

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

January 20, 2010

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

Absent: None.

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. Janusz. All approve. Motion carried.

1. Pines at Cherry Hill, Lots 1-90, Cherry Hill and Moliter Roads, Preliminary Plat Extension, Fair Hill Engineering, LLC, Third Election District.

John Mascari, Fair Hill Engineering, LLC, 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: VR (Village Residential)

The Concept Plat for the Pines at Cherry Hill, with 90 lots on 37.6 acres with 38% common open space, was on approved 12/18/00, conditioned on:

- 1) The Preliminary Forest Conservation Plan (PFCP) being approved prior to Planning Commission review of the Preliminary Plat;
- 2) The final Forest Conservation Plan (FCP) being approved prior to Planning Commission review of the Final Plat;
- 3) The Landscape Plan, including street trees and bufferyards from roads, adjacent SR-zoned properties, and any properties in ag use, being approved prior to Planning Commission review of the Final Plat;
- 4) No street trees being planted within 20 of sewer laterals and cleanouts;
- 5) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 6) Confirmation of water allocation being received from the Ceco Utilities prior to Final Plat review by the Planning Commission;
- 7) MDE verifying that Ceco Utilities has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 8) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;

- 9) Plans for the extension of 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;
- 10) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 11) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
- 12) The woodline on the FCP matching the woodline on the Preliminary Plat presented for TAC review;
- 13) The gazebo and tennis courts being included in the Public Works Agreement;
- 14) A jurisdictional determination being done prior to Planning Commission review of the Preliminary Plat; and
- 15) The Maryland Department of the Environment being urged to carefully consider the impact on existing wells in their review of the Groundwater Appropriation Permit.

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

- 1) That Health Department requirements be met;
- 2) That DPW requirements be met;
- 3) The final Forest Conservation Plan (FCP) being approved prior to Planning Commission review of the Final Plat;
- 4) The Landscape Plan, including street trees and bufferyards from roads, adjacent SR-zoned properties, and any properties in ag use, being approved prior to Planning Commission review of the Final Plat;
- 5) No street trees being planted within 20 of sewer laterals and cleanouts;
- 6) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 7) Note # 11 indicating that it is Cecil County sewerage service being proposed;
- 8) Confirmation of water allocation being received from the Ceco Utilities prior to Final Plat review by the Planning Commission;
- 9) MDE verifying that Ceco Utilities has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 10) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 11) Plans for the extension of 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;
- 12) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 13) 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;
- 14) The gazebo and tennis courts being included in the Public Works Agreement; and
- 15) The rear lot lines for Lots 45 and 46 being modified to accommodate preservation of the specimen trees. Further, the developer is encouraged to provide a variety of housing models to avoid the appearance of identical subdivision types.

§4.1.17 provided that Preliminary Plats were valid for two years from date of approval unless any section of the Final Plat were recorded – which would extend Preliminary Plat validity for 2 years from the date of recordation.

The 3/19/01 Preliminary Plat approval was granted 1-year extensions on 2/24/03, 1/22/04, 1/18/05 and 1/17/06 – extending Preliminary Plat validity until 1/17/08. Those extensions were necessitated by the logistics of the implementation and approval of water and sewer infrastructure.

The Phase 1 Final Plat was approved on 10/17/05, but, since it would not be recorded prior to 1/18/06, the 1/17/06 extension was necessary. The Phase 1 Record Plat was signed and recorded on 4/25/06 – extending Preliminary approval until 4/25/08.

The Phase 2 Final Plat was approved on 1/17/07, and the Record Plat was signed on 2/18/08 and recorded on 4/1/08, extending Preliminary approval until 4/1/10.

If this extension is granted, then the Preliminary validity will be extended for 2 years from the date of such recordation, per §4.1.18, until 1/20/12.

§4.1.18 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.

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

The Department has no objection to the preliminary plat extension requested here.

Mr. Doordan read the comments of the Health Department:

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

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:

Granting of a Two (2) Year Extension of Preliminary Approval, to expire on 1/20/12.

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.

2. Hillwood Manor (f/k/a Lands of Johnson & Merriman), Lots 2-11, Waibel Road, Preliminary Plat, Northern Bay Land Planning, Seventh Election District.

Farron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 2 minor & 9 major subdivision lots on 47.49 acres, for a proposed density of 1/5.28¹, was approved on 11/20/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat.

