

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**January 21, 2009**

**Present:** B. Patrick Doordan; Joe Janusz; Ken Wiggins; H. Clay McDowell; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Jennifer Bakeoven; Trisha Rarick, Court Reporter.

**Absent:** Bill Mortimer, Guy Edwards, Wyatt Wallace and Eric Sennstrom.

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

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

**1. The Villages at North East, Shady Beach Road, Preliminary Plat Extension, Taylor Wiseman Taylor, Fifth Election District.**

Michael Pugh, Corridor Land Services and Ed Carroll, Windsor Company, 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 & 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>1</sup>, for a proposed density of 1.99/1<sup>2</sup> was approved on 1/22/04, conditioned on:

- 1) Health 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>3</sup>, but was also re-approved on 4/17/06, conditioned on:

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<sup>1</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>2</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>3</sup> Per §4.1.17.

- 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.

§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 was extended on 2/20/08. It, in turn, will expire on 5/21/09 unless the Final Plat<sup>4</sup> approved on 5/21/07 is recorded – or the requested extension is granted in the interim. If granted, this extension will expire on 1/21/10.

§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 its time.

1. Sanitary Sewer allocation was previously granted conditioned on several factors (i.e. size of the Recreation 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.

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<sup>4</sup> The Phase One, Two, Three and Pump Station Final Plat was approved on 5/21/07, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) All previous agreements among the developer, SHA and the County regarding road improvements and their phased implementation continuing to be binding;
- 4) Future phases/sections providing an additional 166.2 acres of common open space;
- 5) **Deed restrictions** for the long-term protection of the Forest Retention/ Afforestation Areas (**FRA**s) **for the site plan** being recorded prior to recordation of the **Phase 1, 2, & 3** Record Plat;
- 6) **Deed restrictions** for the long-term protection of the Forest Retention/ Afforestation Areas (**FRA**s) **for Phases 1, 2, & 3** 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 **Landscape Agreement** for the Site Plan being executed prior to the recordation of the **Phase 1, 2, & 3** Record Plat;
- 8) The **Phase 1, 2, & 3 Landscape Agreement** being executed prior to the recordation of the Record Plat;
- 9) A **Homeowners' Association** for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities being established prior to recordation, including \$50 per recorded lot being placed in escrow for improvements to the common open space and landscape islands prior to recordation;
- 10) Active recreation improvements being included in the Public Works Agreement;
- 11) The **§186** street trees with 10' planting easements, outside the right-of-way, along both sides of all internal roads being depicted and noted on the Record Plat;
- 12) **All references to proposed lots numbered higher than 709 being deleted and replaced by other nomenclature on the Record Plat;**
- 13) **Conditions 11 & 12 of Preliminary Plat approval being fully satisfied prior to recordation;**
- 14) **The Elk Neck Trail greenway connecting with the adjacent Rhodes Mountain Estates in future phases/sections' Final and Record Plats;**
- 15) **Any remaining issues being resolved and questions answered relative to the greenway and Elk Neck Trail prior to future phases/section's Final Plat reviews;**
- 16) **The details of the sidewalks and walking/bike paths, as well as walking and biking space on all roads being included in the construction drawings; and**
- 17) **The adjacent Rhodes Mountain Estates subdivision being identified on the Record Plat and on future phases/section's Final and Record Plats.**

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:***

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 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.*
  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, private water and public sewer system 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 Shady Beach 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:

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.

Tina Schnell, 12 Old York Court, North East, MD 21901, spoke in opposition.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a 1-year extension, to expire on 1/21/10.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **2. Baldwin Mill, Lots 1-256, Elk Mills Road, Concept Plat Extension, McCrone, Inc., Third Election District.**

Mike Burcham, McCrone, Inc., Michael Pugh, Corridor Land Services and Ronald Myers, owner, appeared and presented an overview of the project.

Discussion ensued regarding the possibility of an additional access point.

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 256 lots on 243.4 acres, for a proposed density of 1.05/1, was approved on 2/20/07, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completed JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP's being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) The completion of a TIS prior to the TAC's review of any Preliminary Plat;
- 5) The exact limits of the floodplain being established on the plat prior to the TAC's review of any Preliminary Plat; and
- 6) The applicant consulting with the CSX Railroad to inform them of the intention of the use of the emergency access and provide documentation thereof to all departments involved as well as the Planning Commission with the easement information prior to the Planning Commission'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 2/20/09, 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 that there have been no such changes.

If granted, the requested extension would expire on 2/20/10.

'06 School information:	Elementary Kenmore	Middle Cherry Hill	High School Elkton
FTE	276.5	571	1097
Capacity	275	754	944
% Utilization	101%	76%	116%

School information:	Elementary Kenmore	Middle Cherry Hill	High School Elkton
FTE	315	494	1112
Capacity	306	775	944
% Utilization	103%	64%	118

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

The Department has no objection to extending the preliminary plat. The current Road Code (adopted on August 19, 2008) will apply to this development. All outstanding comments made at the February 20, 2007 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at its time.

1. A SWM plan, Public Water Distribution and Sewer Collection System 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. This parcel is not located within a Cecil County Master Water & Sewer Plan (MWSP) Public Water & Sewer Service Districts. The Developer must obtain an amendment to the Cecil County MWSP before submitting any final plat for planning commission approval.
3. There is no county sanitary sewer service in the immediate area. Connection to the Meadowview WWTP will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the nearest existing manhole. The applicant is also responsible for all costs in doing so.
4. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the WWTP to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal.
5. 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.
6. Has any consideration been given to the providing all or some portion of the potable water needs for this development on site (i.e. Aston Pointe or Villages at North East)?
7. The Developer is responsible to submit an engineer's preliminary layout for the subdivision public water & sewer, including any pumping or booster stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat.
8. The water distribution system proposed should provide for possible future connection capability to the lands west of this development.
9. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
10. An SHA access permit is required for the MD Rte 277 entrance.
11. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
12. Lots 1 & 48 are denied direct access to Mill Pond Lane.
13. All lots must access the less major road frontage and be denied direct access to the more major road.
14. All proposed minor roads must be closed section with a minimum 30' pavement width and all proposed minor collector roads must be closed section with a minimum 32' pavement width.
15. The Department has concern that the proposed Mill Pond Lane provides sufficient queuing potential for the number of AM/PM peak hour traffic loading generated by this development. Applicant's engineer must provide a queuing analysis demonstrating the ability of Mill Pond Lane and Weave Mill Way to handle this loading prior to submitting the preliminary plat for TAC review.
16. Pre-design geotechnical evaluation and borings along the proposed road stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.
17. The structure on Baldwin Mill Way crossing over the unnamed perennial stream must be approved as part of the road plan approval passing the 100 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.

18. Likewise the structures crossing the intermittent stream on Baldwin Mill Way, Hoagland Lane, and Elk Mills Way East must be approved as part of the road plan approval passing the 25 year storm without overtopping.
19. What is envisioned for the proposed 25' wide emergency access? The HOA must maintain this area.
20. Show any private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.
21. What is the proposed disposition of the structures and driveway on Lots 231 & 232?
22. 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:
  - 22.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 22.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 22.3 Requirements for Utility relocations.
  - 22.4 Requirements for Public Works Agreements.
  - 22.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 22.6 Requirements for County Roads.
  - 22.7 Requirements for Driveways.
  - 22.8 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. 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 & 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 grade leaving Elk Mills 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. 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:

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-year extension, to expire on 2/20/10.

A motion for the granting of a one year extension was made by Mr. McDowell.  
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

**3. Cherrington, 380 Units, Blue Ball and Dogwood Roads, Concept Plat, Van Cleef Engineering Associates, Third Election District.**

Scott Lobdell, Van Cleef Engineering, 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

Density: Proposed are 380 dwelling units on 65.39 acres, for a proposed density of 5.81/1. The RM zone permits a townhouse density of 12/1 and 16/1 for apartments (as a structure type).

The Election District information has been added to the title block.

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

Parcel 1135 has now been included in a table of adjacent properties' data, on Sheet 1 of 4.

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'. The depicted floodplain appears tied to the FEMA map rather than actual topographic information.

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

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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."

prior to Final Forest Conservation Plan approval.<sup>6</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; 68.14% 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 kept as far away from vehicular traffic as possible. Striped bike lanes and back racks should be considered.

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).

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.

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<sup>6</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.

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.

Road names have been proposed, but the names Cherrington & Hawthorn Courts, Howard Drive, & Palmetto Court were not approved by the 911 Emergency Center. All internal road names must be approved prior to Planning Commission review of the Preliminary Plat.

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 been provided and indicates that all units are proposed to be 2-bedroom units. The Preliminary Plat's details must show that there are at least 760 parking spaces.

This design is consistent with the SHA's comments with regard to the proposed apartments. A new street is shown, providing access to Parcels 221, 222 & 294.

A number of existing structures are depicted; what will be their disposition?

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” regulation information contained in Subdivision Data Note # 13 does not pertain.

School information:	Elementary Gilpin Manor	Middle Elkton	High School Elkton
FTE	380	626	1112
Capacity	416	712	944
% Utilization	91%	88%	118%

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

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 private water & sewer lines inside 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 to for TAC review.
5. 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.
6. The proposed 380 apartments with the approximately 2,500 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.
7. With the current condition of Dogwood Road and the traffic loading generated by the 380 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 road improvement plan approved by the Department.
8. While the new layout proposed here provides for the two entrances onto Dogwood Road the Cherrington Road entrance does not appear to be achievable where located. The Developer does not own sufficient road frontage on Dogwood Road to accommodate the deceleration lane requirements identified in Section 3.07.6 of the Cecil County Road Code. The decel lane cannot cross the driveway accessing the parking lot on Parcel 144.
9. Remember that the length of the acceleration and deceleration lanes is measured from the point of curvature of the entrance curve not from the point of intersection of the road centerlines.
10. Have you analyzed the requirements of Section 3.07.8 ‘By-pass lane’ to determine if it is warranted for this development? Mr. Lobdell said based on the initial splits, it is borderline whether it will be needed or not. They will look into it with more detail when the traffic study is completed.
11. The Developer is responsible for obtaining any/all ROW required to accommodate the entrances.

12. The proposed entrances 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 the proposed entrances in the field.
14. All entrance design and offsite road improvement issues must be resolved to the Departments satisfaction prior to submitting the preliminary plat for TAC review. That plat must identify by note and plan all road 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. There are concerns regarding the construction of buildings, streets and a SWM pond over designated wetlands. Any MDE permitting required for this SWM pond location must be obtained prior to the Department approving the SWM plan.
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.

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 street & storm drainage construction.

Mr. Wiggins 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.

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

Discussion ensued regarding how school capacity factors into the Planning Commission's decision making process.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) All road names being approved prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat review by the TAC;
- 3) The boundary line survey's being completed prior to Preliminary Plat review by the Planning Commission;
- 4) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to the TAC's Preliminary Plat review; and
- 5) The open space sensitive areas thresholds being calculated for inclusion on the Preliminary Plat prior to TAC review.

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

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

#### **4. Wohner Property, Lots 1-66 and Common Open Space, Cat Swamp Road, Final Plat, Morris & Ritchie Associates, Inc., Fourth Election District.**

James Keefer, Morris & Ritchie Associates, Inc., Bill Stritzinger, developer and Rick 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 §3.8 & §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 74 lots on 72.22 (now 74.6135) acres, at a density of 1.02/1,<sup>7</sup> was approved on 3/20/06, 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;
- 3) "From the Department of Public Works, the timing of a filed plat submittal for the Wohner Concept shall not precede the approval an executed Public Works Agreement covering:
  - a. The extension of Country Club Drive to Cat Swamp Road;
  - b. The offsite road improvements for Cat Swamp and Barksdale Roads required for the Aston Pointe development;

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<sup>7</sup> The **SR** zone permits a density of **2/1** with community facilities, and this project is to be served by **public water and sewer** – consistent with an amendment to the Master Water and Sewer Plan to include this property in the planned water and sewer service areas.

with this condition remaining subject to any subsequent phasing change or modification of the conditions of approval to the Department of Public Works and the County Planning Commission;” and

- 4) A future stub road access to be lands of Ulrich being fully explored prior to the TAC’s review of any Preliminary Plat.

The Preliminary Plat, proposing only 66 lots, was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All stream buffers being shown on the Final Plat;
- 4) The FCP/Landscape Plan has been approved;
- 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) 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;
- 7) All required documents from the gas line company granting permission or agreeing to easement impacts being received prior to Final Plat review;<sup>8</sup>
- 8) Water and sewer allocation must be confirmed by DPW prior to the review of any Final Plat(s);
- 9) 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 and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 10) 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 lots/homes offered for sale; and
- 11) The Aston Pointe Final Plat being approved prior to Final Plat approval (because of access issues).

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

A stub road continues to be shown to the adjacent lands of Ulrich.

Per §4.1.22 (b) the block information has been included (with the vicinity map).

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. Steep slopes were depicted on the approved 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. The Aston Pointe JD included this site.

A minimum of 15% common open space is required; 47.14% is proposed (was 47.44% and was 56.9 %). The sensitive areas thresholds were calculated and included on the Preliminary Plat.<sup>9</sup> A

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<sup>8</sup> All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

<sup>9</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.

minimum 20% landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the Cat Swamp Road frontages.

Sidewalks are recommended on at least one side of all internal roads, and 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.

The FSD was approved on 6/1/05. A revised PFCP was approved on 5/2/07.

The FCP /Landscape Plan was approved on 12/18/08.

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.

All internal road names were previously approved. DelDOT, SHA and the Newark Planning Department were informed of this proposal, and no additional Traffic Impact Study (TIS) was requested. A TIS was performed for the adjacent Aston Pointe project, and various road improvements put forward by CCDPW, SHA, and DelDOT were agreed to by the developer.

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

Water and sewer allocation have been confirmed by Artesian Resources.

The Final and Record Plats shall contain 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." The words "Master Plan" will not suffice, as comprehensive plans are sometimes called master plans.

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 lots/homes offered for sale.

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. It was previously revealed at TAC review that these home owners would become members of the Aston Pointe HOA.<sup>10</sup>

Mr. Di Giacomo asked if the developer planned for the name of the subdivision to remain as "Wohner Property" or if it would be an extension of the "Aston Pointe" subdivision. Mr. Keefer said it would become an extension of Aston Pointe.

Documents were previously received from the gas line company agreeing to easement impacts. Any documents requiring recordation must be recorded prior to the recordation of 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

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<sup>10</sup> Based upon Subdivision Regulations, there is precedent for allowing a separate Concept Plat for the Wohnner property: Susquehanna and Susquehanna River View, the chronology being as follows:

01/18/00	Susquehanna	Concept Plat approval
07/17/00	Susquehanna	Preliminary Plat approval
<b>12/17/01</b>	<b>Bell Property</b>	<b>Concept Plat approval</b>
08/19/02	Susquehanna	Final Plat approval



operation is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	434	494	1112
Capacity	523	775	944
% Utilization	83%	64%	118%

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

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 operation and ownership of the Meadowview Waste Water Treatment Plant and the Meadowview Water Treatment Plant to Artesian Water Company. Therefore the Department of Public Works will not be involved in the water or sanitary sewer allocation process for this development.

With that said, the SWM plan, Water Distribution plan, Sewer Service plan 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.

*[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.)]*

Mr. Wiggins read the comments of the Health Department:

Water and sewer allocations have been granted. 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 adjacent agricultural operations notice being placed on the Record Plats;
- 4) All stream buffers being shown on the Record Plat;
- 5) 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 Plats;
- 6) Any documents from the gas line company granting permission or agreeing to easement impacts needing to be recorded being recorded prior to recordation of the Record Plat;
- 7) The Landscape Agreement being executed prior to recordation;
- 8) The Record Plat's containing a statement (to be) 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";

- 9) The Record Plat's containing a statement, (to be) signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale; and
- 10) All lot owners becoming members of the Aston Pointe Homeowners' Association, with \$50 per recorded lot being placed in escrow for improvements prior to recordation, and said HOA documents' specifically including "Wohner Property" lots in its by-laws.

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

All approve. Motion carried.

#### General Discussion

- Discuss a date for the Planning Commission to have an additional meeting once per month or quarterly to discuss issues of interest.

Vice Chair Doordan announced that the above named general discussion issue would be moved to the February 2009 Planning Commission meeting.

The January Planning Commission meeting adjourned at 1:00 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**February 17, 2009**

**Present:** Bill Mortimer, Chairman; Joe Janusz; Ken Wiggins; Wyatt Wallace; Guy Edwards; H. Clay McDowell; Tim Whittie; Mark Woodhull; Clara Campbell; Lloyd Harmon; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Bill Counts, Court Reporter.

**Absent:** B. Patrick Doordan, Rebecca Demmler.

**Call to Order:** Chairman Mortimer called the meeting to order at 12:02 p.m.

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

Chairman Mortimer announced that Baldwin Mill, #1 on the agenda, has been withdrawn.

**1. Baldwin Mill, Lots 1-256, Elk Mills Road, Concept Plat Extension, McCrone, Inc., Third Election District.**

**WITHDRAWN**

**2. Lands of Montgomery – Cecil Limited Partnership, Lots 1-148, Marley Road, Concept Plat Extension, Northern Bay Land Planning, Fifth Election District.**

Barry Montgomery, 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: DR

Density: The DR zone permits a maximum base density of 1 du/ 1 ac., or 4/1 with community facilities.

The Concept Plat, proposing 148 lots on 148.89 acres, for a proposed density of 1/1.01, was approved by the Planning Commission on 3/18/02, conditioned on:

- 1) A Traffic Impact Study, including a signal warrant analysis for the Marley Road/ US 40 intersection, being complete prior to TAC review of the Preliminary Plat;
- 2) Road names being approved by the County's 911 Emergency Center prior to Planning Commission review of the Preliminary Plat;
- 3) Intermittent and perennial stream labeling and buffers being made consistent with the USGS Quad maps, and all intermittent streams being shown;
- 4) The JD being completed prior to Planning Commission review of the Preliminary Plat; and
- 5) Verification being received from MDE that the SuperFund site on the east side of Marley Road will not have adverse impacts on the proposed wells.

§4.0.9 of the Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval.

Therefore, one-year extensions of Concept Plat approval were granted on 1/22/04, 1/18/05, 1/17/06, 1/16/07, and 12/17/07, extending the Concept Plat's validity until 3/18/09.<sup>1</sup>

Should the Planning Commission grant another extension, it will be valid until 3/18/10. At that time, if necessary, the applicant may again request a subsequent one-year extension of Concept Plat approval.

§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.<sup>2</sup>

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

The completion of the new Route 40 sewerage pump station removes the capacity issue previously delaying this development. The Department of Public Works has no objection to the Planning Commission granting a one-year extension to the concept plat approval for this project. With that said, all of the Department's comments made at the January 16, 2007 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. A SWM plan; Road 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.
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.
3. If storm water discharge is directed off of the site on to adjacent properties it is the responsibility of the Developer to obtain appropriate easements from the owners of the affected properties per Section 251-13 of the Cecil County Stormwater Management Ordinance.
4. The 20' wide access, between Lots 99 & 100 serving the SWM facility adjacent to Lots 100-109 may need to be wider if it is also used for conveyance of storm water.
5. Re-submit the sight distance measurements for the proposed entrance locations prior to preliminary plat review by the TAC. Vegetative clearing will likely be necessary at both entrances. A knoll exists approximately 200' north of the southern entrance; this will likely have to be removed by the developer. Similarly, there is a knoll some half mile

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<sup>1</sup> As of 8/21/07, extensions ran for one year from the anniversary date if the original approval rather than one year from the date of the granting of the extension.

<sup>2</sup> The zoning classification has **not changed**, the property is **not in** the Critical Area, and minor amendments to the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Regulations have **no impact** upon the approved Concept Plat, and **no relevance** to its extension.

south of the southern entrance that will become increasingly of concern with the significant added traffic on Marley Road and the Applicant's Engineer must address it with a recommended solution.

6. All off-site road improvements, associated with the proposed development, required in Section 3.07 of the Road Code and identified in the offsite road condition survey and improvements plan 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.
7. Section 3.07.15 of the Road Code requires that Marley Road be upgraded to a Minor Collector Road or equivalent standard for 100' either side of the proposed entrance locations. As Marley road has just been repaved the Department will identify 200' of road improvements on an adjacent road.
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 addition of 148 homes to Marley Road (95% of which will likely access the Route 40 intersection) will add an estimated 1480 daily trip ends to Marley Road. As such, a Protocol 3 offsite road condition survey and improvements plan of Marley Road from the northern subdivision entrance to Route 40 must be submitted to the Department of Public Works prior to preliminary plat submittal to the Technical Advisory Committee. Applicant's engineer is encouraged to meet with the Department prior to preparing any road condition survey to establish an appropriate scope.
10. The proposed cul-de-sacs are in non-compliance with Standard Detail R-14 of the Road Code (bulb diameter).
11. Closed section road design is required per Section 2.07 of the Road Code. If open section street design is proposed, a substantiated Road Code variance request must be presented by the applicant.
12. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
13. Per the Department's September 1, 2006 Memorandum the minimum pavement width is 30' for minor roads and 36' for minor collector roads when lot sizes are > 10,000sf <30,000sf.
14. Geo-technical analysis of all road crossings of wetlands/streams, to determine suitability of the sub-base to support a county road, is required. This analysis must be included in the road & storm drain design submittal.
15. If construction of this development is phased, the Department strongly recommends that the Planning Commission require the applicant to obtain the stream crossing permitting during the first phase to ensure that the connectivity will be achieved.
16. The minimum horizontal curvature radius for a Minor Road is 200'.
17. All lots with access to a cul-de-sac street must be denied access to the main street; these include Lots 11, 21, 25, 41, 33, 77, and 93.
18. Deny access to Lot 148 except for the northern 30' of frontage. Deny lot 72 on curved portion of frontage. Deny Lot 17 for Meadow Hall Road.
19. 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.

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. Limits of fee simple ownership must be determined by the applicant for the two proposed entrances and dedication language must be added.
22. A school bus turnaround must be provided during the first phase of development.
23. 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.
24. In TAC, the Department required that the loop road connecting the two proposed entrances continue as a Minor Collector Standard throughout. Upon further evaluation, it may be permissible to transition from a 60' ROW to a 50' ROW at the western limit of Lot 93 and the western limit of Lot 21, with a 50' transition in pavement width. The applicant must address this in a substantiated Road Code Waiver request.
25. All lots proposed to access the internal minor collector subdivision streets must have provisions for on lot driveway turn-arounds on the final lot grading plans. Minor Collector streets are not intended to serve as primary access to abutting lots.
26. A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval.
27. Sewer capacity is not available at this time. The applicant must demonstrate that sufficient build-out capacity exists for the existing gravity sewer line along Route 40 (including consideration of other proposed projects) and the Route 40 SPS must be upgraded before sewer allocation can be made for this and other similar projects along the corridor.
28. An Inspection and Maintenance Agreement will be required for the SWM facilities.
29. A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements.

Mr. Wiggins read the comments of the Health Department:

The Cecil County Health Department has no objection to the extension of concept plat approval.

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 Concept Plat approval, to expire on 3/18/10.

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

All approved. Motion carried.

### **3. Glennas Heights, Lots 1-25, Johnson Road, Preliminary Plat Extension, Stantec Consulting Services, Inc., Eighth Election District.**

John Grant, 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: NAR

Density: The Concept Plat,<sup>3</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;
- 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, 2/20/07, and 2/20/08 the latter of which will expire on 2/20/09 unless the requested extension is granted. If granted, this extension will expire on 2/17/10.

§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.

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<sup>3</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>

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 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. Wiggins read the comments of the Health Department:

The Cecil County Health Department has no objection to the extension of preliminary plat approval. Please note: the Groundwater Appropriation Permit has expired. A new Groundwater Appropriation Permit must be issued 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.

Mr. Di Giacomo read the recommendation of the staff:

GRANTING of 1-year extension of Preliminary Plat approval, to expire on 2/17/10.

A motion for the granting of a 1 year extension was made by Mr. Wallace. The motion was seconded by Mr. McDowell.

All members were in favor of the granting of the extension with the exception of Mr. Janusz.

Motion carried.

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

Don Sutton, Mc Crone, 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, a one-year extension was granted on 3/17/08. Unless a one-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approval will expire on 3/17/09.

If another one-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 2/17/10.

§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 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:***

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. 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.
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 and a Public Works Agreement is required for the Private Mini Road.
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.

9. 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.

Mr. Wiggins read the comments of the Health Department:

The Cecil County Health Department has no objection to the extension of preliminary plat approval. Please note: A Groundwater Appropriation Permit Exemption must be filed with Maryland Department of the Environment 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.

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a one (1) year extension of Preliminary Plat approval, to expire on 2/17/10.

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

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

#### **5. Elk Nest, Lots 1-26, MD Rte. 272, Final 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. Pugh requested that the Planning Commission table this project indefinitely due to the need for the applicant to seek several variances that are required.

