19/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC’s review of the Preliminary Plat;
- 2) Documentation of the JD’s completion being submitted prior to the Planning Commission’s review of the Preliminary Plat;
- 3) A sensitive species survey being completed prior to approval of the PFCP; and
- 4) All references to “lots” being changed to “sites.”

The boundary line survey was completed prior to the 10/19/98 Preliminary Plat approval.

The Phase II & III Preliminary Plat was approved on 9/21/06 (the date in General Note # 14 must be corrected), conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The site plan for the clubhouse facility being approved prior to Final Plat review;
- 4) Verification that the proposed water and wastewater systems are capable of serving these proposed sites being received from MDE prior to Final Plat review;
- 5) Sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
- 6) Documentation of the completed JD being submitted prior to Final Plat review if JDs are once again performed by the Corps of Engineers;
- 7) The Final and Record Plats containing 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 Master Water and Sewer Plan;
- 8) The Final and Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease; and
- 9) The FCP and Landscape Plan being approved prior to Final Plat review.

The Revised Phase II & III Preliminary Plat<sup>12</sup> was approved on 9/17/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The site plan for the clubhouse facility being approved prior to Final Plat review;
- 4) Verification that the proposed water and wastewater systems are capable of serving these proposed sites being received from MDE prior to Final Plat review;
- 5) Sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
- 6) Documentation of the completed JD being submitted prior to Final Plat review if JDs are once again performed by the Corps of Engineers;
- 7) The Final and Record Plats containing 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 Master Water and Sewer Plan;
- 8) The Final and Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease; and
- 9) The FCP and Landscape Plan being approved prior to Final Plat review.

That approval extended the Preliminary Plat's validity until 9/17/09.

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

If approved, this development will require that the existing Manufactured Home Park license be amended to include the additional sites.

General Notes 9 and 10 reference "lots" rather than "sites."

A Site Plan for the clubhouse facility has been approved.

Steep slopes have been previously depicted. 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.<sup>13</sup>

Note # 10 on the approved Preliminary Plat indicated that the JD was applied for on 5/16/06; in addition, General Note # 12 on the approved Revised Preliminary Plat indicated that usage review was still pending.

Stream and wetland buffers were depicted on the Preliminary Plats.<sup>14</sup> Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. Thus, the 6<sup>th</sup> condition of Preliminary Plat approval has been rendered moot. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is required to be completed prior to recordation.

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<sup>12</sup> The Revised Phase II & III Preliminary Plat contained minor layout changes only. Therefore, the Concept Plat did not have to be revisited.

<sup>13</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>14</sup> A 25' buffer is required around all non-tidal wetlands and intermittent streams present.

At least 15% of the gross area shall be devoted to open space and recreational area.<sup>15</sup> The total proposed open space is 28.646 (was 28.871 and 28.646) acres.<sup>16</sup> Since the open space acreage has changed, the OS sensitive areas threshold re-calculations have been included.<sup>17</sup>

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. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

A surrounding Bufferyard Standard D is required, per §78.8.

There are no habitats of any rare, threatened, or endangered species on site.

The PFCP was approved on 8/16/06<sup>18</sup> and revised on 7/19/07.

The FCP/Landscape Plan was approved on 11/19/08.

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, with the metes and bounds description of the FRA being shown on the record plat.

Sidewalks were recommended on at least one side of all internal roads.

All proposed road names were previously approved.

Each manufactured home site shall measure not less than 4000 ft<sup>2</sup> in area, and the minimum width at the setback line must be 50', and the minimum setbacks shall be 15' front and rear, 10' on each side, as depicted.

Fire hydrant final locations must be established in consultation with the Port Deposit Fire Company and DPW.

§6.6.6 of the Subdivision Regulations requires local access streets be 34' wide, 28' paved, with curb & gutter. The required new Traffic Impact Study (TIS)<sup>19</sup> showed that all affected links and intersections will operate at acceptable levels of service (LOS).

Verification has been received from MDE as regards Water Appropriation & Use Permit CE1997G021. The proposed sites must be served by water & sewer systems approved by the Health Department.

All plans required in conjunction with providing adequate sewer or water facilities for this project have been approved, as submitted with construction drawings to the DPW.

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<sup>15</sup> Not including roads and bufferyards.

<sup>16</sup> Based on 79.27 acres, that was 36.14% of the total acreage.

<sup>17</sup> 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal 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 nontidal or tidal wetlands.

<sup>18</sup> As cited on page 2, the original **FSD** had expired on 10/16/03, so a new **FSD** was submitted and approved on 6/13/06.

<sup>19</sup> A **TIS** was conducted in the spring of 1998 in conjunction with the original Concept Plat.

The Master Water and Sewer Plan classifies the “Mount Zoar” Manufactured Home Park area as W-1 and S-2.

The Final and 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 Master Water and Sewer Plan. This Final Plat’s Water Supply and Sewer Service Notes provide no Health Department, approving authority, signature line.

The Final and Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be offered to all sites offered for lease. This Final Plat’s Water Supply and Sewer Service Notes provide no signature line for the owner.

Details of proposed amenities such as gazebos and any recreational equipment will need to be included in the Public Works agreement.

School information:	Elementary	Middle	High School
	Conowingo	Rising Sun	Rising Sun
FTE	547	688	1201
Capacity	534	818	923
% Utilization	102%	84%	130%

Mr. Woodhull, DPW, read the comments of the department:

All required plans are technically complete and only administrative issues remain outstanding. The record plat will not be signed until these issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation. The Developer is reminded that he must begin the Mt. Zoar Road improvements prior to the issuance of the 51<sup>st</sup> building permit for Phase II of Cinnamon Woods.