This property, part of a separate deed parcel, was originally part of the Merlyn Park Concept Plat, whose 1998 Concept Plat approval has expired.

§2.0 of the Subdivision Regulations allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

The boundary line survey has been completed.

A Lot 1 Preliminary-Final Plat was approved on 8/18/08², conditioned on:

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

There is currently a timber harvest on P. 26, but for a separate deed parcel.

Steep slopes have been shown on the plat.

The 110' perennial stream buffer has been shown on the plat.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers & MDE for all non-tidal wetland & 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 & revised on 1/16/96,³ 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 & that finding is consistent with the details of County wetlands maps & USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but it is required to be completed prior to recordation.⁴

15% common open space is required; 18% is proposed. No landscaping is required and no sidewalks were recommended in the NAR zone.

This plat is consistent with the requirements of §4.1.22 (r).

¹ The NAR zone permitted a maximum base density of 1 du/ 5 ac. Bonus density is not an issue.

² That Preliminary-Final Plat approval extended the validity of the Concept Plat until 8/18/10, per §4.0.9.

³ 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.

⁴ Thus, the second condition of Concept Plat approval has been rendered moot.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Burlin & Rock Run Roads, as depicted.

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

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD was approved on 11/15/06. The PFCP for Lot 1 was approved on 7/10/08, and the remainder PFCP was approved on 12/8/09.

The 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.

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

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

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

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The SWM plan must address the runoff directed on to Rock Run Road roadside ditching to assure both water quality & quantity requirements are being met.
3. The proposed entrance improvements shown on the plat meet the requirements of Section 3.07.15 of the Road Code.
4. Have you given any consideration as to how you will address SWM for this site?
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
 - 5.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 5.3 Requirements for Utility relocations.
 - 5.4 Requirements for Public Works Agreements.
 - 5.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 5.6 Requirements for County Roads.
 - 5.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered*

non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”

2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Rock Run Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. 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 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 Final Plat review.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

3. Villages at North East, Phases 1-10 (Phases 1-3 and Pump Station received Final Approval May 21, 2007), Shady Beach Road, Preliminary Plat Extension, Taylor Wiseman Taylor, Fifth Election District.

David Meiskin, 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 & 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 then provided that Concept Plats were 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 acres⁵, for a proposed density of 1.99/1⁶ was approved on 1/22/04, conditioned on:

- 1) Heath Department requirements being met;
- 2) Department of Public works requirements being met;
- 3) The walking/bike path along Vermeer Boulevard being changed to the west (or left) side of the road because of the high number of right turns anticipated at the intersection with Dali Avenue;
- 4) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Final Plat review;
- 5) The Final Plat including the remaining details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 6) The developer, DPW, and SHA, prior to Final Plat review, determining 1) at what point of the build-out would traffic volumes trigger the unacceptable LOS (E or F), and 2) what specific improvements need to be implemented to bring the intersection to LOS D or higher (at full-build-out), as is consistent with the Comprehensive Plan;
- 7) The developer and DPW, prior to Final Plat review, determining and agreeing on 1) what specific Shady Beach Road improvements need to be implemented, and 2) when (in terms of the number of building permits) those improvements need to be implemented;
- 8) If the water source is the Town of North East, then verification of water allocation being received from the Town, and the water service area agreement between the County and the Town must be amended to include this parcel, prior to Final Plat review.
- 9) If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center being received from

⁵ 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.

⁶ The **SR** zone permits a maximum base density of 1 du/ 1 acre. With community facilities, a density of 2/1 is permitted.

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 its 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 1/22/06⁷, but was also re-approved on 4/17/06, conditioned on:

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

§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 and 1/21/09, but it will expire on 1/21/10, tomorrow, unless the requested extension is granted. If granted, this extension will expire on 1/20/12.

§4.1.18 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 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.

⁷ Per §4.1.17.

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. Doordan read the comments of the Health Department:

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

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

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two (2) year extension, to expire on 1/20/12.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

4. Clover Meadows, Lots 1-9, Weaver Meadows Road, Preliminary Plat Extension, RJK Engineering & Associates, Eighth Election District.