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 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, pursuant to §4.1.18, a 1-year extension was granted on 12/18/06.

On 2/20/07, per a request for relief of §7.6, the Planning Commission exercised its powers under §3.5 to allow the 1/1 tree replacement outside the Critical Area, conditioned on:

- 1) The exact location being determined;
- 2) The location and planning being part of the FCP/Final Environmental Assessment that must be approved by staff prior to the Planning Commission's review of the Final Plat; and
- 3) A courtesy proposal being submitted to the Critical Area Commission staff for their review and comments.

Additional one-year extensions of the Preliminary Plat's validity were granted on 11/19/07 and 10/20/08 (It will expire on 10/20/09.).

The FSD was approved on 6/4/04.

The portion of the project located in the Critical Area LDA zone is exempt under §3.2B. The Preliminary Environmental Assessment was conditionally approved on 1/18/05, as was the PFCP. There are no habitats of rare, threatened, and endangered species on site.

The FFCP/Landscape Plan/FEA was conditionally<sup>4</sup> approved on 1/15/09.

No more than 15% of the surface area can be converted to "Lot Coverage" in the LDA.

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 site contain no slopes 15% or greater.

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 Jurisdictional Determination (JD) has been completed.

15% common open space is required; 18.96% is proposed. The sensitive area thresholds have been calculated and included on the plat.

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

Sidewalks were not recommended in order to limit the amount of impervious cover.

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<sup>4</sup> The conditions were: 1) The Planning Commission must approve the 50' Buffer in lieu of the 110' Buffer for the tributary stream running through the property; 2) The updated Natural Heritage Letter must be provided prior to Record Plat submittal; and 3) If the Buffer modification is not granted, the FEA, FFCP, and LP must be revised to show a 100' Buffer.

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.

A Landscape Agreement must be executed prior to recordation.

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

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

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

The Master Water and Sewer Plan shows this as an S-3 area.

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

There are several issues that appear to require a Variance, including:

- The impact of the 50' stream buffer on a SWM area location, where a 110' Buffer is required;
- The impact of the 50' stream buffer on the pump station's location, where a 110' Buffer is required;
- The impact of the 50' stream buffer on proposed Lot 26, where a 110' Buffer is required; and
- Forestry issues.

Given the significant environmental benefits that would accrue due to the proposed sewer hook-ups with existing shoreline homes, staff would not oppose the granting of a Variance (or Variances). Nevertheless, it would need to be reasonably demonstrated that the proposed forestry plan and the proposed 50' Buffer would not create undue adverse impacts to the Bay.

The Critical Area Commission staff has been apprised of these issues.

Under these circumstances, it would be inappropriate either to approve or disapprove the Final Plat at this time. Therefore, staff will recommend TABLING until after the Variance issues have been resolved. Chairman Mortimer added that the recommendation should also read "or the Preliminary Plat deadline comes due." Mr. Di Giacomo said he would make that part of his recommendation.

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

The DPW has no objection to the approval or the tabling of this Final Plat. All required plans are technically complete. However, the critical area issue impacting the proposed pump station and SWM facility locations as well as the administrative issues must be resolved to the satisfaction of the Department before the DPW will approve the plans for this development and sign the record plat.

As to the critical area issue, the pump station proposed to service the Elk Neck development will also provide the benefit of reducing pollutant loading in the North East River as well as the

Chesapeake Bay by allowing existing properties with their failing septic systems to connect to the County sewer system. This project expedites this process in that the Developer, at his own cost, will provide this capability sooner than planned for by the County.

Lastly the Applicant is reminded to 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 has been issued by Maryland Department of the Environment for this subdivision. A sewerage allocation has been granted by Department of Public Works for these lots. A permit to construct the pump station must be issued by Maryland Department of the Environment 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.

Kate Charbonneau, Chesapeake Bay Critical Area Commission, answered questions from the Planning Commission members.

Mr. Di Giacomo read the recommendation of the staff:

TABLE, until after the Variance issues have been resolved and contingent upon Preliminary Plat extension, if necessary.

A motion for the tabling of this project as recommended by staff was made by Mr. Edwards. The motion was seconded by Mr. Janusz.

All approved. Motion carried.

General Discussion:

- An overview presented by SHA regarding statistics in relation to the MD Rte. 273 and Appleton Road intersection.

Robert Kiel, Asst. District Engineer, Gary Davis, Larry Gredlein, Don Ruth and Jim Dooley appeared on behalf of SHA. Mr. Kiel explained the use and analysis of accident data for the said intersection. Accident data is available upon a formal request sent to the office of SHA. Mr. Gredlein presented the commission with a summary of 3-year accident data. Mr. Gredlein explained that the majority of the accidents that occur at this intersection are failure to pay attention and failure to yield. Based on statewide accident rate, the intersections will meet certain criteria where it is SHA's responsibility to go in and correct a certain safety deficiency; MD 273 and Appleton Road has hit that level. At the present time, the developer of the proposed Aston Pointe development, as part of the development impacts, is required to convert the existing intersection control beacon to a full color signal. The problem is the said development may not happen. At some point, the state may have to convert the light. There are options that the state will look at. Discussion ensued.

Mr. Gredlein also gave an overview of "road clubs" as a possible highway/intersection improvement funding mechanism.

In three months, the Planning Commission will contact the SHA office for an update as to what they will be doing to improve the said intersection. The handout given to the Planning Commission can be viewed at the Office of Planning and Zoning.

- Discuss a date for the Planning Commission to have an additional meeting once per month or quarterly to discuss issues of interest (postponed from the January Planning Commission meeting). The Planning Commission members decided to conduct a work session on the third Wednesday of every month, at 7:00 pm, the first being in March. Members were asked to email, Bill Mortimer and Jennifer Bakeoven with the agenda items they would like to discuss by the beginning of March. This meeting will be published for public notification. Mr. Janusz and Mr. Wallace said they would like to discuss clustering / rural character.
- Ron Hartman, member of the CLUA (Cecil Land Use Alliance) will make a proposal for a new zoning classification, Rural Suburban. Mr. Hartman explained the areas that CLUA would like to be considered for the proposed Rural Suburban. The CLUA summary statement can be viewed at the Office of Planning and Zoning.

A motion to adjourn was made by Mr. Edwards.

The motion was seconded by Mr. Janusz.

The February Planning Commission meeting adjourned at 2:11 p.m.

Respectfully Submitted:

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Jennifer Bakeoven



# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

March 16, 2009

**Present:** Bill Mortimer, Chairman; Pat Doordan, Vice Chair, Joe Janusz; Wyatt Wallace; H. Clay McDowell; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopoulos, Court Reporter.

**Absent:** Guy Edwards, Ken Wiggins.

**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. Wallace. All approve. Motion carried.

### **1. West Creek Village, 904 Units, Fletchwood Road, Revised Preliminary Plat, McBride & Zeigler, Inc., Fourth Election District.**

Parley Hess, McBride & Zeigler and Andrea Finerosky, Pettinaro Enterprises, 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<sup>1</sup>

Density: The original West Creek Village Apts. Concept Plat was approved on 7/15/91. The Preliminary Plat was approved on 2/18/92 and 12/21/91; and the Final Plat was approved on 11/21/94. The Record Plat was signed on 2/23/95 (and revised on 6/4/96 & 12/13/00).

Subsequently, a Concept Plat for Section II and a portion of Section I, under the name Hardy Realty, was reviewed by the TAC on 9/4/02 and by the Planning Commission on 9/16/02 and 10/21/02 – when it was approved at a density of 7.4/1, conditioned on:

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) The Traffic Impact Study's scope of work including a needs assessment of, and possible feasibility study for, an alternative additional point of access;
- 3) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;
- 4) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;
- 5) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat; and

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<sup>1</sup> The RM zone permits a maximum density of 12/1 for townhouses and 16/1 for apartments or condos, with community facilities.

- 6) Waiver of the stream buffer expansion in the Development District contingent upon satisfactory quantitative demonstration of water protection equivalent to the requirements of the Zoning Ordinance.

A revised W. Creek Village Apts. Concept Plat was approved on 1/22/04, conditioned on:

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;
- 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;
- 4) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat;
- 5) Waiver of the stream buffer expansion in the Development District;
- 6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 7) The depicted R-1 zoning being corrected on the Preliminary Plat;
- 8) A boundary line survey for density calculation purposes being complete prior to Preliminary Plat review;
- 9) All proposed Phase III structures being labeled or numbered on the preliminary Plat, for easier reference; and
- 10) If not done already, the elevations from the West Brach flood study being included on the Preliminary Plat.

The Preliminary Plat was approved on 6/21/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All internal road names being approved by the County's 911 Emergency Management Agency prior to Final Plat review;
- 4) The Cornus Court/Marsh Lane intersections with West Creek Village Drive being redesigned to achieve at least the required 125' centerline-to-centerline separation;
- 5) Approval of the waiver of the stream buffer expansion in the Development District;
- 6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 7) All required Variances being obtained prior to Final Plat review;
- 8) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission's review its respective Final Plat;
- 9) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables;
- 10) Easements being provided in the town house areas to facilitate access to the rears of those town houses; and
- 11) The specifics of active recreation amenities being included with the Final Plat submissions and those improvements being included in the Public Works Agreement.

A revised Preliminary Plat<sup>2</sup> was approved on 30/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Determination that water quality improvement associated with the previous approval of the waiver of the stream buffer expansion in the Development District remains valid;
- 4) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 5) The requested §'s 29.4.d, 29.4.h, and 29.4.j design modifications being granted;

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<sup>2</sup> It proposed a total of 904 dwelling units (**234 already existing**) on 83.82 acres, consistent with the Concept and Preliminary Plats, proposing 714 (**234 already existing**) apartments, at a density of **13/1**; and 190 were townhouse units, at a proposed density of **6.5/1**.

- 6) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission's review its respective Final Plat;
- 7) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables; and
- 8) Applicant meet with staff to provide additional active recreation amenities such as basketball courts and walking trails.

Final Plats/ revised Record Plats were subsequently signed on 4/16/07 and on 6/4/08.<sup>3</sup> The approval of this Revised Preliminary Plat would extend Preliminary approval to 3/16/11.

The revised Preliminary Plat's Section II was the townhouse section. This again-revised Preliminary Plat is again predicated on Section I's being the apartment section.

Section I of the revised Preliminary Plat resulted in differences from the W. Creek Village Apartments Record Plat signed on 2/23/95 and revised on 6/4/96 and 12/13/00, as well as the Concept Plat approved on 1/22/04, and the Preliminary Plat approved on 6/21/04,<sup>4</sup> including:

- Buildings 14a and 14B were shifted from Phase III to Phase II.
- 14A-1 and 14B-1 were new.
- 10-C was new.
- 11 shifted from Phase III to Phase II.
- 11A was new.
- 18A and 18B were split into 2 buildings, labeled 17A and 17B.
- 15 was enlarged.
- 16's location shifted to where garages were proposed.
- Those proposed garages are now located where 17 was proposed.
- 17 was replaced by 17A and 17B, now proposed to be located to where 18A and 18B were proposed.
- 19 was relabeled 18, in the same proposed location.
- And 20 was relabeled as 19, also in the same proposed location.

This again-revised 904-dwelling unit Preliminary Plat is consistent with the approved Preliminary Plat, except for some very slight design changes and that the location of the demarcation line between the old 'Sections' 1 and 2 have changed slightly between 'Parcels' 1 and 2. In addition, 'Parcels' 3, 4, 5, 6, 7 and 8 are labeled, but their lines of demarcation are not clear.

Any recommendation of approval will be conditioned upon a clearly-delineated Parcel boundary follow-up plat being submitted to OPZ for the project file.

What is the conceptual or other purpose of proposing 'Parcels?'

All previous Preliminary Plat comments stand.

The Traffic Impact Study (TIS) was previously submitted and it indicated that a traffic signal will be warranted at the Fletchwood/Peach Drive/West Creek Village Road when approximately 50% of the development is built out, and that all intersections in the study area will operate at level-of-service D, which is an acceptable level-of-service in the Development District.

A JD has been done.

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<sup>3</sup> 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). Thus, the revised Preliminary Plat upon which this again-Revised Preliminary Plat is predicated is valid until 6/4/10.

<sup>4</sup> This submission is different from the revised Preliminary Plat submitted for the 8/3/05 TAC review, but it is similar to the revised Preliminary Plat submitted for the 2/1/006 TAC review.

20% open space – or 16.78 acres – is required in the RM zone. About 53% -- or 44.19 acres – are proposed. Common open space must be labeled.

Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road – per a previous condition of approval.

Fire hydrant final locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Consideration should be given to the installation of a dry hydrant on the proposed bridge structure over the West Branch.

The applicant sought, and was granted, a modification, pursuant to §3.5 of the Subdivision Regulations and § 170 of the Zoning Ordinance, as follows:

- Some apartment buildings are proposed closer than the required 20’ setback, per §29.4.h. The applicant seeks design consistency with some of the existing, previously-approved buildings.
- Proposed apartment buildings 14A-1 and 14B-1 are slightly closer to the property line than a distance equal to the height of the building, pursuant to §29.4.d. They are intended to match previously approved buildings 14A and 14B.
- Proposed apartment building 18 exceeds the 300’ maximum length mandated in §29.4.j by 1.7’. Previously approved buildings 6 and 7 are more than 350’ long.

25% landscaping of the development envelope is required in the RM zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25’ peripheral bufferyard is also a Bufferyard standard C.

The Forest Stand Delineation (FSD) for the Hardy Realty parcel was approved on 10/2/02. A revised FSD, expanded to include both p. 75 and p.316, was approved on 1/13/04, and has expired.

The Phase I area was considered exempt under §3.2M, as noted in Prelim. Plat’s Note #15.<sup>5</sup>

The Preliminary Forest Conservation Plan (PFCP) was approved on 4/8/04, but the details of the approved PFCP and this revised Preliminary Plat do not match up. Those details must be consistent between the FCP and any Final Plat(s).

The final Forest Conservation Plan (FCP) and Landscape Plan, including street trees, must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a)).

The Record Plat(s) 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 apartments offered for lease.

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

There remains confusion between the design plan titling [phasing Phase I (West Creek Village Drive), Phase II (Townhouses) & Phase III (Apartments)] and the construction phase titling on the plat. The parcel boundaries are poorly identified on this plat and need to be clearer. With that said the Department has no objection to the revision.

Mr. Doordan read the comments of the Health Department:

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<sup>5</sup> The Phase II areas that deviated from the West Creek Village Apartments’ Record Plat were subject to the Forest Conservation Regulations, as is Phase III. If there are no deviations, then Phase II could be included in Note #15, covering the §3.2M exemption.

Submit written documentation of water and sewer allocations prior to final plat approval of each phase. A permit to construct the pumping station must be issued by Maryland Department of the Environment prior to record plat approval.

Final and Record plats are required to have the following statements:

Public water and sewerage will be available to all lots offered for sale (by owner's signature block). Use of public water and sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department signature block).

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) All previous conditions of Preliminary Plat approval remaining in effect;
- 2) The expired FSD being reapproved; and
- 3) Submittal to OPZ of another plat that clearly show the lines of demarcation of the various, proposed Parcels from one another.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Bayhead Shore Estates, Lots 1-74, Carpenters Point Road, Preliminary Plat Extension, Morris & Ritchie Associates, Inc., Fifth Election District.**

Megan Matheo, 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'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>6</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>7</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>8</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;
- 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, one (1) year extensions were granted on 3/19/07 and 3/17/08. That extension is set to expire on 3/17/09, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today.

If another one-year extension is granted, then the Preliminary Plat approval will be extended until 3/16/10.

§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.

<sup>6</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>7</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>8</sup> That approval remains valid until 4/18/07, per §4.1.17.

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 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.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to preliminary plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project.

Tom Breskey, 1318 Carpenters Point Road, Perryville, MD 21903, asked what the pending Critical Area issues are that remain. Mr. Di Giacomo explained. No one spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of another one year extension of Preliminary Plat approval, to expire on **3/16/10** conditioned on:

- Critical Area Commission concerns being satisfactorily addressed prior to Final Plat approval.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

### **3. 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., 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 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>9</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 1-year extensions on 5/21/07 and 4/21/08, which will expire on 4/21/09 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 will be extended until 3/16/10.

§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 completion of the new Route 40 sewerage pump station removes the capacity issue previously delaying this development. 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 conditioned on the correction of the inconsistencies between the construction plans and this plat. The phase lines and several road names differ between the two. The sanitary sewer design plans must be resubmitted for review. With that said, 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.

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<sup>9</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.



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?

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to preliminary plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

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 **3/16/10**.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**4. Stoney Brook Knoll, Lots 1-40, Liberty Grove Road, Preliminary Plat Extension, McCrone, Inc., Sixth Election District.**

Don Sutton, McCrone, Inc., Albert Young, Esq. and Steve Balderston, owner, appeared and presented an overview of the project.

Discussion ensued regarding the pending appeals of this 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.

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, a one-year extension was granted on 4/21/08, and unless another is granted, or a Final Plat is approved and recorded in the interim, Preliminary Plat approval will expire on 4/21/09.

If another one-year extension is granted, then the Preliminary Plat approval will be extended until 3/16/10.

§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. Mr. Woodhull reminded the applicant that the designs for this project will be based on the new county standards that are in effect at the time that the design has started.

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.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to preliminary plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

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 another one (1) year extension of Preliminary Plat approval, to expire on **3/16/10**.

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

The motion was seconded by Mr. McDowell.

All approve. Motion carried.

**5. Snow Hill Farm, LLC, Lot 5, Short Cut Road, Preliminary/Final Plat, McCrone, Inc., Second 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

Density: The SAR zone permits a maximum base density of 1 du/ 20 ac. This Concept Plat proposes 1 new lot (but an existing dwelling) plus remaining lands on 336 acres, for a proposed density of 1/168.

A boundary line survey has been done for the proposed lot.

§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.

Any additional, future, proposed subdivision will require the submission of a Concept Plat.

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>10</sup>

Slopes greater than 25% must be shown on the Preliminary Plat. No steep slopes are shown.

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.

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

No common open space is required.

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

No sidewalks are recommended.

No Bufferyard Standard C is required.

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.

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<sup>10</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 Bufferyard Standard A may be required adjacent to any adjoining property on which an agricultural operation is occurring. As this is an existing dwelling, the Planning Commission may not require a Bufferyard Standard A.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

As noted, this project is exempt, per §3.2N.

A PRMA must be established prior to recordation.

The contiguous operating farm notice has been provided on the plat.

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

1. As stated on the plat any future development on this lot or the remaining lands of Snow Hill Farm, LLC will require a SWM plan approval prior to building permit issuance.
2. Legal access to Short Cut Road (County Road) is proposed by means of a PRMA. The Department will not sign the record plat until the PRMA is executed and recorded.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed. Preliminary / 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; and
- 3) A PRMA being established 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.

**6. Stony Run Creek Estates, Lots 5-14, Razor Strap Road, Concept Plat Extension, McCrone, Inc., Fifth 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:

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: RM

Density: The RM zone permits a density of up to 12/1 for townhouses. The Concept Plat<sup>11</sup> proposed 14 townhouse lots, common open space, and right-of-way.

1.05 acres, and 4 proposed lots, are actually part the Silverado subdivision, whose 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 Silverado Preliminary Plat 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;
- 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.

The approval of that Concept Plat, in effect, revised the approved Silverado Preliminary Plat. The additional lots did not create a density issue, but the Silverado PFCP (approved on 4/13/06) then needed to be revised.

The purely Stoney Run Creek Estates part of that Concept Plat, proposing 10 lots, common open space, right-of-way, overflow parking, and lands of future development on 44.2 acres, for a proposed density of 0.226/1, was approved on 3/19/07, conditioned on:

- 1) A boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 3) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 4) At a minimum, rear-yard access easements being designed prior to the TAC's review of the Preliminary Plat; and
- 5) Another or additional or an extension of the stream buffer exemption being granted.<sup>12</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 3/19/09, unless an extension is granted or a Preliminary Plat is approved in the interim.

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<sup>11</sup> A version showing connectivity to Northwoods and the adjacent Mars property was presented to the Planning Commission, for information only, on 8/21/06. It was subsequently disapproved on 9/18/06.

<sup>12</sup>The Silverado 4/17/06 Preliminary Plat approval was granted a one year extension on 7/21/08.



§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 notes that there have been no such changes.

If granted, the requested extension would expire on 3/19/10.

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 19, 2007 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, a Sanitary Sewer 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. 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.
3. The Developer is responsible for cost sharing for the road improvements to Razor Strap Road imposed on the Developer of the Silverado subdivision.
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 Public Works Agreements.
  - 4.5 Requirements for Stormwater Inspection and Maintenance Agreements...
  - 4.6 Requirements for Final Plat - Public Sewer Allocation.
  - 4.7 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. 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. The 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.
7. 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:

The Health Department has no objection to concept plat extension. Applicant is reminded of previous Health Department comments which must be addressed.

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, to expire on **3/19/10**.

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

The motion was seconded by Mr. McDowell.

All approve. Motion carried.

**7. Granite Cliffs, 703 Units, PUD, Tome Highway, Concept Plat, Frederick Ward Associates, Seventh Election District.**

Edward Steere and Lou Shaffer, Frederick Ward Associates and Kevin Wingate, Koran Development, appeared and presented an overview of the project.

At this point in the meeting, Chairman Mortimer left the meeting and Vice Chair Doordan announced the he would be serving as acting Chairman in Mr. Mortimer's absence.

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, RCA

The portion of the site that is within the Town of Port Deposit is zoned R2. No development is proposed in the Town.

Technically, since this property is not zoned TR, the project is not subject to the requirements of §27.2. Nevertheless, for a project of this magnitude, a courtesy review to the Town is in order.

No development is proposed in the Critical Area portion of the site.

In the MEB overlay zone, mineral extraction activities are permitted per §'s 17 and 67.2 of the Zoning Ordinance, per General Note # 18.

Documentation has been submitted to the effect that the minerals on this site are unrecoverable.

PUD's must adhere to the requirements of ARTICLE's XII and XVII of the Zoning Ordinance and §6.0 of the Subdivision Regulations. The need for some of the cited Variances could be obviated by the invocation of the provisions of §6.1.

An asterisk noted in the Bulk Regulations section of the Development Summary indicates the design flexibility provisions of §254.2 of the Zoning Ordinance are being invoked. If so, and if this PUD Sketch Plat/Special Exception Application is approved by the Board of Appeals, then the items enumerated in Column "B" of that section would not require a separate Variance application.<sup>13</sup>

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 has been done already on 2/4/09. 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>14</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>15</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.

Density: The SR zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities, or 4/1 if a PUD. This project proposes 703 dwelling units on 393.734 acres, for a proposed density of 1.79/1.

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

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<sup>13</sup> The Planning Commission has the power to grant such modifications under §3.5 of the Subdivision Regulations and §70 of the Zoning Ordinance.

<sup>14</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>15</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>16</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 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<sup>17</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; 43.1% is cited as being proposed. However, it is unclear if any of that figure is actually in the Town.

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.

As commented at TAC review, all common open space must be consistently labeled and referenced as such.

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 276 and Burlin 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. 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.

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<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."

<sup>17</sup> Note # 2 indicates that the wetlands have been field delineated.

The FSD was approved on 1/21/09.<sup>18</sup>

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 required prior to the TAC's review of any Preliminary Plat. The TIS must account for traffic projected to be generated on the commercial site, including the proposed awkward access scheme.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following road names<sup>19</sup> have been approved:

- 1) Bluestone Drive
- 2) Ceramic Lane
- 3) Clay Lane
- 4) Concrete Drive
- 5) Crusher Run Way
- 6) Extraction Way
- 7) Granite Cliffs Boulevard
- 8) Limestone Way
- 9) Marble Way
- 10) Quartz Way
- 11) Sand Lane
- 12) Slate Road &
- 13) Stone Way

Has it yet been determined that the U.S. Government water easement depiction matches actual field location, and to where is it proposed to be relocated? Mr. Wingate said based on the information that is available, the information depicted on the plat is accurate.

The applicant is reminded of the provisions of §7.2.12.B.12.

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

Per §255.2, why hasn't the club house area been proposed in a more central location? Mr. Steere said they felt that it was a good location with the vista of the bay. Mr. Wingate also said they feel the townhouse occupants would utilize the club house more than single family home owners.

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.

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<sup>18</sup> The FSD did not include the Critical Area portion of the property; therefore, it is not considered an FSD/Conceptual Environmental Assessment.

<sup>19</sup> The names Alley A, Alley B, Flint Way, Granite Drive, Gravel, Drive, Gypsum Way and Rock Court were **disapproved** by DES at the Concept Plat's TAC review.

Are the alleys proposed to be public or privately-owned? The alleys will be private.

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 and W3.

If a community water facility is proposed, then it will require 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. General Notes 21, 23, 24, and 25 relate to those requirements.

A number of General Notes contain misspellings, which must be corrected.