Mr. Wiggins read the comments of the Health Department:

Final plat is satisfactory.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All references to “lots” being changes to “sites” on the Record Plat;
- 4) The Record Plat’s containing a statement signed by the Health Department, approving authority, to the effect that the use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 5) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease;
- 6) The Landscape Agreement being executed prior to recordation;
- 7) Any required MDE permits being obtained prior to recordation with documentation of the completed JD; and
- 8) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat.

A motion for approval with conditions was made by Mr. Wiggins.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **6. Smith Creek, II, Lots 1-7, Welders Lane, Preliminary Plat, Michael Scott, Inc., First Election District.**

Michael Scott, Surveyor and Rick Davis, DMS and Associates, appeared and presented an overview of the project. Mr. Scott presented the Planning Commission members with revised plats as this project had gone before the TAC earlier in the month. Corrections were made to the plats per the comments of the TAC.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SAR & RCA (Critical Area)

Density: The Concept Plat,<sup>20</sup> proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5<sup>21</sup> in the density calculation, on approximately 149.291 acres, for a density of 1:16.59,<sup>22</sup> was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) Acreage totals consistently agreeing with one another on any Preliminary Plat;
- 4) Any Preliminary Plat's title block accurately reflecting what is actually being proposed;
- 5) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 6) All road name being approved prior to the Planning Commission's review of the Preliminary Plat;
- 7) Any Preliminary Plat's tabular information accurately reflecting lots in the proposal; and
- 8) Misspellings being corrected on all future submissions.

This Preliminary Plat is generally consistent with the approved Concept Plat; however, the acreage and layout have changed and a resubdivision has created a revised Lot 4 on Deed Parcel 3, but no additional density was added to Deed Parcel 3. All of the new dwellings proposed are, and must be, on Deed Parcel 1.

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<sup>20</sup> A previous Concept Plat for this portion of the property was approved on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.

<sup>21</sup> 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.

<sup>22</sup> SAR zone then permitted a base density of 1 du/ 8 ac. Today, it and the RCA overlay zone permit a density of 1 du/ 20 ac.

Thus the Deed Parcel lines are critical and must be shown. The dwelling on Lot 5 of Deed Parcel 3 was moved back to within Deed Parcel 1, because the Deed Parcel 3 density had been, and remains, exhausted.

Likewise, the Critical Area boundaries are vitally important. Unfortunately, they have not been shown and/or have not been labeled on various sheets.

Note # 4 indicates that there are now 144.941 total acres. Contrary to Note # 4, all 144.941 acres are zoned SAR. The 7 proposed new dwellings plus the Deed Parcel 3 Lot 5 dwelling yield a proposed density of 1/18.12. The cited density of 1/10.157 is erroneous.

The stated RCA density of 1/34.77 is correct (3 lots on 104.312 acres).

The applicant was reminded that if the Concept Plat approval is allowed to expire, the current SAR density limit of 1/20 shall apply.

The Lot Coverage calculations must be included and cannot exceed 15%.

The boundary line survey has been completed.

The expanded 110' Critical Area Buffer has been shown; it must be more clearly labeled.

In the Critical Area, forest clearing up to 20% must be replaced on a one to one basis. A height limitation of 35' is imposed in the Critical Area.

The Smith Creek Lane road name has been approved by DES.

The proposed access easement across proposed Lot 1 is not a good design.

Slopes > 25% need to be better graphically depicted. 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.<sup>23</sup>

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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No common open space is required for 8 lots, & no landscaping is required in the SAR zone.

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<sup>23</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. They have not been shown, as required.

Except for the Smith Creek Lane acreage, Note # 4 meets the §4.1.22 (r) requirement.

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08.

The final Forest Conservation Plan (FCP) and Landscape Plan 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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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

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.

Additional comments were received from the Critical Area Commission on 12/5/08.

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	328	478	733
Capacity	350	601	643
% Utilization	93%	80%	114%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. As the Department stated at the June 6, and December 3, 2008 TAC meetings, preliminary plat submittals must identify pavement width and slope for the proposed road and also show proposed stormwater conveyance. The plat presented here does not contain this level of detail and the Department does not recommend approval. Mr. Woodhull added that the plat presented at the beginning of Mr. Scott's testimony does meet the requirements that the department set at both TAC meetings.

3. Has any consideration been given to how SWM quantity control will be addressed for this site? If a SWM pond or similar BMP is required it should be located in common open space. If it is on an individual lot language for all affected lots must be included in the deeds addressing rights and responsibilities of all parties.
4. Stormwater drainage easements must be identified for all conveyances run out side of the County ROW. These must be identified on the preliminary plat presented to the Planning Commission.
5. If the stormwater management plan involves the redirection of some or all the stormwater runoff of the site or concentrates the release of stormwater runoff in an offsite area that previously received non-concentrated flow permission (via easements or other property interests) where necessary must be obtained.
6. Why was the fee simple add-on proposed for Parcel 76, Lot 1 on the approved concept plat removed? How does this lot legally access the proposed road and what impact does this have on the proposed Lot 1?
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 7.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
  - 7.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 7.3 Requirements for Utility relocations.
  - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 7.5 Requirements for Public Works Agreement.
  - 7.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the road & storm drain work.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment.

Revise well locations on lots 2, 3 and 4 to avoid the need for a well variance. Adjust the sewage area on lot 4 to be on contour.

Sewage areas on lots 5 and 7 are not adequately defined by the existing perc holes. Either conduct additional percolation tests to adequately define the proposed sewage areas, or adjust the proposed sewage areas to better utilize the existing holes.

Houses on lots 2 and 4 must be 50' from sewage area when directly downslope. Two sewage areas are shown on lot 2. The sewage area with hole # 75 is not satisfactory without additional seasonal tests. Only show the acceptable sewage area.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL** of proposed **Lots 1-4 ONLY**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All Critical Area details being clearly and fully provided on subsequent submittals;
- 4) All Critical Area Commission comments being fully addressed on subsequent submittals;
- 5) The street tree planting easement's being depicted on the Final Plat;
- 6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;
- 7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
- 8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
- 9) Deed Parcel lines being shown on all subsequent submittals; and
- 10) The SAR total acreage being corrected on all subsequent submittals.