Bob Blomquist, RJK Engineering & Associates and Bruce Vanderhoef, owner, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: The Concept Plat, proposing 16 major- and 3 minor-subdivision⁸ lots on 53.62 acres,⁹ was approved on 4/17/06, conditioned on:

- 1) The Boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD completion documentation being received prior to the Planning Commission's review of the Preliminary Plat;¹⁰ and
- 3) A sensitive species survey being completed prior to the Planning Commission's review of the Preliminary Plat.

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

The Preliminary Plat was approved on 3/17/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The add-on hooks showing the direction of the conveyance;
- 4) Covenants prohibiting the subdivision of the large lot must be noted on the Final Plat;
- 5) The FCP and Landscape Plan being approved prior to the submittal of the Final Plat;
- 6) The details of the FCP/Landscape Plan and the Final Plat matching up;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats; and
- 8) A copy of the sealed McAllister May 2007 survey being submitted for the file prior to the submittal of the Final Plat.

§4.1.17 provided that Preliminary Plats would be valid for two years from date of approval. Therefore, unless the requested extension is granted, the 3/17/08 Preliminary approval will expire on 3/17/10.

If granted, then the extension will continue Preliminary approval until 1/20/12.

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

The proposed property lines shown on this plat do not match those of the proposed Lot 1 (same dwelling) shown on the Clover Meadows, Phase 1- Lot1 final plat next on the agenda. If that final plat is approved and recorded how will you reconcile it with the boundaries proposed for the full

⁸ §2.4.1 was not invoked.

⁹ After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 was proposed.

¹⁰ Based upon discussion with the Corps of Engineers, JD's will now be required in conjunction with permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96,¹⁰ or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.

build-out of Clover Meadows shown here? Mr. Blomquist said the Phase 2 Final Plat will reflect the new property lines.

With that said the Department has no objection to the extension requested. All outstanding comments from the March 17, 2008 Planning Commission meetings still apply but will not be read at this time. The Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4th 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements:

1. A SWM plan, Street and storm drainage plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Section 3.07.15 of the Road Code directs that Weaver Meadows Road must be upgraded to a Minor Road or equivalent Standard for a distance of 100' either side of the proposed entrance. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code Guidance Manual. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.
3. No Road Code Variances have been sought therefore the Department expects the road to be designed in full compliance with the Road Code.
4. All of the off-site road improvements, associated with the proposed development, required in Section 3.07 of the Road must be approved in concept by the Department of Public Works prior to submitting this project to the Planning Commission for preliminary plat review. The improvements need to be shown or described on the preliminary plat submitted for Planning Commission review.
5. Modify Note 9 to indicate that Lots 2 & 3 are denied access to Weaver meadows Road upon completion of Blarney Lane.
6. How will SWM be addressed for the entire site? In particular discuss how quantity control requirements will be met for storm water runoff from Lots 2-4, 6-10, & 17-19.
7. See the Health Department for any/all separation distances for SWM BMPs.
8. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 8.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 8.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 8.3 Requirements for Utility relocations.
 - 8.4 Requirements for Public Works Agreements.
 - 8.5 Requirements for Stormwater Inspection and Maintenance Agreements
 - 8.6 Requirements for County Roads.
 - 8.7 Requirements for Driveways.
 - 8.8 Requirements for Stopping Sight Distance

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the

Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.

3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the private mini road & storm drainage construction. A Public Works Agreement is required for the county streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Weaver Meadows Road may not exceed 5% within the limits of the intersection right-of-way.
7. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. Applicant must provide stopping sight distance measurements for the Weaver Meadows Road access location to DPW prior to preliminary plat submittal. Mark the proposed entrance locations in the field by a survey stake or paint.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval.
Comments from March 17, 2008 Planning Commission still remain unresolved.

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 1/20/12.

A motion for the granting of a two (2) year extension was made by Mr. Doordan.
The motion was seconded by Mr. Edwards.

All approve. Motion carried.

5. Clover Meadows, Phase 1, Lot 1, Weaver Meadows Road, Final Plat, RJK Engineering & Associates, Eighth Election District.

Bob Blomquist, RJK Engineering & Associates and Bruce Vanderhoef, owner, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: Density: The Concept Plat, proposing 16 major- and 3 minor-subdivision¹¹ lots on 53.62 acres,¹² was approved on 4/17/06, conditioned on:

- 1) The Boundary line survey being completed prior to the TAC's review of the Preliminary Plat;

¹¹ §2.4.1 was not invoked.