All approvals, including site plan approvals, of any shared water and/or sewer facility shall precede Final Plat review.

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.

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments," and with §248.2 by proposing "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." The TIS must take this into consideration.

The business(es) on the commercial lot must be approved by the Site Plan approval process. When will that be submitted? Mr. Steere said a separate site plan would be submitted for the commercial site when they are pushing about 25% of the dwelling units on the site. Final approval should be conditioned on a level of certainty that the commercial component will come to fruition.

General Note # 20 incorrectly cites §252.2 as a DPW requirement. That must be corrected.

Per §250.2 the number/percentage of townhouse units is exceed by 4.<sup>20</sup> That can be approved by the Board of Appeals as part of the Special Exception approval.

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.

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<sup>20</sup> The excess is based on the total number of proposed lots, not the total number of permitted lots.

- (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.

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

1. A SWM plan, Mass and Final Grading plan, Road & Storm Drain plan, Sewer System plans and Water System plans must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The sewer & water plans must address treatment, pump stations, storage and disposal facilities.
3. What is the status of obtaining water withdraw authorization from the Susquehanna River Basin Commission? Mr. Wingate stated that they have had preliminary conversations only; no plans have been submitted.
4. Have you met with MDE to discuss the permitting required for the water & waste water facilities proposed? The department will not approve the plans for this development until all necessary MDE permits have been obtained.
5. The use of the proposed private community systems to provide water & sewer presents a unique approach. All costs associated with construction, operation and maintenance of these facilities will be the responsibility of the Developer and/or the approved operator(s) of the water and sewer systems.
6. MDE permitting will be required for both systems. The Applicant must present confirmation of MDE permit approvals prior to the Department’s approval of final design and signing the final plat.
7. Any proposed sewerage pump station(s) required to service this development must be identified on the preliminary plat submitted for TAC review.
8. What route do you propose for the raw water main running between the river and the WTP? Mr. Steere said the conceptual approach is to bring it up Rock Run Road, cut into the property then take it in by road to the far end of the property.
9. All water & sanitary sewer lines must be located in utility easements. These easements where located outside of County ROW must be a minimum of 20’ wide. They may need to be wider depending on the size and/or depth of the utilities. The final/record plat must reflect the actual easement widths and alignments therefore if during construction width or alignment changes occur the record plat must be amended. Note 26 needs to reflect that.
10. What is the status of the U.S. Government Water easement on this property? Is there any infrastructure located within this easement?
11. A TIS specific to this proposal has been submitted.
12. The Traffic Group’s February 11, 2009 Letter Report submitted with the plat implies that no significant access improvements to Burlin Road, at the proposed intersection, would be expected. The DPW will determine what improvements will be required based on a road condition survey and improvements plan provided by the Developer. In that regard the Department will require a Protocol Two Road Condition Survey of Burlin Road extending from Rock Run Road to MD Route 276. The completed survey and an improvements plan for Burlin Road must be approved by the DPW prior to submitting the preliminary plat to Planning Commission. The minimum improvements required will be those associated with Section 3.07.15 of the Road Code which nominally requires that Burlin Road be reconstructed for a minimum of 100’ either side of the point of intersection to current standards for the appropriate road classification. If the road already meets current standards, no road improvements are required. However with the number

of lots and the condition of the existing road additional offsite improvements may very well be required. The road survey and improvements plan will reviewed by the Department. The detail and extent of the offsite improvements required must be agreed to by the Department and the Applicant prior to submitting the preliminary plat to the Planning Commission.

13. The Developer must provide an intersection & stopping sight distance submittal for the proposed Burlin Road access point. This submittal must be approved by the Department prior to presenting the preliminary plat to the TAC for review. Mark the proposed entrance locations in the field by flagging or stake on the roadside bank.
14. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes for the proposed Burlin Road intersection. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The intersection location shown appears to require obtaining an ROW from the owners of Parcel 145 to accommodate the deceleration lane
15. A Road Code Variance will be required for the non-compliant cul-de-sac diameters proposed.
16. The Applicant is reminded of the SHA comments regarding sight distance deficiencies of the proposed MD Route 276 entrance. Have you looked into how far the entrance must be moved to achieve the sight distances required? The Department will want to see a revised concept plat if the entrance is relocated as it would impact Granite cliffs Blvd. and the proposed commercial lot at a minimum.
17. The Department has a serious concern over the location of the commercial pad site access onto Granite Cliffs Boulevard in close proximity to the MD 276 intersection. At a minimum this should be a right in right out only access. The right in access must be from a dedicated right turn lane running from the MD 276 intersection to the site access. Preferably, all access should be from Bluestone Drive. What type of business is proposed for this pad site?
18. All MDE permitting required for the Bluestone Drive stream crossing must be obtained prior to the DPW approving the Road & Storm Drain plans.
19. The Department requires a Geo-technical analysis for all wetlands/streams road crossings to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
20. All proposed roads must comply with Standard Detail R-35 and all appropriate sections of the Cecil County Road Code.
21. Access from Bluestone Drive or MD 276 must be provided to the SWM facility adjacent to the Anchor & Hope Farm, Inc. property.
22. The Department has a concern over where this same facility will discharge. It appears that as presented it may impact the adjoining property's driveway. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain necessary and appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
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 Utility relocations.
  - 23.4 Requirements for Public Works Agreements.
  - 23.5 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 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. 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. 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:

The narrative indicates that the proposed water supply would involve a surface water appropriation from the Susquehanna River. Approval of the appropriation by Maryland Department of the Environment and the Susquehanna River Basin Commission must be granted prior to final plat approval.

A permit to construct the water supply must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Water supply must be adequate for the proposed commercial usage also.

The narrative indicates that sewerage disposal will be a treatment plant to a lagoon with spray irrigation. Testing for the design of this system must be approved by Maryland Department of the Environment prior to final plat approval. A permit to construct the sewage disposal system must be obtained from the Maryland Department of the Environment prior to Record Plat approval. Sewerage design must be adequate for the proposed commercial usage also.

The property is currently W-3, S-3. The Master Water and Sewer Plan must be updated prior to final plat approval.

Final and records plats are required to have the following statements:

1. Public sewerage will be available to all lots offered for sale (by owner’s signature block).
2. Use of public sewerage is in conformance with the Cecil County Master Water and Sewer Plan (by Health Department signature block).
3. Plans for the community sewage disposal system have been approved by Maryland Department of the Environment (by owner’s block).

A permit to construct a swimming pool must be issued by the Department of Health and Mental Hygiene prior to site plan or Building Permit approval. If a Food Service Facility is proposed at the Clubhouse or in the area of the commercial pad, Food Service Facility Plans must be submitted to and approved by the Cecil County Health Department prior to Building Permit approval.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition to this project. Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD 21904, Ed Merriman, 160 Anchor Hope

Lane, Port Deposit, MD 21904 and George Kaplan, 35 Oak Street, Colora, MD 21917, spoke in opposition of this project. See comments in the file at the Office of Planning and Zoning.

Mr. Di Giacomo read the recommendation of the staff:

**Recommendation of APPROVAL to the Board of Appeals**, conditioned on:

- 1) The boundary line survey's being completed prior to the TAC's review of any Preliminary Plat;
- 2) The TIS's being completed prior to the TAC's review of any Preliminary Plat and DPW and SHA concerns being addressed;
- 3) The modifications requested under Column "B" of the Bulk Regulations section of the Development Summary being granted;
- 4) The §252.2 citation in General Note # 20 being corrected;
- 5) All misspellings in the General Notes being corrected;
- 6) All common open space being consistently labeled and referenced as "common open space,"
- 7) A formal briefing being made to officials of the Town of Port Deposit prior to the Planning Commission's review of any Preliminary Plat;
- 8) All road names being approved prior to the Planning Commission's review of any Preliminary Plat;
- 9) The PFCP's being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 10) The number of townhouses proposed being approved.

A motion for the recommendation of disapproval based on the following was made by Mr. Janusz;

- DPW concerns as stated in the record;
- SWM concerns;
- Concerns over water and sewer operations and fees; and
- The number of access points to the development.

The motion was seconded by Mr. Wallace.

All in favor of the recommendation of disapproval. Motion carried.

**Informational Item:**

**Charlestown Crossing, Phase 1, Alternate Layout Townhouses 1-105, Clark Turner Companies, Fifth Election District.**

Fred Sheckles and Rick Bechtel appeared and presented an overview of the revisions to the project. Mr. Bechtel stated that they would be heard by the Board of Appeals for a variance of the amount of townhouses permitted per unit in a PUD.

The Planning Commission members agreed that they are all in favor of this revision.

**General Discussion:**

Vice Chair Doordan stated that the Planning Commission will wait until the evening meeting for general discussion due to the absence of Chairman Mortimer. All agreed.

A motion to adjourn was made by Mr. McDowell.

The motion was seconded by Mr. Wallace.

The March Planning Commission meeting adjourned at 2:37 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

April 20, 2009

**Present:** Bill Mortimer, Chairman; Pat Doordan, Vice Chair, Joe Janusz; Wyatt Wallace; Guy Edwards; Ken Wiggins; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Paula Eliopoulos, Court Reporter.

**Absent:** H. Clay McDowell (alternate) and Mark Woodhull.

**Call to Order:** Chairman Mortimer called the meeting to order at 10:05 a.m.

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

### **1. Liberty Grove Reserve, Lots 1-10, Liberty Grove Road, Preliminary Plat Extension, CNA Engineers, Sixth Election District.**

Doug Kopeck, CNA Engineers and Richard Bechtel, 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

Density: The Concept Plat, proposing 10 lots on 32.34 acres, for a bonus density of 1/3.234, was approved on 9/18/06, conditioned on:

- 1) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 2) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 3) All misspellings being corrected prior to the TAC's review of the Preliminary Plat; and
- 4) A waiver of the Bufferyard C requirement along Liberty Grove Road being granted for safety reasons, as determined necessary.

The Preliminary Plat 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 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;
- 5) The Bufferyard C requirement being modified because of sight distance safety considerations; and

6) The 10' street tree planting easements being shown and noted on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, it will expire on 6/18/09 unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today.

If granted, then Preliminary Plat approval will be extended until 4/20/11.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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."

There have been no such pertinent changes.

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

The Department has no objection to the extension as requested. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. Otherwise the previous comments from the June 18, 2007 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.
2. The developer shall upgrade Liberty Grove Road for a distance of 100' either side of the point of intersection between the proposed entrance and Liberty Grove Road. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes also. 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 required acceleration /deceleration lanes must be identified on the preliminary plat.
4. The first set of inlets proposed on Pine Needle Court must be directed to the SWM pond.
5. The Department will not allow runoff to be directed across Liberty Grove Road creating a hazard. With this in mind the SWM plan must satisfactorily address how the existing conveyance along Liberty Grove Road will handle the pond discharge as proposed. 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.
6. A 30' wide strip of land along this site's Liberty Grove Road frontage must be dedicated to the Board of County Commissioners of Cecil County in fee simple and be so noted on the preliminary & final plats.
7. The sight distance measurements required at preliminary plat review have been received and are being reviewed.
8. Adjust the location of the inlets at the cul-de-sac bulb to reflect the road alignment proposed.
9. Horizontal curvature of the Pine Needle Court centerline adjacent to Lot 9 must have a minimum radius of 200' to assure adequate sight distances are achieved.

10. 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).
11. In accordance with section 4.1.22. (n) of the Subdivision Regulation all easements for SWM facilities and/or conveyance must be identified on the preliminary plat. These easements are also required by section 251-15 A of the County's SWM Ordinance.
12. How will SWM quantity & quality requirements be addressed for lots not draining to the proposed ponds?
13. Where is the defined conveyance to Basin Run from the proposed SWM pond adjacent to Lot 6?
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 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 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 Stopping Sight Distance measurements.~~
  - 14.8 Requirements for County Roads.
  - 14.9 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 or equivalent 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 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. The internal street grade leaving Liberty Grove Road may not exceed 5% within the limits of the intersection right-of-way.
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.

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 with a copy submitted to the Health Department for our records.

The Cecil County Health Department has no objection to the extension of preliminary 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 granting of bonus density for this project.

Mr. Di Giacomo read the recommendation of the staff:

The **GRANTING** of a two (2) year extension, to expire on **4/20/11**.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Wilson Property, Lots 1-10, Doctor Jack and Rowland Roads, Preliminary Plat Extension, CNA Engineers, Seventh Election District.**

Doug Kopeck, CNA Engineers, 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 that 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>1</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, a one-year extension was granted on 4/21/08. Unless another

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<sup>1</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.

extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary extension granted on 4/21/08 will expire tomorrow.

If a two-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/20/11.

§4.1.18 now stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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.”

There have been no such pertinent changes.

Mr. Whittie, 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.

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 with a copy submitted to the Health Department for our records.

The preliminary plat submitted for extension does not reflect numerous changes which were shown on the June 2007 Planning Commission Final Plat. The Cecil County Health Department has no objection to the extension of preliminary plat approval, but reminds the applicant of comments from June 2007.

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 two (2) year extension of Preliminary Plat approval, to expire on **4/20/11**.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.



**3. Lands of Thomas & Jane Garvin, Lot 2, New Bridge Road, Concept Plat, C. Robert Webb, Professional Surveyor, Eighth Election District.**

C. Robert Webb, Surveyor, and Benjamin Garvin, son of the 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 (& RR)

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac.

The Lot 1 for the Lands of Garvin was approved on 8/16/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) The Landscape Agreement being executed prior to recordation.

This Concept Plat proposes one new lot, Lot 2, plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a proposed density of 1/15.398.

The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.

Lot 2 is proposed to consist of 1.2073 acres.

This proposal affects not only Parcel 21, belonging to the Garvin's, but Parcel 176, belonging to the Ross's. A right-of-way easement to the proposed Lot 2 is shown across Parcels 21 and 176, and the proposed Lot 2 and Parcel 176 would share the existing entrance onto New Bridge Road.

A road frontage Variance was granted on 4/29/08, file # 3391.

A 30' wide road right-of-way strip should be shown, dedicated to the Board of County Commissioners, as it is on Minor Subdivision #1351.

§2.0 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>2</sup>

Any slopes greater than 25% must be shown on the Preliminary Plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

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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."

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 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 (NAR—RR) from one another.

A Bufferyard Standard A may be required adjacent to any adjoining property on which an agricultural operation is occurring.

No street trees are recommended along the proposed right-of-way in the interest of better preserving the rural character.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

This proposal is exempt, per §3.2K.

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).

Any 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.

Legal arrangements (e.g., a PRMA) for maintenance of the shared entrance 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. Whittie, DPW, read the comments of the department:

1. A SWM plan must be approved by the Department prior to the final plat being recorded.

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 with a copy submitted to the Health Department for our records.

The sewage area lost to stay 5' off the property line on the front lot has not been compensated for. The front sewage area must maintain 10,000 square feet.

Mr. Mortimer asked the applicant how the location of the proposed lot was chosen. Mr. Garvin said it was a personal preference.

Mr. Janusz made remarks regarding the over-capacity of Rising High School. He asked if there are future plans of expanding the school. Mr. Sennstrom said no.

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) No Bufferyard A, no §187.2 bufferyard, and no street trees being required; and
- 2) A 30' wide road right-of-way strip being shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

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

All approve. Motion carried.

#### **4. Persimmon Creek, Section 4, Fletchwood Road, Preliminary Plat Extension, KCI Technologies, Inc., Fourth Election District.**

Ken Simmons, owner and Jeff Siemens, Persimmon Partners, 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 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 provided that Preliminary Plats shall be valid for two years from date of approval. Therefore, a one-year extension was granted on 4/21/08 and is set to expire tomorrow (4/21/09).

If another extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/20/11.

§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 two (2) years upon application of the developer. If granted, said extension shall run for 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.”

There have been no such pertinent changes.

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

The Department has no objection to the extension as requested. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. Otherwise 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:***

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 Persimmon Lane be upgraded to a Collector Road standard for 100' either side of the proposed entrance.
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 water and sewer system 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 Persimmon Lane 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 water and sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
10. 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.
11. 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. Whittie gave an overview of the changes that are being made to Chapter 5 of the SWM Ordinance.

Mr. Doordan read the comments of the Health Department:  
The Cecil County Health Department has no objection to the extension of preliminary plat approval.

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 two (2) year extension of Preliminary Plat approval, to expire on **4/20/11**.

A motion for the granting of a two year extension was made by Mr. Doordan.  
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

## **5. Persimmon Creek, Section 5, Fletchwood Road, Preliminary Plat Extension, KCI Technologies, Inc., Fourth Election District.**

Ken Simmons, owner and Jeff Seimens, Persimmons Partners, 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: RM<sup>3</sup>

Density: The Section 4 – Section 5 Concept Plat<sup>4</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;

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<sup>3</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>4</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.

- 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
- 2) DPW requirements being met.

Per §4.1.18, 1-year Preliminary Plat extensions were granted on 8/20/07 and 7/21/08 (expires 7/21/09).

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 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run 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."

We report 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. All outstanding issues with the Department of Public Works must be addressed prior to the final plat submittal and we request that the Planning Commission approval be conditioned on all said outstanding issues be resolved. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.

Mr. Doordan read the comments of the Health Department:

The Cecil County Health Department has no objection to the extension of preliminary plat approval.

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 two (2) year extension of Preliminary approval, to expire on **4/20/11**.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**6. Larson's Northeast Overlook, Phase 1, Lots 1-62, MD Rte. 272, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

Lou Shaffer and Jennifer Zhai, Frederick Ward Associates and Darrell Gregg, Larson's Investments, 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 density of 1 du/ 1 ac., or 2/1 with community facilities. This project proposes 62 lots<sup>5</sup> on 96.4262 acres, for a proposed density of 1/1.555. The plat's cited density of 1/1.64 is based on only 'Part 1's' acreage.

A boundary line survey<sup>6</sup> 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>7</sup>

Any slopes greater than 25% must be shown on the Preliminary Plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'.

If the buffer must be expanded, then a proposed SWM area may need to be reconfigured.

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<sup>5</sup> The Parcel Map and Vicinity Map inserts fulfill the **§4.0.13 (b)** requirements.

<sup>6</sup> Note # 1 indicates that the boundary line survey has already been completed.

<sup>7</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. 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>8</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.

15% common open space is required; 36.1% is proposed, based upon 37.2556 acres. If the area to the west of proposed Lot 1 is C.O.S., then the area of the proposed accesses easement must be deducted from the C.O.S. calculation, per §176.2.a.

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.

20% landscaping of the development envelope is required.

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. References to 'Buffer C' must be corrected.

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 1-11.

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.

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<sup>8</sup> Note # 2 indicates that the wetlands have been field delineated.

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 required prior to the TAC's Preliminary Plat review.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following name has been DISAPPROVED:

- Lydia Court

Is the small triangle of space south of the Susan Jean Way tee turn around to be included in the right-of-way or the C.O.S. acreage? Mr. Shaffer said it would be C.O.S.

The applicant is reminded of the provisions of §7.2.12.B.8 and §7.2.12.B.11.

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.

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. The water service agreement area map must also be amended 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 Plat Final 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.

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 any water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of any 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.

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

1. A SWM plan, Road & Storm Drain plan, Water & Sewer plans, 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 Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.
3. This development, as proposed, is dependent on the Villages at North East being built to the point that sewer service 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 in regards to this dependence.
4. Have you discussed the proposed connections with the Developer of Villages at North East? Mr. Shaffer 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 lines you intend to connect to are adequately sized? Mr. Shaffer said all issues above are part of the discussions with the Villages of North East developer.
5. Sewer allocation must be requested from the Cecil County Department of Public Works.
6. Proposed sanitary sewer run outside of County ROW must be ductile iron.
7. The water distribution system must be designed to meet or exceed County standards for all portions located within the County ROW. The system must provide adequate fire flow and pressure throughout your subdivision as well as the potential development on Parcels 76, 105, & remainder of 197.
8. It appears that many of the lots proposed cannot use gravity sewer to reach the proposed MH adjacent to Lots 20/21. Do you intend to provide a pump station? Any pump station required must be located on a lot dedicated in fee simple to the Board of County Commissioners of Cecil County.
9. The trip generation associated with the development (62 units) proposed accounts for a minimum ADT of 620 which exceeds minor road loading. That by itself requires that Elizabeth Marie Way be designed as the minor collector road as identified on the plat by the 60' ROW shown.
10. 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.
11. The Department requests that the Planning Commission require that a Traffic Impact Study be prepared and submitted prior to any review of the preliminary plat.
12. Closed section road is required throughout this development.
13. Will the proposed dwellings have garages? How many off-street parking spaces will you provide on each lot?
14. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.
15. 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.
16. What consideration has been given to where the SWM area adjacent to Lot 42 will discharge? Where do you intend to direct the discharge? Mr. Shaffer said the discharge would be directed to the state highway. Mr. Whittie told them applicant he will have to coordinate with SHA.
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:

*Notes and requirements identified for record:*

- 16.1 The Final Plat Lot Grading 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. 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. Doordan read the comments of the Health Department:

Written documentation of water and sewer allocations must be submitted to the 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 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 the owner’s signature block).
2. Use of public water and sewer is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department signature block).
3. Plans to construct the public water supply have been approved by the Maryland Department of the Environment (by the owner’s signature block).

The Master Water and Sewer Plan must be amended to include this parcel prior to final plat approval.

The Cecil County Health Department cannot approve creation of a parcel without provision for water and sewerage. Our office has repeatedly asked if “part III” is legally a separate parcel and could be sold separately without subdivision, or if this subdivision creates that division. Note 16 does not satisfactorily address this question. Until this issue is resolved, our office will not be able to approve this subdivision.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Bruce Cameron, property owner, spoke in opposition of this project.

Carl Walbeck gave an overview of the Elk Neck Trail and the impact of this project.

Mr. Di Giacomo read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) A TIS being completed prior to the TAC's review of any Preliminary Plat;
- 2) The designation Buffer C being changed to Bufferyard C on all subsequent submittals;
- 3) All road names' being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) A monumental entrance being included in the Preliminary Plat design.

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

The motion was seconded for discussion by Mr. Edwards.

Discussion ensued regarding issues concerning water, sewer and access layout.

Mr. Doordan voted in favor of the approval with conditions.

Mr. Janusz, Mr. Wiggins, Mr. Wallace and Mr. Edwards voted in opposition of the approval with conditions.

A motion for disapproval based on the layout, which contains insufficient access to the property, given that 62 lots are proposed was made by Mr. Edwards.

The motion was seconded by Mr. Wallace.

Mr. Janusz, Mr. Wiggins, Mr. Wallace and Mr. Edwards voted in favor of disapproval for reasons stated.

Mr. Doordan voted in opposition of the disapproval.

Motion for disapproval carried.

## **7. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad Road, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

James Keefer and Travis Canavan, Morris & Ritchie 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.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

The original Concept Plat<sup>9</sup> was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
- 3) The internal roads' names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat; and
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat<sup>10</sup> was approved on 9/15/03, 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) The block or grid number being added to the plat;
- 5) 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, with all lot owners becoming members; and
- 6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space and landscaped islands must be established 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 must again be shown on the record plat;
- 5) Sidewalks being included on at least one side of all internal roads;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
- 8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;
- 9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
- 10) Permits for the stream crossing being issued prior to recordation.

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<sup>9</sup> This project was former known as both Lands of **Miklas & Kuklewski**; f/k/a Lands of **Miklas & Rowles**.

<sup>10</sup> The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

This Phase II Concept Plat<sup>11</sup> proposes 9 lots on 5.155 acres, bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres). It is consistent with the original, approved Concept Plat.

Per §4.0.13 (b), the Tax Map grid numbers still need to be provided.

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'.

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.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

For Phase II, previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through the review process. The Mayor and Commissioners of the Town and the Board of County Commissioners have agreed to amend that Agreement.

Documentation of the amendment and of water allocation for Phase II must be submitted prior to Final Plat review.

Fire hydrant locations should be selected in consultation with the North East Fire Co. and the Department of Public Works.

With a combined total of 11.222 acres of common open space (36.93%), this proposal satisfies the common open space requirement. 2.027 acres are proposed in Phase II. The sensitive areas thresholds have been calculated and included.

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

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<sup>11</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.

<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."

The original FSD approval<sup>13</sup> has expired. A revised FSD is on hold, pending the Natural Heritage Letter.

The PFCP included Phase II and was approved on 7/30/03.

The Phase I FCP/Landscape Plan was approved on 5/10/04; Phase II's FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, per §186.1. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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 again being shown on the Record Plat.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

The owners of these proposed lots must become members of the Homeowners' Association that was created for maintenance of common open space and landscaped islands. \$50 per recorded lot must be 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.

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.

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

1. The road and sanitary sewer line are in place.
2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.
3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.
4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.
5. Traffic control must be provided for the utility installation & road repair work.

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<sup>13</sup> The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.