A motion for approval of Lots 1-4 only with conditions was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **7. Lands of Ronald and Sara King, Lots 1-4, Firetower Road, Final Plat, Will Whiteman Land Surveying, Inc., Sixth Election District.**

Will Whiteman, Surveyor and Sara King, owner, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat<sup>24</sup> proposing 4 lots on 25.511 acres, at a proposed density of 1/6.38,<sup>25</sup> was approved on 12/18/06, conditioned on:

- The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat; and
- The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 5/21/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) The FCP and Landscape Plan being approved prior to Final Plat review.

The Board of Appeals granted Variance request 3268 to permit the creation of lots on this parcel with less than minimum road frontage.

Proposed Lot 1 invoked the §170.5 road frontage exemption.<sup>26</sup> Proposed Lot 2 will utilize a Perpetual Road Maintenance Agreement to create a second lot without road frontage. The 20' wide access easement to Lot 4 across Lot 3 indicates that the existing lane will serve to access all four lots. As noted, proposed Lot 4 must be denied access to Firetower Road.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>27</sup> Steep slopes were depicted 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 wetlands are within the proposed Natural Conservation Area. Therefore, provided those wetlands have been field-delineated, per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, a JD need not be done. Any required MDE permit must be obtained prior to recordation.

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

No common open space is required for fewer than 10 lots.

No landscaping of the development envelope is required and no sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Firetower Road, as shown.

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<sup>24</sup> Minor subdivision eligibility has been exhausted by the approval of Minor Subdivisions (343-P.487), (676-P.501), (836-P.508), (1809-P.328, 553), (3024-P.616).

<sup>25</sup> The NAR zone permitted a maximum base density of 1 du/ 5 ac.; thus, bonus density was not an issue.

<sup>26</sup> It permits lots being created around existing dwellings to be created without providing the minimum road frontage.

<sup>27</sup> The Subdivision Regulations define steep slopes as "15 percent or greater incline." The Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Per Note # 8, proposed Lots 1, 2 & 3 are invoking Forest Conservation Regulation exemptions per §3.2N (No new development – Lot 1) and §3.2K (Owner and Child’s lot –Lots 2&3).

The FSD (for Lot 4) was approved with the condition that the Natural Heritage Letter be submitted w/ the PFCP. The Natural Heritage Letter indicated the possibility of the presence of Bog Turtles, however, the potential habitats are within the FRA, where there will be no disturbance. Therefore, no sensitive species survey was required.

The PFCP was approved on 5/8/07. The FCP/Landscape Plan was approved on 11/19/08.

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, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A PRMA must be established prior to recordation.

Any required MDE permit must be obtained prior to recordation.

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.

School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	701	688	1201
Capacity	715	818	923
% Utilization	98%	84%	130%

Mr. Woodhull, DPW, read the comments of the department:

All required plans are technically complete and only administrative issues and the placing of the required standard lot grading note on the plat remain outstanding, including the metes and bounds. The record plat will not be signed until these issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with the Maryland Department of the Environment. Final Plat is satisfactory.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff;

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to recordation;
- 4) Any required MDE permit being obtained prior to recordation; and
- 5) A PRMA being established prior to recordation.

A motion for approval with conditions was made by Mr. Wiggins.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

### **8. Dublin Woods, Lots 4-8, Irishtown Road, Final Plat, Stephens Environmental Consulting, Inc., Fifth Election District.**

Brian Fibian, owner and Bill Stephens, Stephens Environmental, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal was found in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat,<sup>28</sup> proposing 5 lots, common open space, and a mini-road on 25.665 acres, for a proposed density of 1/5.133, was approved<sup>29</sup> on 4/19/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes.

Subsequently, the Preliminary Plat was approved on 12/19/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat; and
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, w/the metes and bounds description of the FRA being shown on the Final and Record Plats.

Per §4.1.17, the Preliminary Plat lapsed on 12/19/07. It was reinstated by the Planning Commission on 3/17/08, its extension to expire on 3/17/09.

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

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<sup>28</sup> The original Concept Plat was approved under the name "Constellation, LLC." The permitted **NAR** density was then 1/5.

<sup>29</sup> Per §4.0.9, Concept Plats were then valid for 2 years from date of approval (4/19/06). Bonus density was not an issue.

Note # 9 references Minor Subdivisions #280 and #3497.

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.<sup>30</sup>

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland and stream impacts prior to recordation.<sup>31</sup>

No common open space is required, but 1.41 acres are proposed on which to locate a proposed stormwater management facility. Access to common open space beside lots must be marked with concrete monuments.

No landscaping of the development envelope is required in the NAR zone, and no sidewalks were recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Irishtown Road, as shown.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Mini-road, as shown.

The Forest Stand Delineation (FSD) was approved on 10/20/03, and a PFCP was approved on 11/18/03. Revised PFCP's were approved 11/20/03 and 11/1/05.

The Landscape Plan was approved on 11/20/08.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being 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.

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

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	446	753	1084
Capacity	501	712	1009
% Utilization	89%	106%	107%

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<sup>30</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>31</sup> Per Planning Commission policy adopted on 3/20/95 and revised on 1/16/96, **if** the wetlands have been field-delineated and **if** all such wetlands are within the proposed forest retention areas and/or common open space, **then** a **JD** need not be done. Nevertheless, permits would still be required from the (US Army) Corps of Engineers and MDE for any stream impacts prior to recordation.