¹² After deducting 3.73 acres for the proposed minor subdivision lots, a major subdivision bonus density of 1/3.12 was proposed.

- 2) The JD completion documentation being received prior to the Planning Commission's review of the Preliminary Plat;¹³ and
- 3) A sensitive species survey being completed prior to the Planning Commission's review of the Preliminary Plat.

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

The Preliminary Plat was approved on 3/17/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The add-on hooks showing the direction of the conveyance;
- 4) Covenants prohibiting the subdivision of the large lot must be noted on the Final Plat;
- 5) The FCP and Landscape Plan being approved prior to the submittal of the Final Plat;
- 6) The details of the FCP/Landscape Plan and the Final Plat matching up;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final & Record Plats; and
- 8) A copy of the sealed McAllister May 2007 survey being submitted for the file prior to the submittal of the Final Plat.

§4.1.17 provided that Preliminary Plats would be valid for two years from date of approval. Therefore, the requested extension was just heard.

General Note # 1 indicates that the boundary line survey was previously completed. Per condition # 8 of Preliminary Plat approval, a copy of the sealed McAllister May 2007 survey was to be submitted for the file prior to Final Plat review. Since this is only one lot, its importance is diminished. Nevertheless, the boundary line survey is an integral part of the process. Therefore, if approved, OPZ will not sign any Record Plat for Lot 1, and will not accept any Final Plat for any other lot(s), until a copy of the sealed McAllister May 2007 survey is submitted, or until another survey is completed in its stead.

The proposed large lot (#12) and the common open space together total 32.79 acres, or 63.14% of the 51.93 acres. Bonus density eligibility must be maintained.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁴

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

¹³ Based upon discussion with the Corps of Engineers, JD's will now be required in conjunction with permitting. If no permits are required, and if the project meets the policy standards established on 3/20/95 and revised on 1/16/96,¹³ or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or streams, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required.

¹⁴ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.¹⁵ What is the status of the JD? Mr. Blomquist said a JD is not required for this project.

Landscaping is not required, and sidewalks are not recommended, in the NAR zone. A Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Weaver Meadows Road.

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

The FSD was approved on 4/5/06. The PFCP has been approved, and the sensitive species survey, completed.

The FCP/Landscape Plan was approved on 12/17/09.

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name, Blarney Lane, has been approved.¹⁶

Covenants prohibiting the subdivision of the large lot must be noted on the Final and Record Plats and recorded prior to recordation.

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

A Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being 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.

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

1. As the purpose of this subdivision is to create a lot around an existing dwelling this project is exempt from Stormwater Management (SWM) requirements.
2. The final plat must contain a note stating that any future development on the new lot and/or the remaining lands will require a SWM submittal. The Department will not sign the final plat until this is addressed to our satisfaction.
3. The proposed property lines shown on this plat do not match those of the proposed Lot 1 (same dwelling) shown on the preliminary plat just presented for Clover Meadows. If this final plat is

¹⁵ 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.

¹⁶ Mr. Citrano, an adjacent property owner, previously requested connectivity to the proposed Blarney Lane.

approved and recorded how will you reconcile it with the boundaries proposed for the full build-out of Clover Meadows?

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 slightly different than preliminary plat (sewage area, rear property line). Final plat can be satisfactory with submission of matching preliminary plat.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to Recordation;
- 4) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees and Forest Retention /Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats;
- 6) A copy of the sealed McAllister May 2007 survey being submitted for the file prior to Lot 1's Recordation or the submittal of any Final Plat for any other lot(s), or until another survey is completed and submitted in its stead; and
- 7) The details of the Phase 2 or any subsequent Final Plat matching the details of this Lot 1 plat.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

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

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

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

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

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

Zoning: SR

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

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
 - 2) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- and

3) DPW requirements being met prior to the TAC's review of the Preliminary Plat.

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

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

§4.1.17 of the Subdivision Regulations provided that Preliminary Plats would be valid for two years from date of approval. Therefore, extensions were granted on 3/17/08 and 2/17/09. Unless a two-year extension is granted, or a Final Plat is approved and recorded in the interim, the Preliminary Plat approval will expire on 2/17/10.

If granted, then the extension will continue Preliminary approval until 1/20/12.