6. The SWM has been addressed for Phase II in Phase I of this development. However lot grading plans for Lots 1-6 & 36-39 must comply with the approved SWM plan for Phase I.
7. Has the Town of North East granted water allocation for the proposed lots?
8. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town's existing water main. The developer must obtain a road construction permit from the Department's Roads Division. Contact Dan Webber at 410-996-6270. water line and connection tee identified on the approved sewer plans installed?
9. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Mr. Doordan read the comments of the Health Department:

The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates that the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written documentation of water and sewer allocations must be submitted to the Cecil County Health Department prior to final plat approval.

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 the owner's signature block).
2. Use of public water and sewer is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department signature block).

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) The Tax Map grid numbers being provided on the Final and Record Plats.

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

The motion was seconded by Mr. Janusz.

All approved. Motion carried.

**8. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

James Keefer and Travis Canavan, Morris & Ritchie Associates, 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.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

The original Concept Plat<sup>14</sup> was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
- 3) The internal roads' names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat; and
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat.

The original, Phase 1, Preliminary Plat<sup>15</sup> was approved on 9/15/03, 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) The block or grid number being added to the plat;
- 5) 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, with all lot owners becoming members; and
- 6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space and landscaped islands must be established 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 must again be shown on the record plat;
- 5) Sidewalks being included on at least one side of all internal roads;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
- 8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;
- 9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
- 10) Permits for the stream crossing being issued prior to recordation.

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<sup>14</sup> This project was former known as both Lands of **Miklas & Kuklewski**; f/k/a Lands of **Miklas & Rowles**.

<sup>15</sup> The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

The Phase II Concept Plat has been reviewed and approved by the Planning Commission today. It was consistent with the original, approved Concept Plat.

This Phase II Preliminary Plat<sup>16</sup> proposes additional 9 lots on 5.155 acres, bringing the overall proposed Phases I & II density to 1/0.79 (39 lots on 30.38 acres).

The plat Note that states that these proposed lots “can not be submitted ...” is now nonsensical and should be omitted from future submittals.

Per §4.1.22 (b), the Tax Map grid numbers still need to be provided.

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>

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 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.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

Previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through the review process. The Mayor and Commissioners of the Town and the Board of County Commissioners have agreed to amend that Agreement.

Documentation of Phase II water allocation must be submitted prior to Final Plat review.

The proposed fire hydrant location should be finalized in consultation with the North East Fire Co. and the Department of Public Works.

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

By providing a combined total of 11.22 acres of common open space (36.93%), this proposal satisfies the common open space requirement.

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<sup>16</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.

<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.”

The common open space sensitive area threshold calculation is included in Note #9.

The original FSD approval<sup>18</sup> has expired. A revised FSD is on hold, pending the Natural Heritage Letter. The PFCP included Phase II and was approved on 7/30/03.

The Phase I FCP/Landscape Plan was approved on 5/10/04; Phase II's FCP/Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Conservation Regulations).

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads, per §186.1. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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 again being shown on the Final and Record Plats.

The proposed road name has been approved. Sidewalks are recommended on at least one side of all internal roads.

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

Do the current, approved and recorded HOA documents allow for these proposed, additional lots? Mr. Keefer said yes.

If not, then when will those documents be amended and submitted to the Corporate Charter Division of the State Department of Assessments and Taxation for their review and approval?

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.

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 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.

The Lot Acreage Table and Project inserts together satisfy the requirements of §4.1.22 (r).

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>18</sup> The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.

1. The road and sanitary sewer line are in place.
2. The Developer must modify the existing entrance island to accommodate the driveway for Lots 1 & 39 as proposed in your January 14, 2009 submittal.
3. The Developer must provide the driveways for the proposed lots. This requires cutting and repairing the existing modified curbing and the existing sidewalk.
4. The Developer will be responsible for milling and overlaying Raydan Way from Alicia Court to Red Toad Road.
5. Traffic control must be provided for the utility installation & road repair work.
6. The SWM has been addressed for Phase II in Phase I of this development. However lot grading plans for Lots 1-6 & 36-39 must comply with the approved SWM plan for Phase I.
7. Has the Town of North East granted water allocation for the proposed lots?
8. Sewer allocation must be confirmed prior to submitting the final plat for Planning Commission review.
9. A Public Works Agreement will be required covering the work required to install the proposed water line and connection to the Town's existing water main. The developer must obtain a road construction permit from the Department's Roads Division. Contact Dan Webber at 410-996-6270. water line and connection tee identified on the approved sewer plans installed?
10. Any work within the County ROW must comply with the appropriate sections & details of the Cecil County Road Code.

Mr. Doordan read the comments of the Health Department:

The property is mapped as W-2 and S-1 in the Master Water and Sewer Plan. The plat indicates that the Town of North East is to provide public water and the Department of Public Works is to provide public sewer to the development.

Written documentation of water and sewer allocations must be submitted to the Cecil County Health Department prior to final plat approval.

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 the owner's signature block).
2. Use of public water and sewer is in conformance with the Cecil County Master Water and Sewer Plan (by the Health Department signature block).

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/Landscape Plan's being approved prior to Final Plat review;
- 4) The Tax Map grid numbers being provided on the Final and Record Plats;
- 5) Documentation of water allocation for Phase II being submitted prior to Final Plat review;
- 6) Sewer allocation being verified prior to Final Plat review;
- 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; and

- 8) The Final and Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

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

All approve. Motion carried.

**9. David S. Willis, Jr., etal, Lots 5-15, Blue Ball Road, Preliminary Plat Extension, McCrone, Inc., Fourth & Ninth 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'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>19</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>20</sup>

A Preliminary Plat<sup>21</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

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<sup>19</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>20</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>21</sup> It was consistent with the approved Concept Plat density of 1/10.068.

- 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, per §4.1.18, a one year extension was granted on 4/21/08, and unless another is granted, or a Final Plat is approved and recorded in the interim, it will expire tomorrow.

If a two-year extension is granted, then the Preliminary Plat approval, with conditions, will be extended until 4/20/11.

§4.1.18 now stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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.”

There have been no such pertinent changes.

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

The Department has no objection to the extension as requested. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. Otherwise 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.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit exemption has been filed with Maryland Department of the Environment.

The Cecil County Health Department has no objection to the extension of preliminary plat approval, but reminds the applicant of comments from April 2008.

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 two (2) year extension of Preliminary Plat approval, to expire on **4/20/11**.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **10. Brookwood Estates, Lots 1-7, Moore Road, Final Plat, 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.

Preliminary Plat extensions were granted on 8/20/07 and 7/21/08, the latter of which expires on 7/21/09.

All proposed lots are depicted to have steep slopes. 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>

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 letter has been received.

No common open space is required; 1.048 acres are proposed. No landscaping of the development envelope is required in the NAR zone, and no sidewalks were recommended.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Brookwood Drive.

The FSD and PFCP were approved on 6/17/05 and 9/15/05, respectively.

The FCP/Landscape Plan was approved on 1/5/09.

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 beside Lot 1 must be marked with concrete monuments.

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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."

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.

A Mini-road Association for maintenance of the mini road must be established prior to recordation, with the owners of all lots accessing or fronting on the mini-road becoming members. A PRMA for Lots 4-7 must also be established prior to recordation.

This design, in effect, embraces two mini-roads: the proposed Brookwood Drive and the common driveway proposed for lots 4-7. What is proposed to avoid confusion as relates to addressing and emergency response issues? Mr. Felty said he would address the issue with EMS.

The contiguous operating farms notice has been provided on the plat.

This design includes no proposed easements or impacts across the gas pipeline. Any required documents from Colonial Pipeline granting permission or agreeing to easement impacts must be received and recorded prior to the recordation of the Record Plat.

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

All required plans are technically complete and only administrative issues remain outstanding. However the Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. 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 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) 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) A Mini-road Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing or fronting on the mini-road becoming members;
- 5) A PRMA for Lots 4-7 being established prior to recordation;
- 6) Any Landscape Agreement being executed prior to recordation;
- 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) Any required documents from Colonial Pipeline granting permission or agreeing to easement impacts being received and recorded prior to the recordation of the Record Plat; and
- 9) All issues regarding addressing and emergency response issues being satisfactorily addressed 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. Lands of Phillip & Dara Montgomery, Lots 3A & 3B, Jackson Park and Principio Roads, Final Plat, McCrone, Inc., Seventh 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 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

Proposed Lots 3A - 3B would result from dividing Lot 3 of Minor Subdivision # 3546.<sup>23</sup>

Density: The Concept Plat,<sup>24</sup> proposing 2 lots on 19.6 acres, for a proposed density of 1/9.8,<sup>25</sup> was approved on 12/18/06, 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 being approved prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) A Bufferyard C modification being granted for sight distance safety as deemed necessary by DPW.

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'.

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<sup>23</sup> 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.

<sup>24</sup> This was treated as a major subdivision because all minor subdivision potential of the original parcel of record had been exhausted.

<sup>25</sup> At that time, the NAR zone permitted a maximum base density of 1 du/ 5 ac.

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 must be done prior to Preliminary Plat review by the Planning Commission.<sup>26</sup> The approved Minor Subdivision # 3546 shows the wetlands on the portion of Lot 3 where no new disturbance is proposed.

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

A Bufferyard Standard C modification was granted as part of the Preliminary Plat approval. A Bufferyard A is shown on Lot 3A. The contiguous operating farms notice has been provided on the plat (Note 14).

An FSD was approved on 11/1/04.<sup>27</sup>

A PFCP was approved on 1/13/05.

The entire site has an approved FCP dating from 6/21/06.

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

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

All required plans are technically complete and only administrative issues remain outstanding. However the Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements. 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:

As stated in comments at the June 18, 2007 Planning Commission during review of the preliminary plat, "sewage areas may not be located within an easement. If the Natural Area Conservation Easement cannot be amended, this lot is not possible. If the easement can be modified to exclude the sewage area, then the plat is satisfactory." The Health Department cannot approve the final plat as submitted.

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 Plats; and

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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 forest retention area, a **JD** need not be done.

<sup>27</sup> An **FCP** for Lots 1-4 was approved on 1/13/05, in conjunction with Minor Subdivision 3546.

4) A 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.

General Discussion:

Chairman Mortimer gave an overview of the Planning Commission worksession that took place on Wednesday, April 15, 2009.

Chairman Mortimer asked that "Cluster Housing" recommendation presentation be placed on the May Planning Commission agenda under general discussion. Mr. Janusz will be presenting.

Chairman Mortimer asked that the report that Joyce Bowsbey and the HOA subcommittee previously presented to the Planning Commission be sent to the current members for review. Mr. Di Giacomo stated that the above mentioned report was to be fed to the consultants and oversight committee for the Comprehensive Plan and it was felt that it would be acted upon at that time. Therefore, when the Comprehensive Plan draft comes before the Planning Commission and the Board of County Commissioners, it would be looked at, at that point. Chairman Mortimer said he would still like the Planning Commission to review it.

Mr. Doordan stated that on the CPC, many of the issues that are being discussed today are being specifically addressed. Mr. Doordan recommended that the members of the Planning Commission should read the recommendations that have already been given.

Discussion ensued regarding TDR's.

Chairman Mortimer asked the members for input on when the Planning Commission worksession should be held. The commission members decided on the Tuesday following the monthly Planning Commission meetings will be when the Planning Commission worksessions will be held.

Discussion ensued.

Mr. Janusz stated that he would like to present information on green infrastructure that he had received.

A motion to adjourn was made by Mr. Edwards.  
The motion was seconded by Mr. Wallace.

The April Planning Commission meeting adjourned at 1:09 p.m.

Respectfully Submitted:

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Jennifer Bakeoven

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**May 18, 2009**

**Present:** Bill Mortimer, Chairman; Pat Doordan, Vice Chair, Joe Janusz; Wyatt Wallace; Guy Edwards; Ken Wiggins; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven; Louisa Brooks, Court Reporter.

**Absent:** H. Clay McDowell (alternate).

**Call to Order:** Chairman Mortimer called the meeting to order at 12:00 p.m.

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

**1. Racine Property, Lots 1-54, Washington Schoolhouse and Theodore Roads, Final Plat, Wilson Deegan & Associates, Inc., Fifth Election District.**

WITHDRAWN

**2. Racine Property, Lots 1-54, Washington Schoolhouse and Theodore Roads, Preliminary Plat Extension, Wilson Deegan & Associates, Inc., Fifth Election District.**

Jeff Deegan, Wilson Deegan & Associates, Inc., Rick Bechtel, Esq., and David Dodge, David Dodge 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.

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> (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;

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<sup>1</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.

- 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 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 7/19/04 Preliminary Plat approval has received one-year extensions on 5/15/06, 5/21/07, and 5/19/08.

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 extension is granted, then the Preliminary Plat approval, with conditions, will be extended for two years, until 5/18/11.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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."

There again have been no such pertinent changes.

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

The Department of Public Works has no objection to the extension of the Preliminary plat. All plans are technically complete and only administrative issues and the GAP 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 and an approved GAP has been granted by the MDE. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be re-designed to meet its requirements.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit must be issued by Maryland Department of the Environment prior to final plat approval. Preliminary plat is satisfactory; however, if adjustments are required to sewage areas based on final plat comments, a matching preliminary plat must be submitted to our office.

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 two (2) year extension of Preliminary Plat approval, to expire on **5/18/11**.

A motion for the granting of a two (2) year extension was made by Mr. Janusz.

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

**3. The Villages at Belle Hill, PUD, 300 Units, MD Rte. 279 and Belle Hill Road, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.**

Will Whiteman, Land Surveyor and Ronny Carpenter, Carpenter Engineering, appeared and presented an overview of the project.

Discussion ensued regarding possible additional access for emergency vehicles.

Mr. Whiteman addressed questions regarding possible upgrades to Belle Hill Road including the intersection of Appleton and Belle Hill Roads.

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

PUD's must adhere to the requirements of ARTICLE's XII and 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 was done on 3/4/09. 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>2</sup> shall “make recommendations to the Board of Appeals,” as will be done today.

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>3</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.

Density: The DR zone permits a maximum base density of 1 du/ 1 ac., or 4/1 with community facilities, or 6/1 if a PUD. This project proposes 300 dwelling units on 50 acres, for a proposed density of 6/1.

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>4</sup>

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 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

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<sup>2</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>3</sup> It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

<sup>4</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.”

impacts to field-delineated wetlands<sup>5</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<sup>6</sup>; 33% is cited as being 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 C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

30% landscaping of the gross development envelope site is required (§251.3).

Sidewalks are recommended on both sides of all internal roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 279 and Belle Hill 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. 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 4/15/09.

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 required prior to the TAC's Preliminary Plat review.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following names have been DISAPPROVED:

- Ayars Court

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<sup>5</sup> Note # 2 indicates that the wetlands have been field delineated.

<sup>6</sup> §26.3.c requires 25%, but §251.4 requires 30%. Per §6.3, the more restrictive 30% requirement shall prevail.

- Belle Hill Boulevard
- Mill Race Loop
- North Millstone Lane
- Preston Drive
- Rolling Mills Circle
- South Millstone Lane

Belle Hill Boulevard's proposed intersections with Belle Hill Road and Ayars Court are only 100' apart. This could create the potential for unsafe turning movements and inadequate queuing space.

300 proposed dwelling units make an additional ingress/egress point desirable, even with the monumental entrance and the Trellis Drive stub road to the remaining lands. With at least two strips of land, each 30' wide, connecting out to MD 316, staff recommends that an emergency access be integrated into this design prior to Preliminary Plat review by the TAC.

The proposed Belle Hill Road entrance location is consistent with §7.2.12.E.4.

Per §4.0.13 (m) 3, is the "total number of off-street parking spaces and the space to unit ratio" for the apartments 2? Mr. Whiteman said yes.

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

Per §255.2, why hasn't the community building area been proposed in a more central location? Mr. Whiteman said in looking at the design they situated the building where they thought it would be readily available to the apartment units. It is also located at the end of a walking trail.

The Preliminary Plat must have site-plan level details for the proposed community building area and the apartments.

The applicant is cautioned that if the proposal should change such that the apartments are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.

A Homeowners' Association (HOA) for maintenance of common open space must be established with \$50 per recorded lot or dwelling unit placed in escrow for improvements prior to recordation. The HOA shall be structured so that the rights and responsibilities of the apartment owners and individual lot owners are consistent with Maryland law.

Are the alleys proposed to be public or privately-owned? Mr. Whiteman said they alleys would be private.

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 S1 and W1.

Water and sewer services are proposed to be provided by Artesian Resources.

All fire hydrant locations must be finalized in consultation with the Singerly Fire Company and DPW.

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.

This proposal is consistent with §248.1 in offering "a variety of building types ... including, detached single-family dwellings, duplexes, semi-detached dwellings, townhouses and apartments."

However, per §250.2, the permitted percentage of townhouse and apartment units exceeds the maximum by 23%. What is the rationale for this proposed mix?

How is this proposal is consistent with §248.2 by proposing "certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD"?

The proposed 3,000ft<sup>2</sup> professional building must be approved via the site plan process.

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." The TIS must take this into consideration.

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.

How will the proposed age restriction be enforced? Mr. Whiteman said they would be enforced by deed.

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

1. A SWM plan, Road & Storm Drain plan, Water & Sewer plans, 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 location of proposed fire hydrants should be presented to the serving fire company for review & comment.
3. This development, as proposed, is dependent on the Artesian Water Company of Maryland providing the water & sewer service. The Department will not sign the final plat until we have confirmation of their intent to provide these services to this development.
4. A Traffic Impact Study will be required.
5. Both intersection & stopping sight distance measurements must be submitted and approved prior to TAC review of the preliminary plat.

6. Acceleration / deceleration & bypass lane requirements must be addressed to the satisfaction of the Department prior to the TAC review of the preliminary plat. Any ROW acquisition necessary to satisfy these requirements must be obtained by the Developer at his own expense.
7. While the Section 3.07.15 of the Cecil County Road Code requirements normally would apply, the size of the proposed development and its resultant traffic impact as well as the current condition of the road requires that additional study of Belle Hill Road is warranted. Therefore a Protocol Two Road Condition Survey will be required for Belle Hill Road along the developments road frontage and extending to the intersection with Appleton Road. As part of this submittal the Developer will provide a road improvements plan to bring this section of Belle Hill Road up to a "Minor Collector" road equivalency.
8. All work associated with the proposed entrance onto Belle Hill Road must be agreed to by the Department and the scope of the work be identified by note or detail on the preliminary plat prior to TAC review.
9. With a development of 300 units the need for a second access is very important. As proposed Trellis Drive may accomplish this need sometime in the future. Until that time Trellis Drive must be terminated in a temporary tee turnaround. If this interconnection fails to materialize the temporary tee turnaround would be replaced with a standard cul-de-sac bulb with the requirement of additional ROW. The road plans must address this issue to the satisfaction of the Department.
10. Due to the size of the lots proposed a 30' wide closed section road with 200' minimum radius horizontal curves will be required for the internal minor roads proposed. As for Mill Stream Boulevard a 32' wide closed section road will be required. See Standard Detail R-35 of the Road Code. These pavement widths will allow parking on one side of the road.
11. Off-street parking available to Lots 169-192 appears to be one (1) car only. On-street parking is unavailable in front of the townhouse units due to lot widths and road classification proposed. Where will a second car for each unit as well as visitor parking be accommodated? Mr. Whiteman said there will be overflow parking around the cul-de-sac.
12. Both North & South Milling Lane are in non-compliance with Section 2.02 B. of the Cecil County Road Code due to the cul-de-sac bulb diameter proposed. A road code variance will be required prior to the TAC's review of the Preliminary Plat.
13. The modified intermediate turnarounds adjacent to Lots 10 & 89 will require signage as well as painted traffic markings to better define traffic flow. This must be addressed in the roads & storm drain plan submittal
14. All the alleyways proposed for this development must be privately owned and maintained.
15. Access to the commercial pad site must be made off of Old Crossing Road away from the intersection. Do you propose direct access off of Belle Hill Road? Mr. Whiteman said no. Where is the parking for this site?
16. How do you intend to address SWM for this site? Mr. Woodhull recommended the applicant to contact SHA Hydraulics division regarding SWM.
17. What consideration has been given to where the SWM areas adjacent to the apartment complex will discharge? Discharge from any proposed SWM facility must not adversely impact adjacent properties.
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:

*Notes and requirements identified for record:*

- 18.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 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 Public Works Agreements.
- 18.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 18.5 Requirements for County Roads.
- 18.6 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 and the water and sewer systems.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Belle 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.

Vice Chair Doordan announced that Chairman Mortimer had to leave the meeting.

Mr. Wiggins read the comments of the Health Department:

The property is mapped as W-2 and S-2 in the Master Water and Sewer Plan. The plan indicates Artesian Water is to provide public water and sewer to the development.

Written confirmation of an adequate water and sewer allocation must be submitted to the Health Department prior to final plat approval. The February 12, 2009 letter from Artesian addresses water service only. Note: For an allocation to be valid, the total projected water or sewage use must be currently available or a permit to construct or upgrade the water or sewer system must be issued by Maryland Department of the Environment. If construction is required, add this note by the owner's signature: "*A permit to construct the public water/sewer system has been issued by Maryland Department of the Environment*". Provide a copy of this permit to our office.

Final 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).

Submit a written description of the intended use of the clubhouse, specifically regarding any food sales or preparation. If a food license is required, food plans must be approved prior to site plan or building permit approval. Will a separate site plan be required for the professional building?

Are the remaining lands being added to a separate parcel owned by Preston Ayars, Jr.? Will the house on this parcel connect to public water and sewerage? A repair installed at this house appears to cross onto proposed lots 146 and 147 and the alley.

The proposed stormwater pond on the southwest part of the property is very close to an on-site sewage system for Orby Dickens (less than 100', probably less than 50'). Are there any plans to connect the houses on Country Lane and Appleton Road to public water and sewerage? Between Belle Hill Road and Country Lane, our office has records of 7 septic repairs (2 in lieu of holding tank) and a perc disapproval. Connection of these additional properties should be considered in the design of sewerline construction for this development.

Mr. Whiteman addressed questions that were brought up by 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:

**Recommendation of APPROVAL to the Board of Appeals**, conditioned on:

- 1) The Boundary Line Survey's being completed prior to the TAC's Preliminary Plat review;
- 2) The Traffic Impact Study(TIS)'s being completed prior to the TAC's Preliminary Plat review;
- 3) All road names' being approved prior to the Planning Commission's Preliminary Plat review;
- 4) An emergency access from MD Rte. 316 being integrated into the design prior to the TAC's Preliminary Plat review;
- 5) Approval of the requested percentages of the mix of proposed housing structure types;
- 6) The Preliminary Plat's having site-plan level details for the proposed community building area and the apartments; and
- 7) The proposed 3,000ft<sup>2</sup> professional building's being approved via the site plan process.

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

The motion was seconded by Mr. Janusz.

Mr. Wallace stated that he would like an 8 condition placed on this project. The condition should read "All major road issues being resolved prior to Preliminary Plat approval."

Mr. Wiggins amended his motion to include the above said 8<sup>th</sup> condition.

Mr. Janusz seconded the amended motion.

All approve. Motion carried.

The motion carried is as follows:

**Recommended APPROVAL to the Board of Appeals**, conditioned on:

- 1) The Boundary Line Survey's being completed prior to the TAC's Preliminary Plat review;
- 2) The Traffic Impact Study(TIS)'s being completed prior to the TAC's Preliminary Plat review;
- 3) All road names' being approved prior to the Planning Commission's Preliminary Plat review;
- 4) An emergency access from MD Rte. 316 being integrated into the design prior to the TAC's Preliminary Plat review;
- 5) Approval of the requested percentages of the mix of proposed housing structure types;
- 6) The Preliminary Plat's having site-plan level details for the proposed community building area and the apartments;
- 7) The proposed 3,000ft<sup>2</sup> professional building's being approved via the site plan process; and
- 8) All major road issues being resolved prior to Preliminary Plat approval.

**4. North Creek Run (f/k/a Silverado), Preliminary Major Site Plan (Apts.), Razor Strap Road, McCrone, Inc., Fifth Election District.**

Barry Montgomery, developer, Michael Burcham, McCrone, Inc., and Andy Bodowitz, Conifer Realty, 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: RM

The RM zone permits a maximum density of 6 du/ 1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 8 apartment units are proposed, was previously reviewed as Montgomery Springs, Lots 15 & 16, and then as Silverado, Lots 76 & 77. This proposed density is approximately 8/1.

The Montgomery Springs Lots 5-14 Final Plat<sup>7</sup> was approved on 11/18/96 and recorded on 4/23/04.<sup>8</sup>

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.

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<sup>7</sup> Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

<sup>8</sup> The area involving the current proposal is listed on the record plat as remaining lands for future development.



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>9</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;
- 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.