Mr. Woodhull, DPW, read the comments of the department:

All required plans are technically complete and only administrative issues and the placing of the required standard lot grading note on the plat remain outstanding. The record plat will not be signed until these issues have been resolved to the satisfaction of the Department. Submit a check print for review prior to submitting the plat for recordation.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

Final Plat can be satisfactory with the addition of pumping details on lots 5 and 6.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Plan's being approved prior to recordation;
- 4) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 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;
- 6) A mini-road maintenance association being established with all lot owners accessing the proposed mini-road becoming members; and
- 7) Any necessary MDE permits being obtained prior to recordation.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

**9. Larson's Reserve at Andora, Request for Lot 19 to be excluded from belonging to the Homeowners' Association for this approved subdivision, Carters Mill Road, and MD Rte 213, Lee Larson, Third Election District.**

Dwight Thomey, Esq. and Lee Larson, owner, appeared and presented an overview of the request.

Mr. Thomey explained that the potential buyer of Lot 19 is a farmer. The lot has its own access separate from the other lots in the community.

Mr. Di Giacomo, P&Z, read the comments of the department:

This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County's website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The Concept Plat,<sup>32</sup> proposing 15 major subdivision lots<sup>33</sup> on 45.148 acres, for a proposed bonus density of 1/3.009,<sup>34</sup> was approved on 5/17/06, conditioned on:

- 1) The JD being completed prior to Preliminary Plat review by the Planning Commission; and
- 2) The C.O.S. figures totaling the 10.84 acres cited.

The Preliminary Plat was approved on 9/18/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Bufferyard modifications being granted in the interest of preserving rural character; and
- 5) Documentation of the completed JD being submitted prior to Final Plat review if JDs are once again performed.

The Final Plat was TABLED on 1/23/08, and then approved on 3/17/08, 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 the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 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) Covenants prohibiting the subdivision of the large lot being recorded and noted prior to recordation.

The Record Plat was signed on 5/21/08.

The request is for Lot 19, the large lot, which was integral to the granting of bonus density for this project, to be excluded from membership in the Homeowners' Association.

Inasmuch as this lot is part of this subdivision, its owner(s) must be members of the Homeowners' Association.

§176.2 specifically states that a Homeowners' Association's common open space is "intended for the use and enjoyment of all residents of the development."

§178.1 speaks to "compulsory membership and compulsory assessment."

Anyone not wanting to belong to a Homeowners' Association always has the option of purchasing a parcel of land rather than a lot in a subdivision that has a Homeowners' Association.

Homeowners' Associations play a vital role in maintaining their respective stormwater management facilities in the County.

Mr. Woodhull, DPW, read the comments of the department:  
The Department has no technical input in regards to this matter.

Mr. Wiggins read the comments of the Health Department:  
No Health Department comments required.

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<sup>32</sup> This proposal was formerly known as Larson's Reserve at Andorra.

<sup>33</sup> The density provisions of §2.4.1 were invoked, with Lots 1-4 proposed as minor subdivision lots.

<sup>34</sup> At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac, or 1/3 if bonus density was granted.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this request. No one spoke.

Discussion ensued regarding the duties of the HOA and the fact that if this lot is not included in the HOA, any other future owners of this lot, whether farmers or not, will also be excluded.

Mr. Di Giacomo read the recommendation of the staff:

**DISAPPROVAL** of the request to exclude Lot 19 from the Homeowners' Association.

A motion for the approval of the request for Lot 19 to be excluded from the HOA was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **10. Pelham Manor, Section Two, Phase Two, Lots 77 & 78, Williams Road, Final Plat, Morris & Ritchie Associates, Inc., Second Election District.**

Kevin Geraghty, developer and James Keefer, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:

This project is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County website, notice is hereby given the jpg file submissions can only be 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: NAR

Density: The original Concept Plat was approved at the NAR bonus density of 1/3.02 on 10/21/02, conditioned on:

- 1) The Bufferyard C requirement for proposed Lot 98 being 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;
- 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.

With some changes,<sup>35</sup> the Section 1 Preliminary Plat was approved on 5/19/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The FCP being modified to reflect changes in layout and lot numbering; and
- 4) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections.

Subsequently, the Section 1 Phase 1 Final Plat was approved on 7/18/03, conditioned on:

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<sup>35</sup> A portion of the lot numbering system had changed, and the area of **common open space** had been reduced to 1.27 acres and moved from where lots 41 & 42 were then proposed to between proposed Lots 30 and 51.

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections;
- 4) An index sheet being included in the Record Plats;
- 5) The correct Election District being cited in the title block;
- 6) The Record Plat citing the common open space in one of the title blocks; and
- 7) 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, with these lot-owners becoming members.

A revised Section 1 Preliminary Plat was reviewed by the TAC on 8/6/03. It was generally consistent with the Concept Plat and the Section 1 Phase 1 Final Plat. It added 2.64 acres overall, altered the configuration and number of lots in Phase 2, and added 2 new proposed lots as Phase 3.

A revised Preliminary Plat for Section 1, Phase 3, Lots 58 & 59 was approved on 8/18/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The configuration of Phase 2 matching the configuration as shown on the approved preliminary plat, or the phrase "no revision proposed" being removed from Phase 2;
- 4) This section's required amount of forest retention being provided in subsequent sections and shown on subsequent forest conservation plans;
- 5) The approved Landscape Plan being revised to include Phase 3 and reflect lot line reconfigurations;
- 6) Site Data Note # 18 being revised to reflect the correct FEMA FIRM map number;
- 7) The block/grid number being added to the plat; and
- 8) The balance of the common open space and large lot acreage being provided in future sections.

That Preliminary Plat approval extended the validity of the 10/21/02 Concept Plat approval – from 10/21/04 until 8/18/05, per §4.0.9 of the Subdivision Regulations.