§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. 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 Nottingham 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. Doordan 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 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 1/20/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

The applicants for agenda item #7 respectfully asked Chairman Mortimer if their project could be heard as the last submittal due to the late arrival of one of their representative. Chairman Mortimer obliged.

8. Larson's Estates of Skyview, Lots 1-8, Skyview Road, Concept Plat, Frederick Ward Associates, Third Election District.

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

Discussion ensued regarding the logic of having 5 minor subdivision lots and 3 major subdivision lots that make up the density 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 permits a density of 1 du/ 10 ac. 5 of the 8 proposed lots are minor subdivision lots. Their accessing the proposed interior roadway suggests the invocation of §2.4.1 of the Subdivision Regulations, although that is not specified on the plat, and the Lot Area Table suggests accounting for the minor subdivision acreage in the normal fashion.

The total acreage is 39.41 acres.

A maximum base density of 1 du/ 5 ac. was permitted when, on 5/17/06, the original 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 1/5.1¹⁷, 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.

Subsequently, a 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;
- 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. Therefore, all previous approvals are null and void.

No common open space is required; 1.54 are proposed for stormwater management.

¹⁷ Bonus density was not sought.

Per Note # 1 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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹⁸

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

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

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

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

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

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10' street tree planting easement has been included on the plat. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The FSD was approved on 5/2/06.

The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06.

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.

¹⁸ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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

The proposed road name Larson's Way has been approved.

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

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

Lots 1 and 2 must be denied access to Skyview Road, as cited in Note # 9.

There are no 100-year floodplains associated with this site, as stated in note #5.

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

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. 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 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 offsite road improvements requirements have been agreed to by the Department.
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. Doordan read the comments of the Health Department:
Concept 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) Any application, outstanding conditions of the prior approval being met.

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

All approve. Motion carried.

9. Larson's Estates of Skyview, Lots 1-8, Skyview Road, Preliminary Plat, Frederick Ward Associates, Third Election District.

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

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac. 5 of the 8 proposed lots are minor subdivision lots. Their accessing the proposed interior roadway suggests the invocation of §2.4.1 of the Subdivision Regulations, although that is not specified on the plat, and the Lot Area Table suggests accounting for the minor subdivision acreage in the normal fashion.

The total acreage is 39.41 acres.

A maximum base density of 1 du/ 5 ac. was permitted when, on 5/17/06, the original 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 1/5.1¹⁹, 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.

Subsequently, a 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;
- 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. Therefore, all previous approvals are null and void.

No common open space is required; 1.54 are proposed for stormwater management.

Per Note # 1 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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²⁰

Areas of steep slopes have been shown.

¹⁹ Bonus density was not sought.

²⁰ 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 ft² 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'.

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.

§174.2.b (1) empowers the Planning Commission to grant the waiver if the disturbance is minimized. Staff finds the request consistent with §174.2.b (1) and, therefore, offers no objection.

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

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

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

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

The FSD was approved on 5/2/06.

The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations). A revised FCP was submitted on 6/12/09; comments were sent out on 6/18/09.

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name Larson's Way has been approved.

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

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

Lots 1 and 2 must be denied access to Skyview Road, as cited in Note # 9.

There are no 100-year floodplains associated with this site, as stated in note #5.

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

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

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. 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 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 offsite road improvements requirements have been agreed to by the Department.
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.
 - c. *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."*
 - d. *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. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment (Note 15 is technically incorrect as written).

Preliminary plat is satisfactory.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The 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;
- 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; and
- 6) The §174.2.b (1) waiver being granted.

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

The motion was seconded by Mr. Edwards.

Discussion ensued regarding whether a Concept and Preliminary Plat should have consecutive reviews at the same Planning Commission meeting.

At this point, Mr. Shaffer explained the waiver request for §174.2.b (1).

Motion for approval carried with Mr. Wallace casting the sole opposing vote.

7. Baldwin Mill, Lots 1-254, Elk Mills Road, Preliminary Plat, McCrone, Inc., Third Election District.

Mike Burcham, McCrone, Inc., Mike Pugh, Ronald Myers and Jay Young, 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: SR

Density: The Concept Plat, proposing 256 lots on 243.4 acres, for a proposed density of 1.05/1²¹, 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 was set to expire on 2/20/09. Therefore, an extension was granted on 1/21/09, extending the Concept's validity until 2/20/10.