The 1-year extension of Preliminary approval granted on 7/21/08 remains valid until 7/21/09.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was 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>10</sup>

Though labeled as Silverado Lots 76 & 77, the Lots 76 & 77 Preliminary Plat was 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).<sup>11</sup>

Per §4.0.1, since fewer than 10 lots and 25 acres are involved, no Concept Plat is required. In addition, per §6.3, §6.3.2, and §6.3.3, apartment projects must be reviewed and approved using the normal process applied to subdivisions.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. Site Data Note # 21 indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

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.

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. If no permits are

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<sup>9</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

<sup>10</sup> These proposed lots have never been included in any Concept Plat.

<sup>11</sup> No common open space was proposed. However, the Silverado Preliminary Plat proposed 50.82 % common open space (20% is required in the **RM** zone.); therefore, when that acreage was included in the balance to the overall Silverado calculation, the result was that about 47.6% common open space was proposed overall, thus fulfilling the C.O.S. requirements for that section of the project.

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.

25% landscaping of the development envelope is required in the RM zone.<sup>12</sup>

Site Data Note # 18 is partially correct: 20% open space is required, but if these are to be apartments, then it cannot be common open space that is owned by an HOA.

Sidewalks are recommended along Razor Strap and Stoney Run Creek Roads.

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 was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06 and revised on 10/15/08 for lots 5-77, and the FCP/Landscape Plan was approved on 12/10/04.

A revised FCP/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.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

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.

Water allocation must be confirmed prior to Final Plat review.<sup>13</sup>

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

There appears to be a potential safety issue relating to an inherent design conflict between WB Razor Strap Road traffic turning right into Stoney Run Creek Road and backing movements from the parking spaces closest to Razor Strap Road. How can that be addressed? Mr. Burcham said they moved the parking north.

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.

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 lot/homes offered for sale or apartments offered for lease.

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<sup>12</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>13</sup> The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

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

1. A sanitary sewer allocation request for the eight apartment units as well as the townhouse units is currently under review however the Department finds the supporting calculations confusing and will require a meeting to resolve this issue.
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. How do you intend to address the quantity control requirements for the apartment building proposed? Mr. Burcham said the quantity management is being compensated in the townhouse section of the project.
4. If you intend to use the existing stone sub-base for Stoney Run Creek Road you will need to have a geotechnical analysis confirming its ability to meet the County's Road Code Standard requirements.
5. 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.
6. How do you intend to address the SWM requirements for this site?
7. The Department has a concern that run off may be concentrated and directed on to the Lands of Conley creating an adverse impact. The Applicant is reminded of the requirement to comply with Sections 251-9A (5), 251-13 & 251-15D of the Cecil County Stormwater Management Ordinance.
8. For the road improvements associated with Section 3.07.15 of the Road Code, 100' either side of the POI of Razor Strap Road & the proposed Stoney Run Creek Road, a full depth replacement of the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.
9. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements(100' west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.
10. The detail of this off site road improvement identified by note on the revised preliminary plat for North Creek Run, Lots 5-71 apply to this site plan as well.
11. The site plan presented here has been revised to move the apartment parking farther away from the intersection in response to the Department's comments at the TAC. While this has lessened our concern, the parking is still in close proximity to the proposed intersection and the resulting turning movements into and out of these spaces conflicting with normal traffic flow in both directions along the proposed Stony Run Creek Road remains a concern of the Department. We again request that the Applicant investigate the possibility of moving at least some of the parking off of Stoney Run Creek Road. This matter must be resolved prior to the Department approving the road & storm drain plans.
12. All parking areas are to be maintained by the HOA unless otherwise noted.
13. 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:
  - 13.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 13.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 13.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 13.4 Requirements for Utility relocations.

- 13.5 Requirements for Public Works Agreements.
- 13.6 Requirements for Stormwater Inspection and Maintenance Agreements.
- 13.7 Requirements for County Roads.
- 13.8 Requirements for Final Plat - Public Water and Sewer Allocation.
- 13.9 Requirements for Sewer Service Cleanouts – Location.

**Notes and requirements identified for record:**

1. The Final Plat must include the standard lot grading note and 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. Doordan read the comments of the Health Department:

Submit written documentation of adequate water and sewer allocations for the proposed project.

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 revised FCP/Landscape Plan being approved prior to Final Plat review;
- 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 Final & Record Plats;
- 5) Water allocation being confirmed prior to Final Plat review;
- 6) Sewer capacity being confirmed prior to Final Plat review;
- 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; and

- 8) The Final and Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all apartments offered for lease.

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

All approve. Motion carried.

**5. North Creek Run (k/n/a Silverado), Lots 5-71, Razor Strap Road, Revised Preliminary Plat, McCrone, Inc., Fifth Election District.**

H. Barry Montgomery, developer, Michael Burcham, McCrone, Inc., and Andy Bodowitz, Conifer Realty, 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: RM

The RM zone permits a maximum density of 6 du/ 1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these 71 townhouse units are proposed, was previously approved as Montgomery Springs, Lots 5 - 14, and then as Silverado, Lots 5-77. These proposed 67 lots on 14.678 acres yields a proposed density of 4.56/1.

The Montgomery Springs Lots 5-14 Final Plat<sup>14</sup> was approved on 11/18/96 and recorded on 4/23/04.<sup>15</sup>

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.

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<sup>14</sup> Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

<sup>15</sup> The area involving the current proposal is listed on the record plat as remaining lands for future development.

The Silverado 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 Silverado Preliminary Plat, including some of the adjacent lands of Jansen<sup>16</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;
- 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. It remains valid until 7/21/09.

This revised Preliminary Plat is generally consistent with the approved Silverado Preliminary Plat.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminated the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.

This proposed Revised Preliminary Plat reduces the number of dwelling units. The revised TIS for Silverado was completed only 3 years ago, and there is consensus among SHA and DPW that it remains adequate.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. An unnumbered note indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

At TAC review, Mr. Montgomery testified that the Montgomery Springs HOA's escrow account is in the process of being voided.

The boundary line survey has been completed.

Note # 13 addresses the intended disposition of Lot 2, Minor Subdivision # 2650.

The 10' wide access easement running along the southeastern part of the site, per MS # 2699, is again depicted.

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<sup>16</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

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.

No slopes greater than 25% are shown to be present. The perennial stream and 25' wetlands buffers are shown.

Per §174.1.b. (1) (a) and (b), a modification to the stream buffer requirement in the area of the cul-de-sac bulb is requested. Such modifications are permitted in the Development District, it is consistent with the design of the previously-approved Silverado Preliminary Plat, it affords the opportunity for connectivity with the possible future development of the Jansen property, and it creates a better turning radius for vehicles such as school busses and emergency apparatus.

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 100-year Floodplain boundary is shown.

25% landscaping of the development envelope is required in the RM zone.<sup>17</sup>

20% common open space is required; 50.35% is proposed.

The C.O.S sensitive areas thresholds have been calculated and included.

§176.2.a prohibits any common open space from being used for parking. Therefore, that area, consisting of 23 'overflow' parking spaces must be deducted from the common open space total acreage. Maintenance of the 'overflow' parking spaces in common open space must be the responsibility of the HOA.

A lighting plan associated with the 'overflow' parking space areas and the proposed community building must be submitted as part of a site plan, which must be approved prior to Final Plat approval.

Sidewalks or striped pedestrian walkways are recommended along both sides of the proposed Stoney Run Creek Road.

The Mason-Dixon Trail situated entirely within the AT&T right-of-way.

§29.5.a (2) requires a peripheral Bufferyard Standard C. Consistent with the noted, requested modification to that requirement, that bufferyard has been omitted for portions of the site, including the area near the Stoney Run Creek Road cul-de-sac bulb.

Part of that area is adjacent to an area of common open space in Northwoods, Section III. The balance of the adjacent Northwoods property is not yet developed<sup>18</sup>; therefore, staff cannot

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<sup>17</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.

recommend the elimination of the §29.5.a (2) bufferyard requirement while the possibility exists that the turnaround would abut the property lines of future Northwoods lots, but will support a modified buffer in that area as part of the Landscape Plan.

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 was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06, and the FFCP/Landscape Plan was revised on 10/15/08 for Silverado Lots 5-77.

The final FCP/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.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

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 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>19</sup>

Sewer capacity must be confirmed by CCDPW prior to Final Plat review.

Note # 16 demonstrates that the requirements of §277 have been satisfied. However, as a practical matter, are the 'overflow' parking spaces actually situated near the 3-bedroom units?

Neither the community building's details have been provided (consistent with §291), nor has a separate site plan been submitted. At what point does the applicant propose to provide these details? Final Plat approval will be contingent upon prior site plan approval.

Fire hydrant locations must be finalized in consultation with the North East Fire Co. & DPW.

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 or lease.

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. Because these proposed townhouse structures are intended to function as apartments, the HOA would need to function under the ownership of the owner. The County must be assured that, at such time as these units could be

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<sup>18</sup>The Northwoods Section 5 Prelim. Plat was reviewed by the TAC on 9/6/06. The area of North Run Creek in question abuts proposed lots 201 & 202 in Northwoods Sec. 5. As the Northwoods Section 5 Prelim. Plat was never approved, this North Run Creek Revised Preliminary Plat does, in fact, satisfy the requirements of §4.1.22 (j).

<sup>19</sup> The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.



transferred to individual ownership, then, at that time, the HOA must be activated and funded in the normal fashion, in accordance with state and county regulations. Deed restrictions to that effect will be a condition of any recommendation of Final Plat approval.

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

The phasing of the project is a function of financing.

Documentation of all necessary easement agreements with AT&T will be required prior to the Planning Commission's review of any Final Plat. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

1. The revision requested appears to cover changes not only in the name of the proposed subdivision but also in ownership of the property. In addition several changes have been made to the previously approved layout.
2. This layout impacts Stony Run Creek Estates proposed layout which received a one-year extension of Concept Plat @ the 3/16/09 Planning Commission meeting. Lot 49 proposed here is 10' wider than that shown on the Silverado preliminary plat. This change will impact Lot 1 of Stony Run Creek Estates.
3. Does the owner of North Creek Run intend to continue whatever access agreement existed between the owners of Silverado & Stony Run Creek Estates?
4. A sanitary sewer allocation request is currently under review however the Department finds the supporting calculations confusing and will require a meeting to resolve this issue.
5. The plat presented indicates a phase line however it must be more clearly identified on the plat. As shown and lacking a legend the Department cannot determine the full extent of each phase.
6. 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.
7. The storm drain pipes located between Lots 11/12, 27/28 & 35/36 must be located in a conveyance easement that is a minimum of 20' wide. If the depth of the pipe requires it the easement may need to be wider.
8. 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. The Town should request that the serving fire company review fire hydrant spacing and locations and require a PWA for the work associated with the water distribution system installation.
9. 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.
10. The layout proposes only 2.34 parking spaces/unit verses the 3.02 proposed by Silverado. Why the decrease? Why was the 14 space overflow parking lot removed? The overflow lot shown would make more sense located adjacent to the community building.
11. In regards to parking, the spaces in front of Lots 19, 20, 57 & the southerly two in front of the community building are considered problematic by the Department. Turning movements into and out of these spaces conflict with the traffic control islands at the intermediate turnaround. This conflict must be resolved prior to the Department approving the road & storm drain plans.
12. 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.
13. The off street parking lot shown will require a road code variance.
14. For the road improvements associated with Section 3.07.15 of the Road Code, 100' either side of the POI of Razor Strap Road & the proposed Stony Run Creek Road, a full depth replacement of the existing road with a minor collector road vertical cross section (SN 4.15) will be required. No widening of the pavement will be required.

15. Cecil County proposes to upgrade Razor Strap Road from approximately 1,000ft west of your proposed entrance to Red Toad Road. The applicant will be required to upgrade Razor Strap Road from the end of the full depth repair, associated with the Section 3.07.15 requirements(100' west of the POI), to the point where the County road work ends. The pavement section must be brought to a structural number of 4.15 (minor collector). Have your Geotech and Engineer analyze the data from the borings already taken by Duffield Associates and identify what improvements will be required to meet this structural number. No widening of the pavement will be required.
16. The details of this off site road improvement have been identified by note on this plat must be addressed in the road & storm drain plans for this development.
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, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 17.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 17.3 Compliance with Section 3.07.15 of the Cecil County Road Code.
  - 17.4 Requirements for Utility relocations.
  - 17.5 Requirements for Public Works Agreements.
  - 17.6 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 17.7 Requirements for County Roads.
  - 17.8 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 3.07of the Road Code requires that 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 are required for the work associated with the construction of the streets & storm drainage, and public sewer system.
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. 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:

Submit written documentation of adequate water and sewer allocations for the proposed project prior to final plat approval.

Submit a written proposal of amenities to be in the community building, specifically relating to any food facility.

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 revised FCP/Landscape Plan being approved prior to Final Plat review;
- 4) The Landscape Plan's including a modified, vegetative buffer in the area of the cul-de-sac bulb abutting the adjacent Northwoods subdivision;
- 5) 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;
- 6) Water allocation being confirmed prior to Final Plat review;
- 7) Sewer capacity being confirmed prior to Final Plat review;
- 8) 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;
- 9) The Final and Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all homes offered for lease;
- 10) Documentation of all necessary easement agreements with AT&T being submitted to OPZ prior to the Planning Commission's review of any Final Plat; and
- 11) A separate site plan for the community building being submitted and approved prior to any Final Plat review.

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

All approve. Motion carried.

General Discussion:

Vice Chair Doordan opened discussion regarding HOA's. The commission members referenced a report completed in 2007 by former Planning Commission member, Joyce Bowsbey and subcommittee. Mr. Doordan stated that he believes the goal is to come up with ideas that can make the HOA concept more viable. Mr. Wallace remarked that he feels Mrs. Bowsbey and committee did a very good job on the report regarding HOA's. Mr. Wallace believes that the current "\$50 per recorded lot" is insufficient in covering incurring costs of neighborhood needs. All present Planning Commission members agreed. The members feel that more restrictions need to be implemented to control spending as well as savings. Also, the consensus of the members is that the county should not have to step in and take over the HOA's and make the needed repairs to the different aspects of a neighborhood that would otherwise be the responsibility of the HOA. Discussion ensued regarding possible changes to the HOA's of the county.

Mr. Wallace suggested that the Planning Commission members take time to come up with suggestions on how to better the HOA's of the county. Presentations of each member's findings can be discussed at the next Planning Commission meeting. Mr. Di Giacomo asked the commission to consider what would be a reasonable amount per lot to be required. Costs incurred by HOA's that need to be considered are SWM ponds, common open space, landscaping, etc. Mr. Woodhull believes the public is misinformed about what exactly is the responsibility of the HOA's. That

information needs to clear to the home buyer prior to purchasing the house/land. Discussion ensued regarding how a scale of costs could be created and who's responsibility that may be.

A motion to adjourn was made by Mr. Wallace.  
The motion was seconded by Mr. Janusz.

The May Planning Commission meeting adjourned at 2:14 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

June 15, 2009

**Present:** Pat Doordan, Vice Chairman; Wyatt Wallace; Guy Edwards; Ken Wiggins; H. Clay McDowell; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Eric Sennstrom; Jennifer Bakeoven; Susan Kambouris, Court Reporter.

**Absent:** Bill Mortimer, Joe Janusz, Tony Di Giacomo.

**Call to Order:** Vice Chairman Doordan called the meeting to order at 12:03 p.m.

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

### **1. Candlelight Ridge, Phase II, Lots 1-5 & 36-39, Red Toad Road, Final Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

James Keefer and Travis Canavan, Morris & Ritchie Associates, Inc., appeared and presented an overview of the project.

Mr. Sennstrom, 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.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities.

The original Concept Plat<sup>1</sup> was approved on 3/17/03 at a density of 1.28/1 (39 lots on 30.38 acres), conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
- 3) The internal roads' names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat; and
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat.

The original, Phase 1, Preliminary Plat<sup>2</sup> was approved on 9/15/03, conditioned on:

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

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<sup>1</sup> This project was former known as both Lands of **Miklas & Kuklewski**; f/k/a Lands of **Miklas & Rowles**.

<sup>2</sup> The Preliminary Plat, which was consistent with the approved Concept Plat, was reviewed by the Planning Commission on 8/18/03, at which time it was TABLED for one month until additional information is obtained from the Maryland Department of the Environment regarding whether a groundwater appropriations permit can be issued for this number of wells, and from the Town of North East if it would serve the property.

- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) The block or grid number being added to the plat;
- 5) 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, with all lot owners becoming members; and
- 6) Satisfactory well compliance reports being submitted to the Health Department prior to release of any building permit.

The Phase 1 Final Plat was approved on 9/23/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space and landscaped islands must be established 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 must again be shown on the record plat;
- 5) Sidewalks being included on at least one side of all internal roads;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) A reconfirmation that the common open space proposed is still within the sensitive areas thresholds established in §176.2 of the Zoning Ordinance being submitted to the Office of Planning & Zoning prior to recordation;
- 8) All sheets of the Record Plats containing accurate depictions of the location of the site on all location maps;
- 9) The 10' street tree planting easements being shown on the Record Plat, consistent with §186.1; and
- 10) Permits for the stream crossing being issued prior to recordation.

The Phase II Concept Plat, which was consistent with the original, approved Concept Plat, was approved on 4/20/09, conditioned on:

- 1) The Tax Map grid numbers being provided on the Final and Record Plats.

The Phase II Preliminary Plat, proposing 9 additional lots (on 5.155 acres, bringing the overall proposed Phases I & II density to 1/0.79 – 39 lots on 30.38 acres), was also approved on 4/20/09, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP/Landscape Plan's being approved prior to Final Plat review;
- 4) The Tax Map grid numbers being provided on the Final and Record Plats;
- 5) Documentation of water allocation for Phase II being submitted prior to Final Plat review;
- 6) Sewer allocation being verified prior to Final Plat review;
- 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; and
- 8) The Final and Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

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>

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.

The Master Water and Sewer Plan includes this site as W-2 and S-1 areas, respectively.

Previously, the Water Service Agreement between the Town of North East and the County did not include this area. Thus, the reason for the delay in bringing the Phase II lots through the review process. The Mayor and Commissioners of the Town and the Board of County Commissioners have agreed to amend that Agreement.

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

By providing a combined total of 11.22 acres of common open space (36.93%), this proposal satisfies the common open space requirement.

The original FSD approval<sup>4</sup> has expired. A revised FSD is on hold, pending the Natural Heritage Letter. The PFCP included Phase II and was approved on 7/30/03.

The Phase I FCP/Landscape Plan was approved on 5/10/04 and revised on 5/19/09.

A Landscape Agreement must be executed 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. Per §186.1 and §4.1.22 (n), the street tree easement has been shown on the Preliminary Plat. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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 again being shown on the Record Plat.

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

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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."

<sup>4</sup> The FSD was approved on 12/12/02 and revised on 3/10/03. Such approvals are valid for 5 years.

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.

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 lots/homes offered for sale.

Documentation of sewer allocation/capacity and water allocation has been submitted.

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

All plans for this project are technically and only administrative issues remain outstanding. The Department will not sign the final plat until the administrative issues have been addressed to our satisfaction. Submit a record plat check print for review prior to submitting the plat for signature.

Mr. Wiggins read the comments of the Health Department:

Final Plat is satisfactory.

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

Mr. Sennstrom 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) The Tax Map grid numbers being provided on the Record Plat;
- 5) 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;
- 6) 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;
- 7) 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 again being shown on the Record Plat; and
- 8) The owners of these proposed lots becoming members of the Homeowners' Association that was created for maintenance of common open space and landscaped islands; with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Acorn Village, Lots 1-13, MD Rte. 274, Preliminary Plat Extension, RJK Engineering & Associates, Fifth Election District.**

Barry Montgomery, developer, appeared and presented an overview of the project.

Mr. Sennstrom, 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 & BL

Density: The Concept Plat, proposing 4 minor<sup>5</sup> and 9 major subdivision lots on 6 SR-zoned acres for a proposed density of 1.5/1, 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 new road name's being approved prior to the Preliminary Plat's review by the Planning Commission.

The Preliminary Plat was approved on 6/18/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Master Water and Sewer Plan's being amended to include the balance of this site prior to the Planning Commission's review of any 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 the JD's completion being received prior to the Planning Commission's review of the Final Plat;
- 6) Documentation of sewer allocation/capacity being provided by the applicant prior to the Planning Commission's review of the Final Plat; and
- 7) Documentation of water allocation from the Town of North East being provided by the applicant prior to the Planning Commission's review of the Final Plat.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 6/18/07 is set to expire on 6/18/09.

If an extension is granted, then the Preliminary Plat approval, with conditions, will be extended for two years, until 6/15/11.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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."

There again have been no such pertinent changes.

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<sup>5</sup> §2.4.1 was invoked.

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. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements:

1. The Department understands that the Town of North East will own the water distribution system in this development. Why are no fire hydrants identified on this plan? 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, a Sanitary Sewer 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 sanitary sewer extending to the west side of MD 274 and the existing sewer line servicing the dwellings at the MD 274 / Old Farmington Road intersection was not designed to accommodate any additional loading. The sewer line from this development must extend further along Old Farmington Road to the area of Old Bayview Drive. It is strongly recommended that the Applicant's Engineer meet with the DPW prior to beginning design of the sanitary sewer system for this development.
4. Proposed county sewer lines routed outside of County road ROW must be located within an easement allowing the County the right to access, maintain, & repair the force main. This applies to Lot 1.
5. The 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. Until sewer allocation is obtained the Developer proceeds with any and all project engineering at his own risk.
6. Final approval of the design for the proposed County road is contingent upon the developer obtaining the SHA access permit to MD 274.
7. The road is not shown correctly on the plat. The open section road proposed is shown having only 15'-16' pave width & no shoulders. The minimum pave width required is 20' with 5' wide shoulders on each side. With the small lot sizes proposed the pave width may need to be wider to accommodate the lack of off-street parking.
8. With the extent of road side drainage ditching proposed it is important that velocity in the channels meet those identified in the SHA Design Manual.
9. What is the proposed disposition of the pond/wetlands on 13-16 and field drain piping on site? The Department has concerns about the impact of this pond's drainage on houses proposed for Lots 12 & 13.
10. 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. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
11. The design for this development must satisfactorily address the off-site drainage from up-gradient properties (i.e. Lands of Heilander) currently crossing Lots 4 & 5. This conveyance must be located in a SWM conveyance easement. The drainage arrows indicate that the runoff is

directed against the foundation of the dwelling on Lot 5 and then across it's driveway. This is not acceptable to the Department.

12. The sump & headwall proposed on Lot 5 must be located within a drainage easement and be so indicated on this plat.
13. Identify the SWM inspection & maintenance easement around the proposed SWM area on this plat.
14. Relocate the fire hydrant to a position outside of the proposed SWM area.
15. 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:
  - 15.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 15.2 Requirements for Utility relocations.
  - 15.3 Requirements for Public Works Agreements.
  - 15.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 15.5 Requirements for County Roads.
  - 15.6 Requirements for Driveways.
  - 15.7 Requirements for cleanout locations

*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. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The internal street grade leaving Maryland Route 274 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.
7. 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:

A current water allocation must be obtained from the Town of North East prior to final plat approval. Sewer allocation must be obtained from the Cecil County Department of Public Works prior to final plat approval. Final and record plats must contain required statements for public water and sewage:

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).

(Note 9 and 11 are not adequate).

The Master Water and Sewer Plan must be amended prior to final plat approval.

The Health Department has no objection to preliminary plat extension.

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

Mr. Sennstrom read the recommendation of the staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on **6/15/11**

A motion for the granting of a 2 year extension was made by Mr. Wallace.

The motion was seconded by Mr. McDowell.

All approve. Motion carried.

### **3. Charlestown Crossing, Phase 1A and Wastewater Pumping Station Parcel, MD Rte. 7 and US Rte. 40, Final Plat Revision, Taylor Wiseman & Taylor, Fifth Election District.**

Fred Sheckles, Clark Turner Communities and Robert McAnally, Taylor Wiseman & Taylor, appeared and presented an overview of the project.

Mr. Sennstrom, 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>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;

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

- 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>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;

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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.

- 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, 1/23/08, & 12/15/08.<sup>9</sup>

The Phase 1 Final Plat, for 50 lots only, 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 of the private roads.

Also on 6/16/08, for INFORMATION ONLY, an amended Preliminary Plat was presented to the Planning Commission.

For INFORMATION ONLY, an alternate layout for Phase 1 townhouses was presented to the Planning Commission on 3/16/09, when Mr. Bechtel, counsel for Clark Turner Homes indicated that a Variance would be sought from the Board of Appeals. In non-binding action, Planning Commission members agreed that they favored the modified design.

On 4/29/09, a Variance (File No. 3450) was granted to allow more than 4 units per townhouse building, as is reflected in lots 74-78.

Other design modifications included in this revised Final Plat are:

- Single family lots have increased minimum width from 50' to 52'.
- Townhouse lots have increased in length from 80' to 82'.
- The proposed private Henrietta Lane is now 18' wide.
- Common open space parcels were designed into the proposed Charlestown Crossing Blvd. right-of-way to facilitate "entry features" and medians.
- Common open space parcels were placed adjacent to proposed Lots 66 and 87.
- The TND design includes street trees to be planted between the curb and sidewalk.