The Section 1 Phases 2 & 3 Final Plat was approved on 10/20/03, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Section One's required forest retention area being provided in subsequent sections;
- 4) Half of the common open space being provided on the Record Plat;
- 5) The acreages of proposed Lots 26, 27, 29, 41-42, & 59 being expressed in square feet on the Record Plat;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) If a Homeowners' Ass'n. has not already been established, then a Homeowners' Ass'n. for maintenance of common open space and landscape islands being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation; and
- 8) The tax map, grid, and parcel numbers being included on the Record Plat.

The Section 2 Phase 1 Preliminary Plat<sup>36</sup> was approved on 8/16/05<sup>37</sup> conditioned on:

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<sup>36</sup> It was generally consistent with the approved Concept, Preliminary and Final Plats. However, this plat includes a new stub road. The new stub road, proposed as Ayerle Court, does not drastically change the overall layout of the approved Concept Plat. In addition, the proposed Ayerle Court and proposed Lots 69-72, are proposed to be located in an area that previously was approved on the 10/21/02 Concept Plat as part of the large lot, Lot 98.

<sup>37</sup> Proposed Lots 77 & 78 were not included in the Preliminary Plat approved on 8/16/05.

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Section One's required forest retention area continued being provided in subsequent sections;
- 4) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage continued being provided in future sections;
- 5) A Landscape Agreement being executed prior to recordation;
- 6) All lot owners becoming members of the Homeowners' Ass'n. with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

The Section 2 Phase 1 Preliminary Plat approval, per §4.0.9, extended the Concept Plat's approval until 8/16/06. That Preliminary Plat approval remained valid until 8/16/07.

The Final Plat for Phases 2 & 3 that was approved on 10/20/03 (and signed on 3/31/04), was revised by adding 8.739 acres of common open space.

The revised Section 1 Phase 2/Section 2 Phase 1 Final Plat was approved on 10/16/06, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage continued being provided in future sections;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) All lot owners becoming members of the Homeowners' Ass'n. with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 7) The adjacent agricultural operation notice being added to the plat prior to recordation;
- 8) The required 10' street tree planting easement being depicted and/or noted on the plat prior to recordation; and
- 9) Sheet 2 of 6 reflecting the lot line between proposed lots 60 & 61 prior to recordation.

At that time, project history research revealed that the Concept Plat approval had lapsed on 8/16/06. Therefore, the Concept Plat was re-approved on 11/20/06, conditioned on:

- 1) All previous and now-pertinent conditions of approval remaining in full effect; and
- 2) A TIS being completed prior to the TAC's review of any subsequent submittal.

That Concept Plat re-approval remained valid until 11/20/08, and it preserved the overall project approved density 1/3.02.

The Recordation Plat for Lots 58 & 59 was signed on 3/31/04.

The Section 2 Phase 1 Recordation Plat for Lots 60-76 was signed on 5/25/07. Proposed Lots 77 & 78 were not included in the Preliminary Plat approved on 8/16/05; they were, however, included on the Preliminary Plat review by the TAC on 7/6/05.<sup>38</sup>

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<sup>38</sup> Had they been included on the Preliminary Plat reviewed and approved by the Planning Commission, then, per §4.1.17, the 5/25/07 recordation would have extended their validity until 5/25/09.

A Recordation Plat for Revised Plat 3, Section 1, Phase 2, Open Space was signed on 5/25/07. The approved Preliminary Plat was consistent with previous approvals and the Preliminary Plat (which included lots 60-78) reviewed by the TAC on 7/6/05.

The Preliminary Plat for proposed Lots 77 & 78 was approved on 10/20/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The balance of the 44.41 acres (or 15%) of common open space and large lot acreage continued being provided in any future sections and on this Section 2 Phase 2 Final and Record Plats;
- 4) The FCP/Landscape Plan being approved prior to Final Plat review;
- 5) The 10' street tree planting easement's being depicted and noted on the Final Plat; and
- 6) Deed restrictions for the long-term protection of street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of any FRA being shown on the Final & Record plats.

This Preliminary Plat approval remains valid until 10/20/10.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

No landscaping is required, and no sidewalks were recommended.

This plat contains General Note # 3 and depicts the 10' street tree planting easement. Thus, the fifth condition of Preliminary Plat approval has been satisfied.

The FSD for both Sections I and II were approved on 10/2/02.

The PFCP for Section II included both proposed Lots 77 & 78 and was approved on 8/10/05.

The FCP/Landscape Plan was approved on 10/13/06.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes & bounds description of any FRA being shown on the Final & Record plats.

The third condition of Preliminary Plat approval, "The balance of the 44.41 acres (or 15%) of common open space and large lot acreage continued being provided in any future sections and on this Section 2 Phase 2 Final and Record Plats" has been satisfied. 52.812 acres of common open space have been recorded so far.

Aside from the common open space issue, from the perspective realizing the original project layout that was approved with the Concept Plat, what is planned for other future lots and the second entrance onto Williams Road? Mr. Geraghty said there are septic reserve areas and perc issues that need to be worked out with the Health Department, therefore, they are proceeding in phases.

The owners of all new lots must become members of the Homeowners' Association that was established for maintenance of common open space and landscape islands, with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

The contiguous operating farms notice has been provided as General Note # 6.

School information:	Elementary	Middle	High School
	Chesapeake City	Bo Manor	Bo Manor
FTE	307	478	733
Capacity	353	601	643
% Utilization	87%	80%	114%

Mr. Woodhull, DPW, read the comments of the department:

The Department has no objection to the approval of the final plat. However, we request that the Planning Commission condition their approval to require that the current method used to terminate Pelhamdale Road be removed and the road be terminated in a temporary tee-turnaround (Detail R-18) until such time as it is extended out to Williams Boulevard. The DPW will not sign the record plat until this work is complete. This in no way absolves the Developer of the requirement to provide a second connection to Williams Boulevard which must be constructed with the next Phase/Section of this development.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment. Final plat is satisfactory with the addition of proposed well on lot 78 as shown on the approved preliminary plat.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition to this project. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation; and
- 4) Deed restrictions for the long-term protection of street trees and any Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of any FRA being shown on the Record Plat.