The boundary line survey has been completed, and that has rendered some changes necessary. This Preliminary Plat remains generally consistent with the approved Concept plat.

The design, or layout, remains essentially the same, except that the proposed roads Feeder Canal Lane and Hoagland Lane have been eliminated.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²²

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

²¹ The **SR** zone permits a maximum base density of 1 du/ 1 ac., or 2/1 with community facilities.

²² 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

greater than 15% -- to a maximum distance of 160'. Segments of the perennial stream still appear outside the floodplain. How were the elevations arrived at? Mr. Pugh said the floodplain boundaries are based on their best estimate of flood elevation from field run topography.

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 has been completed.

The limits of the 100-year floodplain still have not been labeled on Sheet 1 of 5.

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

15% common open space is required; 55.1% 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 C.O.S. sensitive areas thresholds have been calculated and included.

20% landscaping of the development envelope is required in the SR zone. 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 on Elk Mills Road.

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

The Forest Stand Delineation (FSD) was approved on 2/16/07. The PFCP was approved on 12/16/09.

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 and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

All road names have been approved.

The Traffic Impact Study (TIS) has been submitted and reviewed. 256 lots with only one entrance raises design and emergency service response questions. Should an emergency incident include an incapacitated train blocking the Johnson Lane grade crossing, then portions of this development could be rendered inaccessible. The TIS verifies that the proposed Wheel Gate Lane entrance would have adequate queuing capacity at the peak hours, as now designed. Any SHA requirements will be conditions of Final Plat approval.

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 Master Water & Sewer Plan has been amended.

Documentation of water allocation and sewer capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

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.

Fire hydrant locations have been shown.

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

Discussion ensued regarding the possible number of units this project could have produced if it were not being engineered under the new SWM regulations.

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

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. The Applicant must be aware that if the SWM and E&S plans for this project are not approved (i.e. signed) by May 4th 2010 the new Ordinance will apply and the SWM plan must be designed to meet its requirements.
3. Vehicle & equipment access must be provided to the SWM Facility located behind Lots 117-124. If you propose combining access with a conveyance easement, 20' may not be wide enough depending on the type of conveyance used.
4. 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.
5. The potential sewer capacity required for this development will take the Meadowview WWTP beyond the 80% usage limit set by the County. Therefore unless and until the Meadowview WWTP is upgraded allocation for the full build out of the development is not available.
6. 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.
7. 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.
8. Both the sewer and water mains proposed along Fletchwood and Elk Mills Roads must be designed to provide for future connections from adjoining properties.
9. 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)?
10. The engineer's preliminary layout for the subdivision public water & sewer was submitted and has been reviewed. In that regard why have no pumping and tankage been shown for the water system in the development? Where are the fire hydrants?
11. The water distribution system proposed should provide for possible future connection capability to the lands west of this development.

12. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
13. If and/or when Artesian Water Company takes control of the Meadowview WWTP & WTP utility easements will be required for the water & sewer lines located within the County ROW.
14. A utility easement will be required for the sewer line routed between Lots 165/166 running to lot 106. This easement must be between the owner of the utility and the HOA.
15. An SHA access permit is required for the MD Rte 277 entrance. Any and/or all SHA required off-site road improvements must be approved by SHA prior to the Department signing the final plat.
16. Due to the size and length of road frontage proposed Section 2.07 & Standard Detail R-35 of the Road Code specifies 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. You have instead proposed open section road. The use of open section road proposed here requires a variance to the Road Code. The Department's policy is that all such variance requests be submitted and approved before the preliminary plat review by TAC. No variances have been sought!
17. Lots 2 & 3 are denied direct access to Wheel Gate Lane.
18. All lots must access the less major road frontage and be denied direct access to the more major road.
19. The TIS provided for this development addresses the queuing for the proposed entrance. In reviewing the TIS the Department has some questions concerning the queuing analysis used.
20. 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.
21. 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.
22. Likewise the structures crossing the intermittent stream on Baldwin Mill Way and Elk Forge Way must be approved as part of the road plan approval passing the 25 year storm without overtopping.
23. What is envisioned for the proposed 25' wide emergency access? The HOA must maintain this area.
24. Show any private stormwater management and stormwater management outfall easements across common open space on preliminary and final plats.
25. What is the proposed disposition of the structures and driveway on Lots 231 & 232?
26. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 26.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 26.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 26.3 Requirements for Utility relocations.
 - 26.4 Requirements for Public Works Agreements.
 - 26.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 26.6 Requirements for County Roads.
 - 26.7 Requirements for Driveways.
 - 26.8 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. Doordan read the comments of the Health Department:

Project must be included in the County Master Water and Sewer Plan. A March 5, 2009 letter from Maryland Department of the Environment to the Cecil County Commissioners indicated that Maryland Department of the Environment approval of the map amendment could not be granted. Additional information was requested. No further correspondence on this issue can be found. Environment Article 9-507 requires Maryland Department of the Environment approval of revisions to the Water and Sewer Plan. The status of this revision must be resolved prior to Final Plat review.

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

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

In addition, if a public water system or sewer system is to be constructed or upgraded to serve the community, an additional note stating *“Plans for the water or sewer system have been approved by Maryland Department of the Environment”* must be added by the owner’s signature.

A permit to construct a sewerage pump station must be issued by Maryland Department of the Environment prior to record plat approval.

Water and sewer allocations adequate for the proposed number of lots must be approved by the appropriate entity prior to record plat approval.

The existing well must be abandoned and sealed by a licensed well driller and the existing septic tank must be pumped by a licensed septic hauler and filled with earth prior to record plat approval.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Owen Thorne, 20 Hillwood Road, Elkton, MD, spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) Documentation of water allocation being provided by the applicant prior to the Planning Commission's review of the Final Plat;
- 4) Documentation of adequate sewer capacity being provided by the applicant prior to the Planning Commission's review of the Final Plat;
- 5) The limits of the 100-year floodplain being labeled on all sheets;
- 6) Deed restrictions for the long-term protection of the street trees & Forest Retention /Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 7) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat; and
- 8) MDE approval of the Board of County Commissioner's amendment to the MW&SP being completed prior to the Planning Commission review of the Final Plat.

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 asked staff to compile an agenda for future worksessions with the following items on the agenda:

- Clustering in the NAR & SAR with Harlan Williams.
- Minor subdivisions discussion with staff present in the NAR & SAR.
- Multiple submissions being reviewed consecutively.
- Height requirements in the growth corridor.
- Architectural standards.

Chairman Mortimer requested that the Planning Commission members receive updates from Ms. Campbell regarding current appeals in regards to Planning Commission decisions. Chairman Mortimer also stated that he is not proposing a vote today on anything without more discussion. Reflections on the Public Hearing should also be a point of discussion. Chairman Mortimer suggested the commission conduct one (1) to two (2) additional worksessions prior to giving their recommendation to the Board of County Commissioners. Some other points of interest for discussion are buffering, density, zoning training and 10% - 20% requirement in the North East corridor. Mr. Janusz asked staff to email the members the link to the states training material and Mr. McDowell asked Mr. Di Giacomo to email the Planning Commission members with a list of all the buffers included in the regulations. Discussion ensued regarding the scheduling and advertisement of future worksessions.

Additional worksessions will be held on Monday, January 25, 2010 at 6:00 p.m. and Monday, February 1, 2010 at 6:00. Both meetings to be held in the Elk Room at the County Administration Building.

Mr. Janusz proposed that the commission vote on each issue at the worksession to be held on February 1, 2010. Chairman Mortimer agreed.

The January Planning Commission meeting adjourned at 2:16 p.m., motioned by Mr. Wallace and seconded by Mr. Edwards.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

February 16, 2010

Present: Bill Mortimer, Chairman; 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: H. Clay McDowell, alternate.

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

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

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

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

Discussion ensued as to why there has been a delay in the progress 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, 12/17/07, and 2/17/09, extending the Concept Plat's validity until 3/18/10.¹

Should the Planning Commission grant another extension, it will be valid until 3/18/11. 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.²

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. The applicant is reminded of the May 4, 2010 deadline for the new SWM and E&S Plans Ordinance.

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 south of the southern entrance that will become increasingly of concern with the

¹ 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.

² 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.

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. Doordan read the comments of the Health Department:

The Health Department has no objection to 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 3/18/11.

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

All approve. Motion carried.