This revised Final Plat includes 14 single family and 36 townhouse lots.

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<sup>9</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 12/15/09.

The Special Exception that was granted allowed 176 townhouses.<sup>10</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.

30% common open space is required, 47% was proposed.

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. Any necessary revisions must be approved prior to recordation.

A Landscape Agreement must also 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 being placed in escrow for improvements prior to recordation.

Water allocation documentation has been received.

Sewer capacity for 50 lots has been verified.

The Record Plat shall again contain 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.<sup>11</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.

§4.2.12 (a) 2 requires that lot numbers be included in the title block.

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

The 50 dwelling units comprising Phase 1A have sewer allocation and all plans for Phase 1A are technically complete. Only administrative issues remain outstanding for Phase 1A. The plans for the Wastewater Pump Station are approved. The DPW will not sign the record plat until the Phase 1A administrative 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.

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<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> The Master Water & Sewer Plan identifies this site as W2 and S2.

Mr. Wiggins read the comments of the Health Department:  
Final plat revision is satisfactory.

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

Mr. Sennstrom 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) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 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 being 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; and
- 10) The lot numbers' being included in the respective Record Plat title blocks, per §4.2.12 (a) 2.

A motion for approval with conditions was made by Mr. Wallace.  
The motion was seconded by Mr. McDowell.

All approve. Motion carried.

#### **4. The Woods at Tome, Lots 1-47, Cemetery Road, Concept Plat Extension, McCrone, Inc., Seventh Election District.**

Mike Burcham, McCrone, Inc., appeared and presented an overview of the project.

Mr. Sennstrom, 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>12</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;
- 3) The common open space sensitive areas thresholds being calculated and included prior to the TAC's review of the Preliminary Plat; and

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<sup>12</sup> Proposing 47 lots on 23.05 acres.



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, one-year extensions were granted on 6/18/07 and 6/16/08. Unless the additional extension now requested is granted, Concept Plat approval will expire on 6/16/09. If granted, this extension would expire on 6/20/10.

§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 design plans must adhere to the current county codes, specifically the issue of horizontal road curves meeting Section 3.04 of the Road Code. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance (2007) will apply and the SWM plan must be designed to meet its requirements. With that said 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

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.

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.

Mr. Wiggins read the comments of the Health Department:  
The Health Department has no objection to concept plat extension.

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

Mr. Sennstrom read the recommendation of the staff:  
The **GRANTING** of another one-year extension of Concept Plat approval, to **expire** on **6/20/10**.

A motion for the granting of a 1 year extension was made by Mr. Wiggins.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **5. The Lands of Renee Luther, Lot 5, Rock Run Road, Preliminary / Final Plat, McCrone, Inc. Seventh Election District.**

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

Mr. Sennstrom, 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 & NAR

Density: Parcel 9 consists of both SR & NAR land. Proposed Lot 5 would be in the SR-zoned portion, which permits a density of 1 du/ 1 acre without community facilities. This Preliminary-Final Plat proposes one (1) lot on 2.056 acres, for a proposed SR density of 1/2.056, and would have no effect on the NAR density of the remaining lands.

Per Note # 9, the boundary line survey has been completed.

§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.

A MALPF District Agreement was established for this entire parcel on 8/5/96, so the SR-zoned portion must be disencumbered before this proposal can be approved.<sup>13</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 & 25%, good engineering practices shall be used to ensure sediment & erosion control & slope stabilization before, during and after disturbance activities.<sup>14</sup> 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, 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.

No common open space is required for only one lot.

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

Sidewalks are not recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Rock Run Road.

A 50' BRL is proposed from Rock Run Road, yet the adjacent Minor Subdivision # 3761 was approved with a 100' BRL.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

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<sup>13</sup> The applicant was advised at the 5/6/09 TAC review that the Planning Commission cannot approve this Preliminary-Final Plat until such time as the requirements of the MALPF Board of Trustees regarding the proposed subdivision have been satisfied.

<sup>14</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."

No street trees are required, as there are no proposed internal roads. 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.

The FSD and FCP/Landscape Plan was approved on 5/12/09.

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 farms notice has been provided as Note # 12.

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

The plan for the proposed development on Lot 5 is considered technically complete conditioned on the final plat containing a note describing the required clearing & site work required for the driveway location selected. Other than that only administrative issues remain outstanding. The Department will not sign the final plat until the plat note and the administrative issues have been addressed to the satisfaction of the Department. Submit a record plat check print for review prior to submitting the plat for signature.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed. Plat is satisfactory.

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

Mr. Sennstrom read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) Any Landscape Agreement being executed prior to recordation.
- 4) Verification of MALPF termination of district prior to recordation.

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

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

## **6. 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. Sennstrom, 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 granted one-year extensions on 7/16/07 and 7/21/08.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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.”

There again have been no such pertinent changes.

Should another extension now be granted, it will expire on 6/15/11.

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

All plans are technically complete and only administrative issues remain outstanding. However, the Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance (2007) will apply and the SWM plan must be designed to meet its requirements.

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. The Health Department has no objection to preliminary plat extension.

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

Mr. Sennstrom read the recommendation of the staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on **6/15/11**.

A motion for the granting of a 2 year extension was made by Mr. Wallace.

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

**7. Larson’s North East Overlook, Phase 1, Lots 1-62, MD Rte. 272, Concept Plat, Frederick Ward Associates, Fifth Election District.**

Lou Shaffer, Frederick Ward Associates and Dwight Thomey, Esq., appeared and presented an overview of the project.

Mr. Sennstrom, 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

A virtually identical Larson’s Northeast Overlook Concept Plat was reviewed by the Planning Commission on 4/20/09. The staff recommendation was for approval, conditioned on:

- 1) A TIS being completed prior to the TAC’s review of any Preliminary Plat;
- 2) The designation Buffer C being changed to Bufferyard C on all subsequent submittals;
- 3) All road names’ being approved prior to the Planning Commission’s review of the Preliminary Plat; and
- 4) A monumental entrance being included in the Preliminary Plat design.



However, the plat was disapproved by the Planning Commission “based on the layout, which contains insufficient access to the property, given that 62 lots are proposed.”

The project’s design has now been modified to include an emergency access lane between MD 272 and the proposed Ashley Marie Court. This proposed emergency access lane has been conditionally approved by SHA.<sup>15</sup>

All other, previous comments stand and will not be read again at this time, but they will appear in the minutes.

Density: The SR zone permits a density of 1 du/ 1 ac., or 2/1 with community facilities. This project proposes 62 lots<sup>16</sup> on 96.4262 acres, for a proposed density of 1/1.555. The plat’s cited density of 1/1.64 is based on only ‘Part 1’s’ acreage.

A boundary line survey<sup>17</sup> 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>18</sup>

Any slopes greater than 25% must be shown on the Preliminary Plat.

A 110’ perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160’.

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>19</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.

15% common open space is required; 36.1% is proposed, based upon 37.2556 acres. If the area to the west of proposed Lot 1 is C.O.S., then the area of the proposed accesses easement must be deducted from the C.O.S. calculation, per §176.2.a.

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<sup>15</sup> The 5/12/09 SHA email stated: “SHA will approve an emergency access point at this location, approximately 450’ from the proposed street connection, with the following conditions:

1. The entrance must be 20’ wide with 10’ radius returns, paved to SHA specifications.
2. The entrance must be gated or closed with ballards.
3. The gate or Ballards must be on private property.”

<sup>16</sup> The Parcel Map and Vicinity Map inserts fulfill the §4.0.13 (b) requirements.

<sup>17</sup> Note # 1 indicates that the boundary line survey has already been completed.

<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.”

<sup>19</sup> Note # 2 indicates that the wetlands have been field delineated.

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.

20% landscaping of the development envelope is required.

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. References to 'Buffer C' must be corrected.

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 1-11.

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 DNR.

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 required prior to the TAC's Preliminary Plat review.

All road names must be approved prior to the Planning Commission's review of the Preliminary Plat. The following name has been DISAPPROVED:

- Lydia Court

Is the small triangle of space south of the Susan Jean Way tee turn around to be included in the right-of-way or the C.O.S. acreage?

The applicant is reminded of the provisions of §7.2.12.B.8 and §7.2.12.B.11.

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 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 Plat Final 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 Plat Final review.

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 any water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

Documentation of any 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.

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

1. A SWM plan, Road & Storm Drain plan, Water & Sewer plans, 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 Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements.
3. This development, as proposed, is dependant on the Villages at North East being built to the point that sewer service 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 in regards to this dependence.
4. Have you discussed the proposed connections with the Developer of Villages at North East? 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 lines you intend to connect to are adequately sized?
5. Sewer allocation must be requested from the Cecil County Department of Public Works.
6. Proposed sanitary sewer run outside of County ROW must be ductile iron.

7. The water distribution system must be designed to meet or exceed County standards for all portions located within the County ROW. The system must provide adequate fire flow and pressure throughout your subdivision as well as the potential development on remainder of Parcel 197.
8. It appears that some of the lots proposed cannot use gravity sewer to reach the proposed MH adjacent to Lots 20/21. Do you intend to provide a pump station? Any pump station required must be located on a lot dedicated in fee simple to the Board of County Commissioners of Cecil County.
9. The trip generation associated with the development (62 units) proposed accounts for a minimum ADT of 620 which exceeds minor road loading. That by itself requires that Elizabeth Marie Way be designed as the minor collector road as identified on the plat by the 60' ROW shown.
10. 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.
11. The Department requests that the Planning Commission require that a Traffic Impact Study prepared and submitted prior to any review of the preliminary plat.
12. The Department will require a monumental entrance (see Standard Detail R-22B) off of MD Route 272.
13. The minimum lot frontage propose is less than 75' therefore Per Section 2.07 of the Cecil County Road Code closed section road is required throughout this development. Refer to Standard Detail R-35 to determine pavement widths required.
14. Will the proposed dwellings have garages? How many off-street parking spaces will you provide on each lot?
15. The preliminary plat must reflect all easements required for SWM, storm drains, and utilities.
16. 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.
17. What consideration has been given to where the SWM area adjacent to Lot 42 will discharge? Where do you intend to direct the discharge?
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:

***Notes and requirements identified for record:***

- 18.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
- 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 Public Works Agreements.
- 18.4 Requirements for Stormwater Inspection and Maintenance Agreements.
- 18.5 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 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. 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:

Written documentation of water and sewer allocations must be submitted to the 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 26.04.03.08 B.

Final and records 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 Cecil County Health Department cannot approve creation of a parcel without provision for water and sewerage. Our office has repeatedly asked if "part III" is legally a separate parcel and could be sold separately without subdivision, or if this subdivision creates that division. Note 16 does not satisfactorily address this question. Until this issue is resolved, our office will not be able to approve this subdivision.

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

Mr. Sennstrom read the recommendation of the staff:

**APPROVAL**, conditioned on:

- 1) A TIS being completed prior to the TAC's review of any Preliminary Plat;
- 2) The designation Buffer C being changed to Bufferyard C on all subsequent submittals;
- 3) All road names' being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) A monumental entrance being included in the Preliminary Plat design.

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

All approve. Motion carried.

General Discussion:

- The recommendation report regarding Cluster Housing – Joe Janusz. This discussion item will be presented at a later date.
- Continued discussion and individual findings from the Planning Commission members in regards to HOA's.

Mr. Wallace explained that he believes an analysis would need to be done by the developer as to what an appropriate number would be for the HOA escrow account. All members agreed that there will not be one appropriate number for all of the proposed development because of the various sizes of development. Mr. Wallace also believes it is important that the escrow account, in its entirety, would be turned over to the HOA. Mr. Sennstrom addressed some concerns of the commission members. Mr. Whittie explained that with the new SWM Ordinance currently being established, it would be wise to wait for its completion in making decisions regarding the responsibilities of the HOA. Additionally, Mr. Sennstrom explained that the Comprehensive Plan Oversight Committee is also incorporating discussion regarding HOA's in their research as well. All commission members agreed to wait for the outcome of the future findings with the various committees currently working on this subject. Discussion ensued regarding the notification of the responsibility to the homeowners within the developments.

The June Planning Commission meeting adjourned at 1:27 p.m.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

July 20, 2009

**Present:** Bill Mortimer, Chairman; Pat Doordan, Vice Chairman; Wyatt Wallace; Joe Janusz; Guy Edwards; Ken Wiggins; Mark Woodhull; Tim Whittie; Clara Campbell; Lloyd Harmon; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven.

**Absent:** H. Clay McDowell, Alternate.

**Call to Order:** Chairman Mortimer called the meeting to order at 12:05 p.m.

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

### **1. Creamery Knoll, Lots 1-4, Knights Corner and Woods Roads, Preliminary / Final Plat, McCrone, Inc., Second Election District.**

Mike Burcham, McCrone, Inc., and Todd Ladutko, North Broad Street Association, 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 that 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. The Preliminary -Final Plat was reviewed by the TAC on 7/2/08.

The Concept Plat, proposing 4 lots on 42.64 acres, for a proposed density of 1/10.66, was approved on 9/15/08, conditioned on:

- 1) The boundary line survey's being completed prior to any Preliminary Plat submission.

Per Note # 11, the boundary line survey has been completed.

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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>1</sup>

The only area of steep slopes is within the proposed right-of-way dedication along Knights Corner Road.

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<sup>1</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 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'.

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.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

A Bufferyard Standard C waiver is being requested, and is reasonable given the natural conservation easement and the Forest Conservation Areas.

A 300' agricultural buffer has been depicted.

The appropriate road setbacks (BRLs) have been depicted.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

The FSD/PFCP was approved on 8/20/08.

The FCP/Landscape Plan was approved on 6/16/09.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the natural conservation easement & 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 natural conservation easement & FRA being shown on the Record Plat.

The contiguous operating farm notice has been provided on the plat.

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:

All plans for this project are technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until the administrative issues have been addressed to our satisfaction. Submit a record plat check print for review prior to submitting the 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. Preliminary / 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 natural conservation easement & Forest Retention/ Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA / natural conservation easement being shown on the Record Plats;
- 4) The Landscape Agreement being executed prior to recordation;
- 5) The contiguous operating farm notice again appearing on the Record Plat; and
- 6) The Bufferyard C modification being granted in favor of the landscaping scheme that is shown on the plat.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Chesapeake Club, Lots 188-343, Bay Club Parkway, 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.

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>2</sup> for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A 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>3</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.

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<sup>2</sup> Concept Plats approved prior to 7/25/89 remain valid.

<sup>3</sup> Keeping the density approval intact, revisions updating the layout only have been approved over time.

The Areas H-2 & H-3, Lots 188-343, Fairway Links, 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;
- 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.

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 "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." However, no record plat was recorded subsequent to the 10/16/06 Final Plat approval.

Pursuant to §4.1.18, 1-year Preliminary Plat extensions were granted on 3/20/06, 2/20/07, and 7/21/08.

§4.1.18, now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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."

Staff reports that no such changes have taken place.

If granted, this extension would expire on 7/20/11.

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

The Department has no objection to the extension requested. The comments presented at the July 21<sup>st</sup> 2008 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time.

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.

Mr. Doordan read the comments of the Health Department:  
The Health Department has no objection to preliminary plat extension.

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 two (2) year extension, to expire on 7/20/11.

A motion for the granting of a two year extension was made b y Mr. Doordan.  
The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**3. Bedrock, Lots 5-106, Bethel Church Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc., and Barry Montgomery, developer, 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 include 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>4</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>5</sup>

Per §4.1.18, a one-year extension of Preliminary approval was granted on 7/21/08, and is set to expire tomorrow.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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."

Staff reports that there have been no such pertinent changes.

If approved, the requested extension will stretch the Preliminary Plat's validity until 7/20/11.

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

The Department has no objection to the extension requested. The comments presented at the July 21<sup>st</sup> 2008 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.

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<sup>4</sup> Per §4.1.17, its approval would remain valid until 9/19/07.

<sup>5</sup> The recordation, per §4.1.17, extended the Preliminary Plat's validity until 8/15/09.

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 based on a straight road section. The location of the driveways on a curved section of Bethel Church Road accounts for these being marginal. The success of these depends on the design of the shared driveways. The design used at Racine Estates is recommended. A PWA will be required in conjunction with the Minor Subdivision.
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 Phase I. 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.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit would be required prior to final plat approval. A February 10, 2009 letter from Maryland Department of the Environment indicated at that time they would only grant 13 lots in phase II. As of June 30, 2009, Maryland Department of the Environment indicates they have had no further contact from the applicant.

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 2-year extension of Preliminary approval, to expire on 7/20/11.

A motion for the granting of a two year extension was made by Mr. Wallace.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

#### **4. Silverado, Lots 5-75, Razor Strap Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc., and Barry Montgomery, developer, 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: 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>6</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;
- 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 one-year extension of Preliminary approval was granted on 7/21/08.

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<sup>6</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.



§4.1.18 now stipulates, “The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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.”

Staff reports that there have been no such pertinent changes.

If approved, the requested extension will stretch the Preliminary Plat’s validity until 7/20/11.

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

The Department has no objection to the extension requested. The comments presented at the July 21<sup>st</sup> 2008 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 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 Variances 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. Doordan read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat extension.

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 extension of a Preliminary approval, to expire on 7/20/11.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

**5. North Creek Run (f/k/a Silverado), Razor Strap Road, Final Major Site Plan, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc., Barry Montgomery, owner and Andrew Bodewes, developer, 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: RM The RM zone permits a maximum density of up to 16/1 for apartments. This proposed density is approximately 8/1.

The site on which these 8 apartment units are proposed, was previously reviewed as Montgomery Springs, Lots 15 & 16, and then as Silverado, Lots 76 & 77.

The Montgomery Springs Lots 5-14 Final Plat<sup>7</sup> was approved on 11/18/96 and recorded on 4/23/04.<sup>8</sup>

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>9</sup>, was approved on 4/17/06, conditioned on:

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

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<sup>7</sup> Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

<sup>8</sup> The area involving the current proposal is listed on the record plat as remaining lands for future development.

<sup>9</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

- 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;
- 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.

The 1-year extension of Preliminary approval granted on 7/21/08 remained valid until 7/21/09. A two (2) year extension has been granted earlier today.

The Preliminary Site Plan<sup>10</sup> was approved on 5/18/09, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The revised FCP/Landscape Plan being approved prior to Final Plat review;
- 4) 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;
- 5) Water allocation being confirmed prior to Final Plat review;
- 6) Sewer capacity being confirmed prior to Final Plat review;
- 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; and
- 8) The Final and Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission.<sup>11</sup>

Per §'s 6.3, 6.3.2, & 6.3.3, apartment projects must be reviewed and approved using the normal process applied to subdivisions. Therefore, the signature blocks must appear on all sheets and be consistent with the requirements set forth in §4.2.13.b for Final Plats.

Though labeled as Silverado Lots 76 & 77, the Lots 76 & 77 Preliminary Plat was 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).<sup>12</sup>

Technically, Montgomery Springs is a recorded & legally-existing subdivision. Site Data Note #25 indicates that this proposal supersedes both the Montgomery Springs & Silverado proposals.

The boundary line survey has been completed.

The 110' perennial stream buffer is shown.

<sup>10</sup> Per §4.0.1, since fewer than 10 units and 25 acres are involved, no Concept Plat was required for this revised proposal.

<sup>11</sup> These proposed lots have never been included in any Concept Plat.

<sup>12</sup> No common open space was proposed. However, the Silverado Preliminary Plat proposed 50.82 % common open space (20% is required in the **RM** zone.); therefore, when that acreage was included in the balance to the overall Silverado calculation, the result was that about 47.6% common open space was proposed overall, thus fulfilling the C.O.S. requirements for that section of the project.

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 approval by the Planning Commission, but required to be completed prior to recordation.

25% landscaping of the development envelope is required in the RM zone.<sup>13</sup>

Sidewalks are recommended along Razor Strap and Stoney Run Creek Roads.

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 was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06 and revised on 10/15/08 for lots 5-77, and the FCP/Landscape Plan was approved on 12/10/04.

The final FCP/Landscape Plan was revised on 6/18/09.

A Landscape Agreement must be executed prior to recordation.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

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.

Water allocation has been confirmed.<sup>14</sup>

Sewer capacity has been confirmed by CCDPW.

The Record Plat 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 also contain a statement, signed by the owner, to the effect that such facilities will be available to all apartments offered for lease.

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

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<sup>13</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>14</sup> The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

All plans for this project are technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until the administrative issues have been addressed to our satisfaction. Submit a record plat check print for review prior to submitting the plat for signature.

Mr. Doordan read the comments of the Health Department:

Water and sewer allocations have been received. Final major site plan 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 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) 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;
- 6) The Record Plat's also containing a statement, signed by the owner, to the effect that such facilities will be available to all apartments offered for lease; and
- 7) The Record Plats' conforming to the requirements of § 4.2.13 (b) as they relate to the location and the content of the signature blocks.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

**6. North Creek Run (f/k/a Silverado), Phase 1, Lots 5-27 & 50-71, Razor Strap Road, Final Plat, McCrone, Inc., Fifth Election District.**

Mike Burcham, McCrone, Inc., Barry Montgomery, owner and Andrew Bodewes, developer, 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: RM The RM zone permits a maximum density of 6 du/ 1 ac. with community facilities, up to 12/1 for townhouses, and up to 16/1 for apartments.

The site on which these townhouse units are proposed, was previously approved as Montgomery Springs, Lots 5 - 14, and then as Silverado, Lots 5-77. The proposed revised Preliminary Plat yielded a proposed density of 4.56/1.

The Montgomery Springs Lots 5-14 Final Plat<sup>15</sup> was approved on 11/18/96 and recorded on 4/23/04.<sup>16</sup>

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, 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, including some of the adjacent lands of Jansen<sup>17</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;
- 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. Technically, it remains valid until 7/21/09. A two (2) year extension was granted earlier today and remains valid until 7/20/11.

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<sup>15</sup> Though recorded, those lots were never developed. Rather, the land on which they sat was re-proposed as Silverado.

<sup>16</sup> The area involving the current proposal is listed on the record plat as remaining lands for future development.

<sup>17</sup> Those add-ons increased the total acreage to 15.226 acres, thus lowering the proposed density to 4.66/1.

The revised Preliminary Plat<sup>18</sup> was approved on 5/18/09, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The revised FCP/Landscape Plan being approved prior to Final Plat review;
- 4) The Landscape Plan's including a modified, vegetative buffer in the area of the cul-de-sac bulb abutting the adjacent Northwoods subdivision;
- 5) 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;
- 6) Water allocation being confirmed prior to Final Plat review;
- 7) Sewer capacity being confirmed prior to Final Plat review;
- 8) 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;
- 9) The Final and Record Plats' also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 10) Documentation of all necessary easement agreements with AT&T being submitted to OPZ prior to the Planning Commission's review of any Final Plat; and
- 11) A separate site plan for the community building being submitted and approved prior to any Final Plat review.

This Phase 1 Final Plat for 45 lots is consistent with the approved, revised Preliminary Plat.

Since all Montgomery Springs approvals have expired, and proposed Lots 76 & 77 were never detailed on any Silverado approvals, this Preliminary Plat was considered a new submission. As was the case with the 12/4/04 Montgomery Springs Preliminary Plat approval, §4.0.1 eliminated the need for a Concept Plat for projects involving fewer than 10 lots and less than 25 acres.

The proposed Revised Preliminary Plat reduced the number of dwelling units. The revised TIS for Silverado was completed only 3 years ago, and there was consensus among SHA and DPW that it remains adequate.

Technically, Montgomery Springs is a recorded and legally-existing subdivision. An unnumbered note indicates that this proposal supersedes both the Montgomery Springs and Silverado proposals.

At TAC review, Mr. Montgomery testified that the Montgomery Springs HOA's escrow account is in the process of being voided.

The boundary line survey has been completed.

Note # 13 addresses the intended disposition of Lot 2, Minor Subdivision # 2650.

The 10' wide access easement running along the southeastern part of the site, per MS # 2699, is again depicted.

No slopes greater than 25% were shown to be present. The perennial stream and 25' wetlands buffers are shown.

Per §174.1.b. (1) (a) and (b), a modification to the stream buffer requirement in the area of the cul-de-sac bulb was requested – which is not part of Phase 1. Such modifications are permitted in the Development District, it is consistent with the design of the previously-approved Silverado Preliminary Plat, it affords the opportunity for connectivity with the possible future development of

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<sup>18</sup> The revised Preliminary Plat was generally consistent with the approved Silverado Preliminary Plat.



the Jansen property, and it creates a better turning radius for vehicles such as school busses and emergency apparatus.

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 100-year Floodplain boundary is shown.

25% landscaping of the development envelope is required in the RM zone.<sup>19</sup>

20% common open space is required; 50.35% is proposed (in total).

The C.O.S sensitive areas thresholds have been calculated and included.