A motion for approval with conditions was made by Mr. Janusz.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**11. Larson’s Northeast Overlook, Lots 1-61, Turkey Point Road, Concept Plat, Frederick Ward Associates, Fifth Election District.**

Ed Steere and Jennifer Zhai, Frederick Ward Associates and Lee Larson, owner, appeared and presented an overview of the project.

Discussion ensued regarding a possible second entrance and water and sewer capacity available for this proposed subdivision.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

With regard to the posting of plats on the County’s website, notice is hereby given the jpg file submissions can be only 11 inches, maximum, in any direction. Adherence to that requirement will enable the County to better serve the public.

Zoning: SR

PUD’s must meet the requirements of ARTICLE’s XII & XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations.

The review and approval process for this PUD proposal is established in §256 of the Zoning Ordinance. §256.1 stipulates that a PUD is permitted in the SR zone by Special Exception. §256.2 requires that the “Sketch Plat/Special Exception Application” shall be reviewed by the TAC, which is being done. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

§256.3 requires that the “Sketch Plat/Special Exception Application” next shall be reviewed by the Planning Commission, and that the Planning Commission<sup>39</sup> shall “make recommendations to the Board of Appeals.”

Next, the Sketch Plat/Special Exception must be placed on the Board of Appeals’ agenda, per §256.4, which specifies that then it “... shall be reviewed by the Board of Appeals. The Board shall consider the recommendations of the Technical Advisory Committee, the Planning staff, the Planning Commission and the standards in Article XVII, Part II, in making their determination to approve or disapprove the proposed PUD.”<sup>40</sup>

§256.5 stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals, the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations.” Thus, assuming approval of the PUD Special Exception, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions approving or disapproving such submissions, rather than making recommendations to any other body.

Just as is the case with a Concept Plat approval, the possible PUD “Sketch Plat/Special Exception Application” approval by the Board of Appeals would not guarantee any subsequent Preliminary or Final Plat approvals by the Planning Commission.

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<sup>39</sup> Moreover, §’s 256.3 & 256.4 make clear that the Planning Commission’s role now is to make a **recommendation** to the Board of Appeals on the “Sketch Plat/Special Exception Application” **rather than an actual decision** on what would otherwise be considered a Concept Plat.

<sup>40</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities, or 4/1 if a PUD. This project proposes 61 lots on 96.4262 acres, for a proposed density of 1/1.531. The plat's cited density of 1.64/1 is based on only a portion of the total acreage. The proposed density is achievable without invoking PUD provisions.

Note # 1 indicates that the boundary line survey has already been completed.<sup>41</sup>

The Parcel Map and Vicinity Map inserts fulfill the §4.0.13 (b) requirements.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> 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.<sup>42</sup>

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'.

If the buffer must be expanded, then a proposed SWM area may need to be reconfigured.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands<sup>43</sup> or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

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

30% common open space is required; 41.7% is proposed, but that's based upon only 37.2556 acres, not the total acreage, and items prohibited by §176.2, such as the parking lot's acreage, must be deducted from the total.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal 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 nontidal or tidal wetlands. The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

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<sup>41</sup> Ordinarily, a boundary line survey is required in conjunction with the preparation of the Preliminary Plat for density calculation purposes.

<sup>42</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>43</sup> Note # 2 indicates that the wetlands have been field delineated.

The Development Summary indicates the potential for 149 lots – but just on the 37.2556 acres. If the total acreage is taken into account, then the real total potential is 385 dwelling units. Under these circumstances, what is the rationale for proposing such a low yield? Mr. Larson said there are a lot of wetlands and other elements that may prohibit them from having more lots developed.

What is proposed for the balance of the property, how will it be accessed, and how can the requirements of §256.1 be met without this information? Mr. Steere said there is no access to the balance of the property. Mr. Di Giacomo asked if 3 parcels that were described earlier in fact parcels of record. Mr. Steere said no.

With no road frontage on Shady Beach Road, why does the title block suggest otherwise?

30% landscaping of the gross development site is required (§251.3).

Sidewalks are recommended on at least one side of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 272.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

A 20' buffer is shown behind proposed Lots 1-14.

Rows of street trees with 10' planting easements 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 FSD was approved on 9/15/08.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations).

The final Forest Conservation Plan (FCP) and Landscape Plan 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 street trees & Forest Retention/ Afforestation Areas (FRAs) must be recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats.

A Traffic Impact Study (TIS) is recommended.<sup>44</sup>

A “future access easement” is depicted between proposed Lots 2 & 3 for P. 267.<sup>45</sup>

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<sup>44</sup> The Development Summary indicates the potential for 149 lots (actually 385); the TIS is required by the State Highway Administration.

<sup>45</sup> Per §176.2.a, this may be prohibited.

All road names have been approved. Unnamed stub roads are shown to Parcels 76 and 105.

The applicant was reminded of the provisions of §7.2.12.B.8 and §7.2.12.B.11.

With the potential for 385 lots, has a second entrance been considered? In the possible interim, a monumental entrance is recommended. Mr. Steere said no, they did not consider 385 lots.

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

Per §255.2, direct pedestrian access to the club house area from the Lydia Court and Elizabeth Marie Way would enhance the design.

The Preliminary Plat must have site-plan level details for the proposed club house area.

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.

Since a stormwater management area would likely be accessed from the Lydia Court, a private mini-road. Since the stormwater management area would serve more than just those homes on the private mini-road, that seems more appropriate as a public road.