§176.2.a prohibits any common open space from being used for parking. Therefore, that area, consisting of 23 'overflow' parking spaces must be deducted from the common open space total acreage. Maintenance of the 'overflow' parking spaces in common open space must be the responsibility of the HOA.

The lighting plan for the overflow parking area was included with the community building's site plan.

Sidewalks or striped pedestrian walkways are recommended along both sides of the proposed Stoney Run Creek Road.

The Mason-Dixon Trail situated entirely within the AT&T easement.

§29.5.a (2) requires a peripheral Bufferyard Standard C. Consistent with the noted, requested modification to that requirement, that bufferyard has been omitted for portions of the site, including the area near the Stoney Run Creek Road cul-de-sac bulb – which is not part of Phase 1.

Part of that area is adjacent to an area of common open space in Northwoods, Section III. The balance of the adjacent Northwoods property is not yet developed<sup>20</sup>; therefore, staff cannot recommend the elimination of the §29.5.a (2) bufferyard requirement while the possibility exists that the turnaround would abut the property lines of future Northwoods lots, but will support a modified buffer in that area as part of the Landscape Plan.

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 was approved on 7/26/05 and revised on 4/13/06. The PFCP was approved on 4/13/06, and the FFCP/Landscape Plan was revised on 10/15/08 for Silverado Lots 5-77.

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<sup>19</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>20</sup>The Northwoods Section 5 Prelim. Plat was reviewed by the TAC on 9/6/06. The area of North Run Creek in question abuts proposed lots 201 & 202 in Northwoods Sec. 5. As the Northwoods Section 5 Prelim. Plat was never approved, this North Run Creek Revised Preliminary Plat does, in fact, satisfy the requirements of §4.1.22 (j).

The final FCP/Landscape Plan was revised on 6/18/09 to match the new lot configuration.

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 Final & Record Plats.

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

Sewer capacity has been confirmed by CCDPW.

Water allocation has been confirmed.<sup>21</sup>

The Record Plat shall again 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.

The site plan for the community building was submitted and is nearly approved. Staff recommends that the signing of any Phase 1 Record Plat be conditioned on final site plan approval. In addition, staff recommends that no Final Plat for any subsequent Phase be accepted for Planning Commission review until after the site plan has been approved.

Fire hydrant locations must be finalized in consultation with the North East Fire Co. & DPW.

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.

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. Because these proposed townhouse structures are intended to function as apartments, the HOA would need to function under the ownership of the owner. The County must be assured that, at such time as these units could be transferred to individual ownership, then, at that time, the HOA must be activated and funded in the normal fashion, in accordance with state and county regulations. Deed restrictions to that effect will be a condition of any recommendation of Final Plat approval.

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

The phasing of the project is a function of financing.

Documentation of all necessary easement agreements with AT&T will be required prior to Recordation. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

All plans for this project are technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until the administrative issues have been addressed to our satisfaction. Submit a record plat check print for review prior to submitting the plat for signature.

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<sup>21</sup> The Master Water and Sewer Plan shows this site to be in **W1** and **S1** service areas.

Mr. Doordan read the comments of the Health Department:  
Water and sewer allocations have been received. Final Plat is satisfactory.

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

Discussion ensued regarding the AT&T easement.

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) For future Phases, the Landscape Plan's including a modified, vegetative buffer in the area of the cul-de-sac bulb abutting the adjacent Northwoods subdivision ;
- 5) 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;
- 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' also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 8) Documentation of any necessary agreements with AT&T being submitted prior to the Phase 1 recordation. All previous agreements for Montgomery Springs remaining in effect provided that they also would count the number of lots now proposed;
- 9) All documents related to the AT&T requirement, if any, requiring recordation being recorded prior to the recordation of the record plat;
- 10) A separate site plan for the community building being approved prior to the Recordation of Phase 1 and prior to the submissions of the Final Plats for other, future Phases; and
- 11) A Homeowners' Association for maintenance of common open space being established without the usual \$50 per recorded lot being placed in escrow for improvements prior to recordation; however, deed restrictions stating that at such time as these units would be transferred to individual ownership, then, at that time, the HOA must be activated and funded in the normal fashion, in accordance with state and county regulations, must be recorded 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.

General Discussion: There were no general discussion items.

The July Planning Commission meeting adjourned at 12:56 p.m., motioned by Mr. Doordan and seconded by Mr. Wallace.

Respectfully Submitted:

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Jennifer Bakeoven

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

August 17, 2009

**Present:** Pat Doordan, Vice Chair; Wyatt Wallace; Joe Janusz; Guy Edwards; Ken Wiggins; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven.

**Absent:** Bill Mortimer, Chairman; H. Clay McDowell, Alternate.

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

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

### **1. Bay View Woods, Lots 21-36, Old Bayview Road, Final Plat, American Engineering and Surveying, Inc., Fifth Election District.**

Tim Granger, American Engineering and Patrick Hart, Wilmington Trust, 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., or up to 4/1 with community facilities.

The Concept Plat, 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, 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 Section 1 Lots 1 & 2 Final Plat<sup>1</sup> 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.

The Section 2 Lots 3-20 Final Plat<sup>2</sup> was approved on 2/20/08, 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.

This Section 3 Lots 21-36 Final is generally consistent with the approved Concept, Preliminary, and Final Plats. Bay View Woods Lane is shown to connect to Montgomery Oaks Section 2.

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.

Permits are required from the (US Army) Corps of Engineers and MDE for any 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.

<sup>1</sup> The Section 1 Record Plat was signed on 10/2/07. That extended the Preliminary approval until 10/2/09.

<sup>2</sup> The Section 2 Record Plat was signed on 7/14/08. That extended Preliminary approval until 7/14/10.

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 FFCP 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 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.

It has been confirmed (8/14/09) that the Town's previously established water allocation for 2 proposed lots in 2006, 9 in 2007, 9 in 2008, and the final 16 in 2009 remains in effect.

The fire hydrant locations are acceptable to the North East Volunteer Fire Co.

The proposed road names have been approved.

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

The owner, Wilmington Trust Company, has requested a setback modification in order to facilitate that sale of these lots. It would involve expanding the shown BRL's 10' in the front and rear. Staff has no objection to this modification.

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

All of Bay View Woods plans are approved. The I & M and PWA's must be re-accomplished with the current owner Wilmington Trust. With that said, the Department has no objection to the Final Plat as submitted conditioned on SWM revisions addressing water quality swales behind Lots 23-36 being approved by DPW. The department will not sign the Final Plat until the agreements are executed.

Mr. Wiggins, read the comments of the Health Department:

Valid water and sewer allocations have been received from the Department of Public Works and the Town of North East. 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 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 lots becoming members of the Homeowners' Association that was established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 6) A stream crossing permit being obtained prior to the recordation of this section that includes Bay View Woods Loop; and
- 7) The requested 10' front and rear BRL modification's being granted.

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

All approved. Motion carried.

At this time, Clara Campbell, Esq., arrived at the meeting.

## **2. Larson's Estates of Skyview, Lots 1-11, Skyview Road, Preliminary Plat Extension and Request for an Intermediate Stream Buffer Waiver, Frederick Ward Associates, Third Election District.**

Kevin Small and Lou Shaffer, Frederick Ward Associates Daryl Craig, Larson's Investments and Dwight Thomey, Esq., appeared and presented an overview of the project.

Discussion ensued regarding the expiration 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.

Zoning: NAR

Density: The NAR zone now permits a density of 1 du/10 ac. A maximum base density of 1 du/ 5 ac. was permitted when, on 5/17/06, the Concept Plat, proposing 6 major subdivision lots (and 5 minor subdivision lots on 8.73 acres) on 30.60 (subsequently 39.4149) acres, was approved at a density of 1/5.1<sup>3</sup>, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat; and
- 2) Documentation of the completed JD being submitted prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 2/20/07, 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) The adjacent agricultural operation notice being placed on the Final and Record Plats;

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<sup>3</sup> Bonus density was not sought.

- 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;
- 6) As there is currently no resolution to the JD issue, documentation of the completed JD be submitted if JDs are once again performed, prior to Final Plat approval; and
- 7) Note # 1 being corrected.

At that time, §4.1.17 stipulated that Preliminary Plat approvals were valid for two years. Therefore, the 2/20/07 Preliminary Plat approval expired on 2/20/09.

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 two (2) years upon application of the developer. If granted, said extension shall run for 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.”<sup>4</sup>

The Subdivision Regulations are silent on expired Preliminary Plat extensions; however, the project currently has no standing. Only currently-valid Preliminary Plats are eligible for extensions.

§4.1.20 stipulates that a “voided Preliminary Plat has no status.” Thus, per §4.1.20, “any further consideration or review submission shall be treated as a new application.” This language was changed to tighten the Subdivision Regulations with regard to the consideration of expired plats.

Essentially, the 5/17/06 Concept approval, which was kept alive by the Preliminary approval, also ceased to have standing at the point when the Preliminary Plat was allowed to expire.

The secondary issue of the intermittent stream buffer waiver is moot because there is, at this time, no valid Concept or Preliminary Plat.

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

All outstanding comments from the February 20<sup>th</sup>, 2007 Planning Commission meeting still apply. They will be included in the minutes but not be read at this time. The Road and SWM plans are significantly complete but not yet technically complete. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements:

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. Any Road Code Variances sought must be requested prior to submittal for Preliminary Plat approval.
3. Lots 1 & 2 are denied access to Skyview Road. Add note to preliminary and final plat.
4. Label the right-of-way dedication as ‘30’ wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County’. The right-of-way dedication along Skyview Road is scaled from the physical road centerline and offsite areas, i.e. areas of other ownership, should not be shown unless those owners have indicated their willingness to dedicate the right-of-way in fee simple as part of this project and plat. Provide additional right-of-way dedication at the

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<sup>4</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 2/20/07 approval.



Skyview Road cul-de-sac just north of Interstate-95. Right-of-way radius at this cul-de-sac should be 75’.

5. A Dam Breach Analysis is required for the proposed SWM pond. Verify the hazard class of the pond due to the close proximity of the dwellings on the opposite side of Skyview Road.
6. With the extent of the roadside drainage ditching proposed it is important that the velocity in the channels not exceed SHA Design Manual guidelines
7. Show all private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Public Storm drainage easements must be separated from private stormwater management and access easements.
8. The applicant has submitted a Protocol 3 Road Condition Survey of Skyview Road. See the Department of Public Works November 2004 Guidance Document for the survey and reporting criteria. The extent of the survey shall cover Skyview Road, from the site’s entrance to 5<sup>th</sup> Avenue. The Department does not consider offsite road access as adequate under 2.7.1 of the subdivision regulations without this requirement being met. This survey information and an initial road improvements proposal are required prior to submittal for planning commission review of a preliminary plat. In regards to the required offsite road improvements, the applicant/developer is responsible for all right-of-way acquisition and any costs associated with the same.
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 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 Stopping Sight Distance Measurements.

***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 here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. 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 here on. 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 Skyview Road be upgraded to a Minor Road 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.
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 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 Skyview 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. ~~Applicant must provide stopping sight distance measurements for the Skyview Road access locations to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.~~

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be applied for through Maryland Department of the Environment prior to final plat approval.

Show proposed septic tank on lot 5 100' from all wells. Show the proposed septic and pump tanks out of the created swale on lot 2.

The existing well in the Open Space must be abandoned and sealed by a licensed well driller prior to a final plat approval. The Cecil County Health Department has no objection to the extension of preliminary plat approval.

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

Mr. Janusz suggested that the extension request and the buffer waiver be voted on separately. The commission concurred.

Mr. Di Giacomo read the recommendation of the staff:

The recommendation must be not granting an extension of an approval that has already expired, and, therefore, has no standing.

A motion for NOT GRANTING the Preliminary Plat extension was made by Mr. Wallace. The motion was seconded by Mr. Wiggins.

Members in favor of NOT GRANTING the extension were Mr. Wiggins, Mr. Wallace and Mr. Edwards.

Mr. Janusz was the sole opponent to this motion.

Motion carried. Preliminary Plat extension NOT GRANTED.

Vice Chair Doordan announced that a vote for the buffer waiver is moot due to the extension not being granted.

### **3. Montgomery Oaks, Section 2, Lots 69-126, Pine Cone Drive, Preliminary Plat Extension, McCrone, Inc., Fifth 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 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>5</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>6</sup> was approved on 8/15/05,<sup>7</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>8</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;
- 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 provided that Preliminary Plats were 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. Therefore, per §4.1.18, the Planning Commission granted a one-year extension on 9/15/08, which is set to expire on 9/15/09.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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."

Staff reports that there have been no such changes.

If granted, an extension will continue Preliminary approval until 8/17/11.

Mr. Woodhull, 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. The roads proposed will have to be designed to the current Road Code and the Applicant must be aware that if the SWM and E&S plans for this project are not approved

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<sup>5</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>6</sup> Philips Acres (Lots 62-83) was also presented as "Section 2" when it was submitted for TAC review in January 2004.

<sup>7</sup> TAC review took place on 4/5/06.

<sup>8</sup> Proposed Lots 62-68 and 127-140 were shown as remaining lands.

(i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements:

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 here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. 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 here on. 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:

The Cecil County Health Department has no objection to the extension of preliminary 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:

The GRANTING of a two (2) year extension, to expire on 8/17/11.

A motion for the granting of a two (2) year extension was made by Mr. Wallace.

The motion was seconded by Mr. Janusz.

All approved. Motion carried.

#### **4. Warwick Orchards, Site 1-74, Camp Meeting Ground Road, Preliminary Plat Extension, McCrone, Inc., Seventh Election District.**

Bud Felty, McCrone, Inc., and Donald Warwick Jackson, 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.

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 provided that Preliminary Plats were valid for two years from date of approval. Therefore, one-year Preliminary extensions were granted on 9/19/05, 8/21/06, 8/20/07 and 8/18/08. Likewise, unless another extension is granted today, thus extending Preliminary Plat approval until 8/17/11, it will expire on 8/18/09.

§4.1.18 now stipulates, "The Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years upon application of the developer. If granted, said extension shall run for 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."

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. Item 2 of this Department's July 25, 2008 letter to McCrone apply and the Developer will be responsible for the required intersection improvements to Camp Meeting Ground Road at the proposed entrance.

Lastly all outstanding comments from the September 19, 2005 Planning Commission meeting still apply. Our previous comments will be included in the minutes but not read at this time. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements:

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 here on. 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 here on.")
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. Wiggins read the comments of the Health Department:

The Cecil County Health Department has no objection to the extension of preliminary 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:

The GRANTING of a two-year extension of Preliminary Plat approval, to expire on 8/17/11 conditioned on all concerns of DPW being adequately addressed.

A motion for the granting of a two (2) year extension with conditions was made by Mr. Wallace.

The motion was seconded by Mr. Wiggins.

All approved. Motion carried.

General Discussion: There were no general discussion items.

The August Planning Commission meeting adjourned at 12:50 p.m., motioned by Mr. Wiggins and seconded by Mr. Janusz.

Respectfully Submitted:

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*Jennifer Bakeoven*



# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes September 21, 2009

**Present:** Bill Mortimer, Chairman; Pat Doordan, Vice Chair; Wyatt Wallace; Guy Edwards; Ken Wiggins; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Tony Di Giacomo; Eric Sennstrom; Jennifer Bakeoven.

**Absent:** Joe Janusz; H. Clay McDowell, Alternate.

**Call to Order:** Chairman Mortimer called the meeting to order at 12:02 p.m.

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

### **1. Wilson Property, Lots 1-10, Rowland Road, Final Plat, CNA Engineers, Seventh Election District.**

Chris Mink, CNA, 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 minor subdivision lots and 6 major subdivision lots on 32.82 acres,<sup>1</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.

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<sup>1</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.

Because (per §4.1.17) Preliminary Plats are valid for two years from date of approval, a one-year extension was granted on 4/21/08, and a two-year extension was granted on 4/20/09 – extending Preliminary validity until 4/20/11.

This Final Plat is generally consistent with the approved Concept and 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>2</sup> Slopes > 25% have been depicted.

Stream and wetlands buffers have been shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland and stream impacts prior to recordation. The JD requirement has been satisfied.

15% common open space is required; 15.58% has been proposed.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Dr. Jack and Rowland Roads.

The required 10' street tree planting easement has been shown on the plat. Note # 19 should also reference street trees, as well as planted bufferyards.

The FSD was approved on 10/4/05 and revised on 2/27/06.

The PFCP was approved on 5/12/06. Forest retention areas have been shown.

The FCP/Landscape Plan was approved on 5/24/07. It is currently in the process of being revised, but it has not yet been approved.

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.

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.

A Mini-road Maintenance Association for maintenance of the mini road must be established prior to recordation, with the owners of Lots 6, 7, & 8 becoming members.

Documentation of necessary easement agreements with AT&T has been provided; therefore, the 4<sup>th</sup> condition of Preliminary Plat approval has been satisfied.

Any existing buildings must be removed prior to recordation.

The contiguous operating farms notice has been provided in Note #9.

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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."

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

All plans are approved and all Agreements executed for this project. The only administrative issue that remains outstanding is the correct identification of the fee simple dedications of the variable width strip of land along Dr. Jack Road and the 30' wide strip of land along the Rowland Road frontages on the record plat. The DPW will not sign the final plat until this issue has 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 well on lot 10 must be abandoned and sealed by a licensed well driller prior to signing of record plat. 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) Any documents relating to easement agreements with AT&T that require recordation being recorded prior to the recordation of the subdivision plat;
- 4) The Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of Lots 6, 7, & 8 becoming members;
- 5) The Landscape Agreement being executed prior to recordation;
- 6) 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;
- 7) 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;
- 8) Any existing buildings being removed prior to recordation;
- 9) The revised FFCP/Landscape Plan's being approved prior to recordation; and
- 10) Note # 19 also referencing street trees and bufferyards.

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

The motion was seconded by Mr. Wiggins.

All approved. Motion carried.

**2. The Potter's Clay, Phase 1, Lot 9 & Phase 2, Lots 1-8, Weavers Meadow Road, Final 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.

Discussion ensued regarding the proposed "Clover Meadows" subdivision in relation 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: NAR

Density: The Concept Plat, proposing 9 lots on 59.725 acres, for a proposed density of 1/6.36, was approved<sup>3</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.

The Preliminary Plat was approved on 3/17/08, 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.

This Final Plat, now dividing the project into a Phase 1 & a Phase 2, is generally consistent with the approved Concept and Preliminary Plats.

The road designation must be made consistent. At one point it is Weaver Meadow Road and at another point it is Weavers Meadow and Weaver Meadows Road.

A plat note indicates the "owner and developer" to be Jerry D. Roark.

However, the plat's owner certification signature block indicates the owners to be J. Douglas Roark and Elaine P. Roark.

The plat cites the owners of Parcel 49 as Jerry and Elaine Roark. The owners of P.49 will need to sign the record plat as an add-on is being proposed to affect their property.

If the owners of Parcel 49 are actually the same as those of Parcel 366, then why wasn't the new building lot created by the proposed add-on from Parcel 366 to Parcel 49 included as the tenth proposed lot in The Potter's Clay subdivision? Mr. Whiteman said the parcels have the same ownership.

The plat cites the owners of Parcel 679 as Douglas and Elaine Roark. The owners of P.679 will need to sign the record plat as an add-on is being proposed to affect their property.

The boundary line survey has been completed.

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<sup>3</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.<sup>4</sup>

Slopes greater than 25% were 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, a JD is recommended to be done prior to Final Plat review by the Planning Commission.<sup>5</sup> The JD is required to be completed prior to recordation.

Common open space has been reserved for SWM and the cul-de-sac bulb island. 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.

No landscaping is required in the NAR zone, and no sidewalks were recommended.

Bufferyard Standard C was 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 had been shown, but not the 100' setback. The depiction of the 100' buffer on the Final Plat was a condition of Preliminary Plat approval. Why is the Bufferyard Standard A no longer shown at the rear of proposed Lots 2, 3 & 4? Mr. Whiteman said there is no agricultural presence there.

The contiguous operating farm notice has been included as Note # 9.

The 10' 'street tree planting easement' must be shown on the Record Plat. Only a 'planting easement' is shown on this Final Plat. 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/Landscape Plan was approved on 8/18/09.

A Landscape Agreement must be executed prior to recordation.

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<sup>4</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>5</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.

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.

What is the nature of the Natural Conservation Area shown on proposed Lot 1, and why isn't it referenced in either of the plat's non-disturbance notes? Mr. Whiteman said the nature of it has to do with SWM. It is not an easement, it is an area set aside to be left alone.

The new road name, Arc Drive, has been approved.<sup>6</sup>

A joint access easement must be established prior to recordation for P. 730 for access to proposed Lot 9.<sup>7</sup>

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

All plans for this project are technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until the administrative issues have been addressed to our satisfaction. Submit a record plat check print for review prior to submitting the 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.

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) All notes or references to Parcel 366's owner(s) being made consistent prior to recordation;
- 4) The Landscape Agreement's being executed prior to recordation;
- 5) The 10' street tree planting easement's being noted and depicted on the Record Plat;
- 6) 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;
- 7) The owners of P.679 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 street trees & 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;
- 9) The contiguous operating farm notice being included on the Record Plat;
- 10) 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;
- 11) The Permit or JD (associated with Lot 9) being obtained prior to the recordation of Phase 1;
- 12) A joint access easement 's being established and recorded prior to recordation for P. 730 for access to proposed Lot 9; and
- 13) Deed restrictions for the long-term protection of the Natural Conservation Easement being recorded & noted on the plat prior to recordation.

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<sup>6</sup> The old road name, Roark Drive, was previously approved.

<sup>7</sup> If any upgrades or alterations are made to the existing lane's crossing of the non-tidal wetlands, then permits will be required from the USACE and MDE.

Discussion ensued regarding the conditions set forth by the staff in the recommendation.

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

All approved. Motion carried.

### **3. 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 was extended on 9/20/08 and is set to expire today. If another extension is granted, it shall extend Concept validity until 9/21/10.

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

The Department has no objection to the extension requested. The outstanding comments from the September 21, 2006 & September 15, 2008 Planning Commission meetings still apply but will not

be read at this time. The proposed roads must be designed to meet the current Cecil County Road Code. Additionally, the Water & Sewer lines would need to be designed to meet whatever the code at that time is and the Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4<sup>th</sup> 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements:

- 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 lot frontages of less than 75' being proposed, 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 (see Standard Detail R-6A).
- 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. Doordan read the comments of the Health Department:

The Cecil County Health Department has no objection to Concept Plat extension.

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, to expire on 9/21/10.

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

The motion was seconded by Mr. Wallace.

All approved. Motion carried.

General Discussion:

Chairman Mortimer stated that the proposed discussion regarding the Comprehensive Plan Committee that was to be held at the Planning Commission's September 22, 2009 worksession will be discussed at the evening Planning Commission meeting on September 21, 2009. During that discussion, Chairman Mortimer would like the commission to conducting once a week meetings through the fall.

Chairman Mortimer asked for clarification from Mr. Sennstrom and Ms. Campbell regarding the omission of swearing in applicants and the public at the evening Planning Commission meetings. Discussion ensued.

Mr. Sennstrom stated that Scott Flanagan, Director of DPW, would like to give an overview to the Planning Commission members regarding the proposal to convey the Town of Port Deposit's waste water to the North East River Advanced Waste Water Treatment Plant at the October Planning Commission meeting. Chairman Mortimer asked that Mr. Flanagan give his presentation at the daytime meeting. Mrs. Demmler asked that this presentation be advertised for public notice. Mr. Sennstrom said it would be advertised in the local paper.

The September Planning Commission meeting adjourned at 12:41 p.m., motioned by Mr. Wiggins.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes

October 19, 2009

**Present:** Pat Doordan, Vice Chair; Wyatt Wallace; Guy Edwards; Ken Wiggins; Joe Janusz; H. Clay McDowell, Alternate; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Eric Sennstrom; Jennifer Bakeoven.

**Absent:** Bill Mortimer, Chairman; Tony Di Giacomo.

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

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

### **1. Elk Nest, Lots 1-24, West Shady Beach and Hances Point Roads, Final Plat, McCrone, Inc., Fifth Election District.**

Bud Felty, McCrone, Inc., and Mike Pugh, Corridor Land Services, appeared and presented an overview of the project.

Discussion ensued regarding the proposed pump station and Critical Area Commission requirements.

Mr. Sennstrom, 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 density of 2/1 with community facilities. The LDA zone permits 3.99/1 or the underlying density (2/1), whichever is the 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.

Pursuant to §4.1.18, a 1-year extension was granted on 12/18/06.

On 2/20/07, per a request for relief of §7.6, the Planning Commission exercised its powers under §3.5 to allow the 1/1 tree replacement outside the Critical Area, conditioned on:

- 1) The exact location being determined;
- 2) The location and planning being part of the FCP/Final Environmental Assessment that must be approved by staff prior to the Planning Commission's review of the Final Plat; and
- 3) A courtesy proposal being submitted to the Critical Area Commission staff for their review and comments.