Considering §255.3, what is the rationale for including two mini-roads<sup>46</sup> in a PUD? Mr. Steere said they are trying to reduce the amount of impervious surface in this development. A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing the mini-road becoming members.

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 Master Water and Sewer Plan.

The Master Water and Sewer Plan classifies this site as S3 only. Therefore, unless individual wells are proposed, then the Master Water and Sewer Plan must be amended no later than prior to Final Plat review.

If the water is proposed to be provided by the Town of North East, then written verification of water allocation must be submitted prior to Final Plat submittal, as well as an amendment to the Master Water and Sewer Plan being achieved by that time.

If a community water facility is proposed, then it will require an amendment to the Master Water & Sewer Plan, as well as compliance with §175, prior to the Final Plat review.

This proposal must fully comply with all provisions of §175, including §175.2.e, §175.2.i, and §175.2.l.

All approvals, including site plan approvals, of any shared water facility shall precede Final Plat review.

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<sup>46</sup> It is proposed to serve 6 lots, 38-43.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

§248.1 states that ARTICLE XII's intent is to "offer a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments."

Do only the 2 building types proposed reasonably provide enough variety? Mr. Larson said there was an apartment building just built in North East. He also feels that interested buyers of the single family and detached homes might be deterred from buying because of apartments.

§248.2 states that ARTICLE XII's other intent is "to permit certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD." §252.2 stipulates that the business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states that "the requirements of the BL zone shall apply to business uses in a development in the PUD."

Clearly, a mixed use scenario is fundamental to the PUD concept. Why is no mixed use proposed? Mr. Steere said there is a convenience store located down the road from this site and with only 60 lots, he does not feel the development would support commercial use.

The misspelling in Note # 8 has not been corrected. There is more than one mini-road.

Proposed Lots 25 & 45 do not meet the minimum lot width requirement at the front BRL. The "Bulk Regulations" column must be corrected. For example, the minimum lot width for single family lots is not 12,000'.

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.

§256.1 (a) – (f) require very specific pieces of information to be included as part of the Sketch Plat/Special Exception Application, as follows: "... the Sketch Plat/Special Exception Application shall contain the following information:

- (a) Elevations of each building type.
- (b) Proposed open spaces, their size, their location, their uses, and their proposed ownership (County and/or association).
- (c) General statement concerning provision of utilities (draft terms and provision of a public works agreement).
- (d) Statement of expected County responsibilities.
- (e) Cost-Revenue ratio of the proposed PUD for the County.
- (f) Tentative time table and staging development. (Schedule of construction)."

This has been provided as an enclosure.

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	446	753	1084
Capacity	501	712	1009
% Utilization	89%	106%	107%

Mr. Woodhull, DPW, read the comments of the department:

1. A SWM plan, Road & Storm Drains plan, Water Service plan, Sewer Service plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How do you propose to provide water service to this development? Mr. Steer said it would be on -site well. The proposed Villages at North East water system lacks capacity to provide you service. If you are proposing a community water system where will it be located? Who do you propose will own it? Mr. Steere said tentatively considering locating it in the area that identified near Common Open Space- D.
3. The water distribution system must be designed to provide adequate fire flow and pressure throughout your subdivision.
4. The sewer service for this development, as proposed, is dependant on the Villages at North East being built to the point that sewer could be accessed. In addition and more importantly the Villages at North East cannot proceed until the De La Plaine pump station has been upgraded to accommodate additional flow from this area. The Developer proceeds at his own risk.
5. Proposed sanitary sewer run outside of County ROW must be ductile iron.
6. Have you discussed the proposed sewer connection with the Developer of Villages at North East? Mr. Larson said yes. Does their proposed sanitary sewer pump station have the capacity, as designed, to meet your additional demand? Have you analyzed their plans to determine whether the sewer line you intend to connect to is adequately sized?
7. Sewer allocation must be requested from the Cecil County Department of Public Works.
8. It appears that many of the lots proposed cannot use gravity sewer to reach the proposed MH adjacent to Lots 19/20. Do you intend to provide a pump station? If so where?
9. Any sewer pump station must be located on a lot dedicated in fee simple to the Board of County Commissioners of Cecil County.
10. The Department requests that the Planning Commission require that a Traffic Impact Study prepared and submitted prior to any review of the preliminary plat.
11. The trip generation associated with the development (61 lots & Club House) proposed accounts for a minimum ADT of 610 which exceeds minor road loading. That by itself requires that the main access road back to the tee intersection at Lot 15 be designed as the minor collector road as identified on the plat by the 60' ROW shown.
12. With the proposed single access for a 61 lots subdivision the Department strongly recommends a monumental entrance be provided.
13. Have you discussed the proposed connectivity to Parcel 76 with its owner? Mr. Steere said yes but there is no commitment. Does the proposed location work with their potential development plans?
14. What is the development potential for the Parcels 76, 105, & the remainder of 197? With the potential for additional traffic loading resulting from future connection to the remainder of Parcel 197 through the Lands of Eveland (Parcel 105) the cul-de-sac of Susan Jean Way adjacent to Lots 14-15 may eventually be modified to a through street.
15. Closed section road is required throughout this development and with the lot sizes proposed the minor road pavement width is 30' (Road Code Standard Detail R-6A) and the minor collector road pavement width will be 32' (Road Code Standard Detail R-7A).
16. Why are private mini roads proposed? Other than allowing for additional lots to be cut out of this parcel we see no benefit. The Department strongly disapproves of the use of private mini

roads for the portion of Lydia Court & for Noah Court in this subdivision. They need to be redesigned as county minor roads with 50'ROW. To help achieve this we are willing to work with the Developer to allow smaller diameter cul-de-sac bulbs on these short sections of road.

17. Will the proposed dwellings have garages? Mr. Larson said yes. How many off-street parking spaces will you provide on each lot?
18. What impact does the easement associated with SRC #17012 have on Lots 1 & 45 as well as the Clubhouse?
19. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.
20. The preliminary plat must also show all storm drains and in general how runoff will be conveyed to the proposed SWM areas. Also identify where the SWM areas will discharge.
21. What consideration has been given to where the SWM area adjacent to Lot 45 will discharge? Mr. Steere said they have looked at it but he does not recall the outcome. Where do you intend to direct the discharge? The Developer is reminded that if stormwater discharge is directed off of the site on to adjacent property Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance apply.
22. The Single Family & Semi-detached Lot typical details indicate a lot width of 65'. However on the plat they measure out to be 90'<sup>+/-</sup> for most single family lots and many of the semi-detached lots measure 70' or more. Why the discrepancy? Mr. Steere said they had pre-selected house plans that would fit on these lots. Mr. Woodhull suggested that they get shifted to show that they are the right size or that those would be the minimum lot sizes. If the lots complied with the details perhaps as many 10-12 more lots could be accommodated.
23. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

*Notes and requirements identified for record:*

- 23.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 23.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 23.3 Requirements for Public Works Agreements.
  
- 23.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  
- 23.5 Requirements for County Roads.
  
- 23.6 Requirements for Driveways.

*Notes and requirements identified for record:*

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
  - a. *Final Plat: "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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
  - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. A Public Works Agreement is required for the streets & storm drains, water and sewer systems.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any

driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wiggins read the comments of the Health Department:

Identify the source of public water and sewerage on the plats. Written documentation of water and sewer allocations must be submitted to Cecil County Health Department prior to final plat approval. A Groundwater Appropriation Permit and a permit to construct the public water supply must be issued by Maryland Department of the Environment prior to final plat approval. Plans to construct any sewage pumping station must be approved by Maryland Department of the Environment prior to final plat approval. Ownership of the public water utility must satisfy COMAR 26.04.05 as a shared facility or COMAR 26.04.03.08B.

Final and record plats are required to have the following statements:

1. Public water and sewerage will be available to all lots offered for sale (by owner's signature block).
2. Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department signature block).
3. Plans to construct the public water supply have been approved by the Maryland Department of the Environment (by owner's signature block).

The Master Water and Sewer Plan must be amended to include this parcel prior to final plat approval.

The proposed swimming pool and clubhouse must have Department of Health and Mental Hygiene plans approval prior to site plan or building permit approval. Submit a written description of the intended use of the clubhouse, specifically regarding any food sales or preparation.

The narrative indicates that parcel 197 exists as 3 separate (not connected) parcels, but are they legally separated? Could they be sold separately without subdivision? Mr. Steere said he does not know.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. Michelle McKinney, 1436 Turkey Point Road, North East, MD 21901, spoke in opposition of this project.

Discussion ensued regarding whether this project is following the guidelines, as intended, in the Zoning Ordinance/Subdivision Regulations for a PUD application.

Mr. Di Giacomo read the recommendation of the staff:

**RECOMMENDATION of DISAPPROVAL**, with the recommendation that the Sketch Plat be resubmitted once:

- All lots meeting the minimum width requirement;
- More building types than just 2 being utilized;
- A mixed-use component being included;
- The data in the "Bulk Regulations" column being corrected;
- All misspellings have been corrected;

- Lydia Court being designed to County road standards; and
- A monumental entrance has been included in the design.

A motion for disapproval per staff's recommendation was made by Mr. Wiggins.  
The motion was seconded by Mr. Wallace.

All disapprove. Motion carried.

General Discussion:

Mr. Doordan explained that all members of the Planning Commission received correspondence from SHA on statistic and traffic counts for the MD Rte. 273 and Appleton Road intersection, per Chairman Mortimer's request. Mr. Di Giacomo stated that the information provided was received from SHA as requested. He also stated that SHA is aware of the problem and recognizes the urgency of this situation.

Mr. Janusz thanked the Office of Planning and Zoning and the Board of County Commissioners for taking up this fight.

Vice Chair Doordan stated that there will be no evening Planning Commission meeting.

Mr. Wallace stated that the Planning Commission members had asked to meet with the County Commissioners regularly. One issue of concern is the study conducted by Joyce Bowsbey and the HOA subcommittee regarding Homeowner Associates in the county. There was also a second committee set up to research clustering. Mr. Wallace was wondering if any of those issues have moved forward. He formally requested periodic meeting with the County Commissioners regarding several points of interest. Mrs. Demmler said she can see getting together and making each other aware of what is important but this is the planning board so any planning is in this board's hands. Mr. Janusz said he would like to get together an additional evening or day once during the month or quarter to meet as a planning body. Mrs. Campbell reminded the Planning Commission that if they meet as a full board, an advertisement will need to be run for the meeting. Discussion ensued regarding the powers of the Planning Commission.

Mr. Di Giacomo stated that in respect to the study conducted by Joyce Bowsbey, it really became abundantly clear that the whole issue of COS and stormwater management is becoming ever more important for the county. Discussion ensued regarding the issue of COS and SWM facilities in respect to HOA's and the power of the Planning Commission to dissolve HOA's as they did with the number 9 item on today's agenda for Lot 19 along with the liability that it leaves to the county.

Mr. Doordan advised the Planning Commission members that with the power bestowed upon them, comes the responsibility to gain the knowledge needed to be able to place judgment upon projects.

Mr. Di Giacomo added that he is hoping to have a possible draft of the Planning Commission training manual at the January meeting.

Mr. Janusz asked that at the January Planning Commission meeting, they decide on a meeting date. All members concurred.

A motion to adjourn was made by Mr. Wiggins.  
The motion was seconded by Mr. Janusz.  
All approved. Motion carried.

The December Planning Commission meeting adjourned at 2:35 p.m.

Respectfully Submitted:

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Jennifer Bakeoven