Additional 1-year extensions of the Preliminary Plat's validity were granted on 11/19/07 and 10/20/08 (It will expire tomorrow, on 10/20/09.).

A Final Plat was TABLED by the Planning Commission on 2/17/09, until after the Variance issues<sup>1</sup> had been resolved.

A Variance (Edwards Manor Section III & Fielder Property; Case # 3481) relating to impacts within the Buffer was approved by the Board of Appeals on 9/29/09.

This Final Plat for only 24 proposed lots is generally consistent with the approved Concept and Preliminary Plats.

The FSD was approved on 6/4/04. The portion of the project located in the Critical Area LDA zone is exempt under §3.2B.

The Preliminary Environmental Assessment was conditionally approved on 1/18/05, as was the PFCP. There are no habitats of rare, threatened, and endangered species on site.

The FFCP/Landscape Plan/FEA was conditionally<sup>2</sup> approved on 1/15/09. The revised FFCP/Landscape Plan/FEA has not yet been approved only because Critical Area Commission's staff (who supported the 9/29/09 Variance) comments have not been received.

No more than 15% of the surface area can be converted to "lot coverage" in the LDA. 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 site contains no slopes 15% or greater.

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

15% common open space is required; 21.56% (was 18.96%) is proposed. The sensitive area thresholds were calculated and included on the Preliminary Plat.

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

Sidewalks were not recommended in order to limit the amount of impervious cover.

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<sup>1</sup> There were several issues associated with the Preliminary Plat that appeared to require a Variance, including:

- The impact of the 50' stream buffer on a SWM area location, where a 110' Buffer is required;
- The impact of the 50' stream buffer on the pump station's location, where a 110' Buffer is required;
- The impact of the 50' stream buffer on proposed Lot 26, where a 110' Buffer is required; and
- Forestry issues.

<sup>2</sup> The conditions were: 1) The Planning Commission must approve the 50' Buffer in lieu of the 110' Buffer for the tributary stream running through the property; 2) The updated Natural Heritage Letter must be provided prior to Record Plat submittal; and 3) If the Buffer modification is not granted, the FEA, FFCP, and LP must be revised to show a 100' Buffer.

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.

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 must be shown on the record plat.

The Master Water and Sewer Plan shows this as an S-3 area.

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.

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 proposed Elk View Court becoming members.

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

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

All plans for this project are technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until the administrative issues have been addressed to our satisfaction. Submit a record plat check print for review prior to submitting the plat for signature.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment for 26 lots.

Final Plat is satisfactory.

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

Mr. Sennstrom read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 4) A Mini-road Maintenance Association for maintenance of the mini road being established prior to recordation, with the owners of all lots accessing the proposed Elk View Court becoming members;
- 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) The Revised FFCP/Landscape Plan/FEA being approved prior to recordation;
- 7) The Landscape Agreement's being executed 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 sewerage system is in conformance with the Master Water and Sewer Plan,
- 9) The Record Plat's also containing a statement, signed by the owner, to the effect that sewer facilities will be available to all lots/homes offered for sale; and
- 10) Any necessary MDE/Corps Permit's being obtained prior to recordation.

A motion for approval was made by Mr. Janusz.  
The motion was seconded by Mr. Wallace.

All approve. Motion carried.

## **2. Elk Nest, Lots 1-26, West Shady Beach and Hances Point Roads, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

### **WITHDRAWN**

#### **General Discussion:**

- **Dr. Diane Lane, Chair, Comprehensive Plan Oversight Committee, overview of the draft plan.**

Dr. Lane officially presented the Planning Commission with the Draft of the Comprehensive Plan.

- **Scott Flanigan, Director, DPW, overview of the proposal to convey the Town of Port Deposit's waste water to the NERAWWTP.**

Mr. Flanigan presented a Power Point presentation and fielded questions from the members of the Planning Commission as well as the public in regard to the proposal to convey the Town of Port Deposit's waste water to the NERAWWTP (Seneca Point). Comments were made by Ann Jackson, Donald Jackson, Commissioner Robert Hodge and Vernon Thompson, Director of Economic Development.

The October Planning Commission meeting adjourned at 1:56 p.m., motioned by Mr. Edwards and seconded by Mr. Wiggins.

Respectfully Submitted:

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*Jennifer Bakeoven*

# CECIL COUNTY PLANNING COMMISSION

## Meeting Minutes November 16, 2009

**Present:** Pat Doordan, Vice Chair; Wyatt Wallace; Guy Edwards; H. Clay McDowell, Alternate; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Bill Mortimer, Chairman; Ken Wiggins and Joe Janusz.

**Call to Order:** Vice Chair Doordan called the meeting to order at 12:14 p.m.

Vice Chair Doordan announced that there is a quorum of four Planning Commission members. If any of the applicants would like to reschedule the review of their plat for a future meeting with a full board, they may do so.

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

### **1. Bayhead Shore Estates, Lots 23-43, 47-75, Parcels A & B and Common Open Space, Carpenters Point Loop, Final Plat, Morris & Ritchie Associates, Inc., Fifth Election District.**

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'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>1</sup> and

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<sup>1</sup> In order for lots to be created on a private road, a Variance first had to be obtained from the Board of Appeals. Since Carpenter Point Loop is a private road, proposed Lots 62-76 were affected.

- 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>2</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>3</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;
- 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, the Preliminary Plat was extended for one (1) year on 3/19/07 and was set to expire on 3/17/09.

A Final Plat for proposed Lots 23-74 and common open space was disapproved on 3/17/08, 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.

Subsequently, Preliminary Plat approval was again extended on 3/17/08 and on 3/16/09.

This Final Plat is generally consistent with the approved Preliminary Plat.

There are two areas on the key sheet (1 of 3) that are left blank, corresponding to proposed Lots 1-7, 8-16 and 44-46.

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<sup>2</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) because of the lot coverage threshold**, 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>3</sup> That approval remains valid until 4/18/07, per §4.1.17.



The §4.2.13 (c) items have been included in the subdivision 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. The respective MB and SR acreages of proposed Lot 75 have not been shown.

Based on the Preliminary Plat's MH and SR total acreage figures, approximately 43% common open space is proposed.<sup>4</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>5</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. Those issues were addressed in letters from Morris & Ritchie Associates back to the Critical area Commission on 5/27/08 and 9/8/08.

The 11/12/09 Critical Area Commission letter states that line items are needed to make clear lot coverage limitations. The applicant's position is that, based upon calculations, General Note # 7 accomplishes exactly the same thing. Staff will recommend that the Record Plats contain General Note # 7 and the Lot Coverage line items requested by the Critical Area Commission, unless and until the Critical Area Commission is satisfied that General Note # 7, alone, will suffice.

The 11/12/09 Critical Area Commission letter addresses the need for a plat note dealing with 15% or greater slopes. There were several man-made steep slopes associated with the former campground on this site. Inasmuch as §200.7 countenanced the protection of natural steep slopes prior to any development, staff has taken the position that the campground's man-made slopes can be graded, so long as all other pertinent natural protections are observed.

Minor Subdivision # 2602 is referenced on the 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.

The two sections between Riverside Lane are awkward. This issue has since been resolved.

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 completed.

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.

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<sup>4</sup> A minimum of 15% is required. The proposed C.O.S. acreage was 12.39 acres and is now 11.242 acres.

<sup>5</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 10' street tree planting easements have been shown.<sup>6</sup>

The FSD and conceptual environmental assessment were approved on 7/14/04.<sup>7</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.

The reforestation areas have been shown.

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

The 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.

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 again 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.

Any modifications to the existing beach club will require site plan approval.

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

The Department has no objection to granting final plat approval conditioned on the following:

1. The Applicant's engineer submitting revised design plans for review due to the reduced number of units and the length of time passed (3 years) since the last submittal. Specifically, the plans must reflect any/all phasing of utilities and storm drains proposed with the reduced number of lots as well as changes to the existing sewer resulting from the County's ongoing Carpenters Point sewer project. Off-site road improvements for Carpenters Point Road will be required as part of this phase of development.
2. Revised engineers' cost estimates are also required for preparation of the Inspection & Maintenance Agreement as well as the Public Works Agreements for Sanitary Sewer and Roads & Storm Drains.

The Department will not sign the final plat until these conditions have been met.

Mr. McDowell read the comments of the Health Department:

Water and Sewer allocations have been received that are adequate for the proposed lots.

The existing septic tanks must be pumped and filled with earth prior to record plat approval.

Final Plat is satisfactory.

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<sup>6</sup> In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

<sup>7</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**.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. Jack Hanna, 1320 Carpenters Point Road, Perryville, MD, asked for additional time to review the submitted 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) Proposed Lot 75's MB and SR acreages being included on the Record Plat(s);
- 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 containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 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) A Landscape Agreement being executed prior to recordation;
- 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) Permits (from the US Army CoE and MDE) being received for any non-tidal wetland and stream impacts prior to recordation;
- 10) The Record Plat's containing General Note # 7 and the Lot Coverage line items requested by the Critical Area Commission, unless and until the Critical Area Commission is satisfied that General Note # 7, alone, will suffice;
- 11) The Record Plat's containing the notes requested by the Critical Area Commission; and
- 12) The road name Riverside Lane being uninterrupted.

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

The motion was seconded by Mr. Edwards.

Members in favor of approval: Mr. McDowell and Mr. Edwards.

Mr. Wallace had the sole opposing vote.

Motion for approval with conditions carried.

## **2. Lands of Thomas N. and Jane M. Garvin, Lot 2, New Bridge Road, Preliminary Plat, C. Robert Webb, Professional Land Surveyor, Eighth Election District.**

C. Robert Webb, Surveyor and Benjamin Garvin, representative for land 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 (& RR)

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. The Lot 1 for the Lands of Garvin was approved on 8/16/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) The Landscape Agreement being executed prior to recordation.

The Lot 2 Concept Plat, proposing the new Lot 2, plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a proposed density of 1/15.398 was approved on 4/20/09, conditioned on:

- 1) No Bufferyard A, no §187.2 bufferyard, and no street trees being required; and
- 2) A 30' wide road right-of-way strip being shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

This Preliminary Plat is generally consistent with the approved Concept Plat. The new acreage figure of 45.0591 acres yields a revised density of 1/15.0197.

Lot 2 is proposed to consist of 1.2073 acres.

The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.

This proposal affects not only Parcel 21, belonging to the Garvin's, but Parcel 176, belonging to the Ross's. A right-of-way easement to the proposed Lot 2 is shown across Parcels 21 and 176, and the proposed Lot 2 and Parcel 176 would share the existing entrance onto New Bridge Road.

A road frontage Variance was granted on 4/29/08, file # 3391.

A 30' wide road right-of-way strip has been shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

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>

Slopes greater than 15% have been shown.

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

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

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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."

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. No landscaping is required and no sidewalks are recommended in the NAR zone.

This proposal is exempt, per §3.2K.

A Bufferyard Standard A requirement was modified with Preliminary Plat approval. The existing woodlands will serve to satisfy that requirement, but they must be protected by deed restrictions and labeled Bufferyard Standard A on the plat.

The Bufferyard A setback must be depicted on the Final and Record Plats.

Any Landscape Plan must be approved prior to Final Plat review (§6.3.B(1)(a), Forest Cons. Regs.), and 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 & bounds description of the FRA being shown on the Final & Record Plats.

Legal arrangements (e.g., a PRMA) for maintenance of the shared entrance must be established prior to recordation.

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

A SWM plan must be approved by the Department prior to the final plat being recorded.

Mr. McDowell read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

Preliminary 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 Dept. requirements being met;
- 2) DPW requirements being met; and
- 3) The Bufferyard A building setback being depicted on the Final and Record Plats.

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

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

### **3. Lands of Helena duPont Wright, 1 Lot, Middle Neck Road, Concept Plat, Michael Scott, Inc., Seconded Election District.**

Michael Scott, 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. This Concept Plat proposes 1 lot on 103.079 acres, for a proposed density of 1/103.79. No actual subdivision is proposed; rather, the parcel is being activated as a building lot through the subdivision process. All minor subdivision has been exhausted.

A boundary line survey must be done in conjunction with the preparation of the Preliminary-Final Plat for density calculation purposes.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat only 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.

The RCA zone also permits a density of 1/20 (90.320 acres are cited). The proposed Critical Area density is 1/90.32. The RCA's 15% lot coverage threshold applies.

An environmental assessment is required prior to TAC's review of the Preliminary-Final Plat. It must be approved prior to the Planning Commission's review of the Preliminary-Final Plat. All perennial and intermittent streams, areas of steep slopes, any habitat protection areas, and tidal and non-tidal wetlands must be shown in the Critical Area portion of the plat prior to Planning Commission review. FIDS habitat must be avoided in the Critical Area.

No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures, as noted in Note # 15.

A Critical Area buffer, and expansions thereof, have been shown. However, the Buffer in the RCA is a minimum of 200', not 110'. Therefore, unless the Critical Area Commission agrees to recognize this parcel as an existing lot of record, the proposed dwelling and septic locations must be relocated outside the 200' Buffer.

CBCAC comments relating to this project were received on 10/2/09 and 11/10/09. Copies have been provided to the applicant.

Per §200.6.b (2), 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 (§200.6.a).

In the critical area, 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>9</sup>

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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."

Slopes greater than 25% must be shown on the Preliminary-Final 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'.<sup>10</sup>

A 25' buffer is required around all non-tidal wetlands and intermittent streams present.<sup>11</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.

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

No common open space is required for fewer than 10 lots, and no landscaping of the development envelope is required in the SAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Middle Neck Road. Staff would support a request for modification.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Any tree removal within a public right-of-way requires approval from the Maryland DNR.

The FFCP/Landscape Plan/Environmental Assessment must be approved prior to Planning Commission's review of the Preliminary-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 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 MALPF easement exists on this property. On 11/25/08, the MALPF Board of Trustees granted an exclusion for an owner's lot, with the agreement that "it would not be subdivided from the surrounding land."

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

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

1. A SWM plan must be approved by the Department prior to the final plat being recorded.  
Provide sight distance measurements for the proposed access point onto Middle Neck Road.
2. The sight distance submittal must be approved by the Department of Public Works prior to presenting the preliminary plat for review by the Technical Advisory Committee. Mark the proposed driveway access location in the field prior to making the sight distance submittal.
3. The standard "Lot Grading" note must be included on the final plat.

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<sup>10</sup> In the Critical Area, the 160' maximum distance does not apply.

<sup>11</sup> In the critical Area, intermittent tributary streams require a 110' buffer.

Mr. McDowell read the comments of the Health Department:  
Show a 10,000 sq. ft. designated sewage area.

The proposed well must be 30' from the proposed dwelling.

A Groundwater Appropriation Permit Exemption must be requested from Maryland Department of the Environment prior to final 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:

**APPROVAL**, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FFCP/Landscape Plan/Environmental Assessment being approved prior to Planning Commission's review of the Preliminary-Final Plat;
- 4) Either the 110' Critical Area Buffer being expanded to 200', or the Critical Area Commission's recognizing this as a lot of record and allowing the 110' buffer;
- 5) The metes and bounds description of all Forest Retention/ Afforestation Areas being shown on the Preliminary-Final and record Plats; and
- 6) Any request for relief from the Bufferyard Standard C requirement along Middle Neck Road being granted, so as to better preserve the rural character.

A motion for approval with staff's conditions was made by Mr. Wallace.  
The motion was seconded by Mr. Edwards.

Discussion ensued regarding the Critical Area 200' Buffer as it relates to the old 110' Buffer requirement shown on this plat.

Members in favor of approval with staff's conditions: Mr. Wallace and Mr. Edwards.  
Mr. McDowell was the sole opposing vote.

Motion for approval with conditions was carried.

There were no items of General Discussion.

The November Planning Commission meeting adjourned at 1:15 p.m., motioned by Mr. Wallace and seconded by Mr. Edwards.

Respectfully Submitted:

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Jennifer Bakeoven



**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**December 21, 2009**

**Present:** Pat Doordan, Vice Chair; Wyatt Wallace; Guy Edwards; Ken Wiggins; Joe Janusz; Mark Woodhull; Tim Whittie; Clara Campbell; Fred von Staden; Rebecca Demmler; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Bill Mortimer, Chairman; H. Clay McDowell, Alternate.

**Call to Order:** Vice Chair Doordan called the meeting to order at 12:01 p.m.

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

**1. Lands of Jeffrey H. and Judith L. Rimmel, Lots 1-5 & 19, Spears Hill Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Second Election District.**

Will Whiteman, Land Surveyor and Ronny Carpenter, Carpenter Engineering, 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>1</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>2</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>3</sup>

The Phase 1 Preliminary Plat was approved on 11/17/08, conditioned on:

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<sup>1</sup> The NAR zone's permitted density was reduced to 1/10, effective 1/1/07.

<sup>2</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>3</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.

- 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 shown or referenced on the Final Plat being clearly labeled and referenced as such.

Per Note #6, the boundary line survey has been completed.

This Phase 2 Preliminary Plat for proposed Lots 1-5 & 19 is generally consistent with the approved Concept & Preliminary Plats.

The locations and sizes of proposed Lots 2, 3 & 4 has changed.

Proposed Lots 1 & 19 are in the same locations, but have been reduced in size.

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>4</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>5</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>4</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>5</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.

At least 15% common open space is required; 60.8% was proposed.<sup>6</sup> This project was approved at bonus density, with no large lot. All common open space must be labeled and referenced as “common open space.”

Because no common open space was proposed as part of Phase 1, it should be cited in the Phase 2 plat’s title block.

§4.1.22 (r) requirements have been met.

Because §176.2.a prohibits roads in common open space, the Shonert easement, 0.165 ac., and the private access easement, 0.152 ac., has been deducted from the C.O.S. total, which is 61% of the total acreage, not 0.61%.

Concerning Parcels 618, 619, and 620 on 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, as has been labeled.

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 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 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 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.

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<sup>6</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 SWM plan must include a downstream analysis addressing the impact of storm water runoff on the cross culvert conveying the perennial stream under Spears Hill Road.
3. Adequate sight distance measurements are obtainable therefore the Department has approved the proposed Spears Hill Road access location.
4. 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.
5. 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. The preliminary plat presented to the Planning Commission must identify this level of detail or the Department will not recommend approval. See the preliminary plat for Lots 6-18 approved on 11/17/08.
6. 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.
7. The acceleration/deceleration lanes 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.
8. The utility pole located just north of the proposed entrance must be relocated away from the edge of the proposed deceleration lane. The pole must be a minimum of 2 feet beyond the back of curbing for the lane.
9. 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%.
10. Driveway pipes will be required to address storm water conveyance to the proposed SWM pond via the roadside drainage ditches. This must be indicated by note on the final plat.
11. The proposed street trees must be located outside the ROW.
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 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 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. 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 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. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

The existing well and septic tank in the Open Space must be properly abandoned prior to record plat approval.

Plat is satisfactory.

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) 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 Final and Record Plats; and
- 4) The FCP/Landscape Plan being approved prior to submission of the Final Plat.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

## **2. Lands of Ronald and Linda Guns, Lots 3, 4 and Add-on Remaining Lands, Tony's Road, Preliminary-Final Plat, C. Robert Webb Land Surveyor, Third Election District.**

Bob Webb, Land Surveyor and Ron 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>7</sup>

The 'Present Zoning' Note has been corrected to reflect the 1/26/07 rezoning to RR.

Density: The Concept Plat<sup>8</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, an extension was granted on 12/15/08, to expire on 12/21/09 (today).

Should this Preliminary-Final Plat not be approved, or not be approved as a Preliminary only, or not treated and approved as a Concept Plat extension, then the Concept Plat will expire.

Parcel 557 was added to Parcel 144 through the approval of Minor Sub. 1742. Therefore, the total acreage of parcels 144 and 557 were included for density calculation purposes. In addition, the acreage of Parcel 415 was included.

After subtracting the 0.6632 acres for the add-on to Parcel 635, subtracting the 0.2292 acres for the add-on to Parcel 636, and subtracting the 0.1769 acres for the add-on to Parcel 613 from Parcel 144's 9.6687 acres, Parcel 557's 0.6050 acres, and Parcel 415's 1.6442 acres, one is left with a total of 10.8486 acres, which, while different from the Concept Plat's cited acreages, does preserve bonus density approval.

However, the 'Total Area of Site' acreage of 14.4646 acres did not compute under the area tabulation for the total aggregate 1.0693 acres for the add-ons to Parcels 144, 613, and 636. In addition, the cited, bottom-line Parcel 415 acreage of 8.1045 suggests a proposed density of the 1/3 that is permitted. The plat now makes clear the 10.8486 acres is the figure upon which the density calculation must be made; thus, the fourth condition of Concept Plat approval has been satisfied.

The remaining lands, proposed Lot 5, would consist of 68% of the total area. Thus, the fifth condition of Concept Plat approval has been met.

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>

Slopes greater than 25% have been shown.

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<sup>7</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>8</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.

<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."

The required 110' perennial stream buffer has been 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. 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 Plat approval has been rendered moot.

The habitats of any 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 RR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Tony's Road, as depicted on the plat.

The project proposes the creation of two lots for children of the owner and is invoking exemption 3.2K of the Cecil County Forest Conservation Regulations. Accordingly, an FSD, PFCP and FCP were not required.

A Landscape Agreement must be executed prior to recordation.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat 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.

Should, for any reason, either the Health Department of DPW not recommend approval of the Preliminary-Final Plat, staff would support consideration as a Preliminary Plat, only.

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

The Department has no objection to final plat approval. We will not sign the final plat until all administrative issues have been resolved to the satisfaction of the Department.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

Plat is satisfactory.

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 rationale behind a Preliminary-Final Plat submittal and the purpose of the "Add-on" included on this 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) A Landscape Agreement's being executed prior to recordation; and
- 4) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

### **3. Lands of Thomas N. and Jane M. Garvin, Lot 2, New Bridge Road, Final Plat, C. Robert Webb Land Surveyor, Eighth Election District.**

Bob Webb, Land Surveyor and Benjamin Garvin, 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 (& RR)

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. The Lot 1 for the Lands of Garvin was approved on 8/16/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met; and
- 3) The Landscape Agreement being executed prior to recordation.

The Lot 2 Concept Plat, proposing the new Lot 2, plus the dwelling on the remaining lands, on an estimated 46.1947 acres, for a density of 1/15.398 was approved on 4/20/09, conditioned on:

- 1) No Bufferyard A, no §187.2 bufferyard, and no street trees being required; and
- 2) A 30' wide road right-of-way strip being shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

The Preliminary Plat, with a revised acreage figure of 45.0591 and yielding a revised density of 1/15.0197, was approved on 11/16/09, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met; and
- 3) The Bufferyard A building setback being depicted on the Final and Record Plats.

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



Lot 2 is proposed to consist of 1.2073 acres. The creation of any additional lots in the future shall require a boundary line survey for the entirety of Parcel 21.

This proposal affects not only Parcel 21, belonging to the Garvin's, but Parcel 176, belonging to the Ross's. A right-of-way easement to the proposed Lot 2 is shown across Parcels 21 and 176, and the proposed Lot 2 and Parcel 176 would share the existing entrance onto New Bridge Road.

A road frontage Variance was granted on 4/29/08, file # 3391.

A 30' wide road right-of-way strip has been shown, dedicated to the Board of County Commissioners, consistent with Minor Subdivision #1351.

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>10</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 fewer than 10 lots. No landscaping is required and no sidewalks are recommended in the NAR zone.

This proposal is exempt, per §3.2K.

A Bufferyard Standard A requirement was modified with Preliminary Plat approval. The existing woodlands will serve to satisfy that requirement, but they must be protected by deed restrictions and labeled Bufferyard Standard A on the plat.

The Bufferyard A setback must again be depicted and so labeled on the Record Plat.

Any Landscape Agreement must be executed prior to recordation.

Legal arrangements (e.g., a PRMA) for maintenance of the shared entrance must be established prior to recordation.

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<sup>10</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, DPW, read the comments of the department:

The Department has no objection to final plat approval. We will not sign the final plat until all administrative issues have been resolved to the satisfaction of the Department.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment.

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 Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Bufferyard A building setback being depicted and so labeled on the Plat prior to recordation;
- 4) Deed restrictions protecting the Bufferyard A being recorded prior to recordation;
- 5) The PRMA's being established and recorded prior to recordation; and
- 6) The proposed creation of any additional lots in the future requiring a boundary line survey for the entirety of Parcel 21.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

General Discussion:

Mr. Janusz asked staff if an update from SHA was received regarding the hazard at the intersection of Appleton Road and MD Route 273. Mr. Janusz also stated that there have been approximately 4 more accidents in the last 60 days at this traffic signal. Mr. Di Giacomo stated that he would call SHA for an update and would report back to the Planning Commission members.

The December Planning Commission meeting adjourned at 12:28 p.m., motioned by Mr. Wallace and seconded by Mr. Edwards.

Respectfully Submitted:

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Jennifer Bakeoven