2. Kirks Mill Manor, Phase II, Lots 1-3, Kirks Mill Lane, Final Plat, American Engineering and Surveying, Inc., Ninth Election District.

Stan Granger and Kordell Wilen, American Engineering and Paul Granger, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

The original Concept Plat proposing a total of 15 lots on 96.36 acres, for a proposed density of 1/6.42, was originally approved on 12/19/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Common open space being labeled and referenced as such;
- 4) Fee simple access to the proposed common open space being shown on the Preliminary Plat.
- 5) All bufferyards being shown on the Preliminary Plat;
- 6) The proposed Paul's Court being labeled a private mini-road on the Preliminary Plat; and
- 7) The contiguous operating farms notice being provided on the Preliminary Plat.

The revised Concept Plat, with the same density but a significantly new layout was approved on 7/19/06, conditioned on:

- 1) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) Common open space being labeled and referenced as such;
- 3) The stream buffer being expanded as necessary;
- 4) All bufferyards being shown on the Preliminary Plat;
- 5) The Bufferyard A on proposed Lots 13-15 being reconfigured to be consistent with §187.3;
- 6) The contiguous operating farms notice being provided on the Preliminary Plat; and
- 7) Sight distance for the proposed Lot 1 access being approved prior to the TAC's review of the Preliminary Plat.

The Preliminary Plat was approved on 11/20/06, 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; and
- 4) Documentation of the completed JD being submitted prior to Final Plat if JDs are once again performed.

The Phase 1, Lots 5 & 15, Final Plat was approved on 9/15/08 and recorded 11/12/08 (extending Preliminary Plat approval until 11/12/10).

This Phase 2, Lots 1-3, Final Plat is generally consistent with the approved Concept and Preliminary Plats.

On slopes between 15 & 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³

The 110' perennial stream buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15%, to a maximum distance of 160'.

Stream and non-tidal wetland buffers have not been labeled.

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

³ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

impacts prior to recordation. JD's are required in conjunction with permitting. If no permits are required, and if the proposed project meets the policy standards established on 3/20/95 and revised on 1/16/96, or if the FSD/Conceptual Environmental Assessment finds that there are to be no impacts to field-delineated wetlands or stream impacts, or if the FSD/Conceptual Environmental Assessment finds that there are no wetlands or streams and that finding is consistent with the details of County wetlands maps and USGS quad maps, then no JD is required. If required, then a JD is recommended to be done prior to Final Plat review by the Planning Commission, but required to be completed prior to recordation.

There are no habitats of rare, threatened, and endangered species on site. No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 274.

The FSD has been approved. The PFCP was approved on 9/15/06.

The FCP/Landscape Plan was approved on 1/22/10. What is the nature of the §3.2N exemption claimed in General Note # 6? Mr. Granger said the note should not be on the plat.

A Landscape Agreement must be executed prior to recordation.

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

15% common open space is required; approximately 17% (was almost 25%) was proposed. In what phase is the common open space proposed to be included? Mr. Granger said it would be in Phase 3.

Add-on Parcels A & B have not been identified on the Plat.

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 lot boundaries depicted on sheets 1 & 3 do not match those on sheet 2. Which configuration is correct?

The contiguous operating farms notice has not been provided on the plat, as it was for Phase 1.

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:

All required plans are technically complete and only administrative issues, including agreements and fees remain outstanding. Submit a check print prior to submitting the record plat for signature.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been filed with Maryland Department of the Environment. Final plat can be satisfactory with submission of a revised Preliminary Plat.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to Final Plat recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Record Plat;
- 5) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 6) The discrepancy in lot boundaries being corrected on the Record Plat;
- 7) The contiguous operating farms notice being provided on the Record Plat;
- 8) Add-on Parcels A & B being identified on the Record Plat;
- 9) The apparent discrepancy between FCP data and General Note # 6 being resolved prior to Recordation;
- 10) Stream buffers being labeled on the Record Plat; and
- 11) Non-tidal wetland buffers being labeled on the Record Plat.

Discussion ensued regarding the number of conditions of approval.

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

All approve. Motion carried.

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

Don Sutton, McCrone, Inc., and Steve Balderston, 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 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, extensions were granted on 4/21/08 and 3/16/09. Unless another is granted, or a Final Plat is approved and recorded in the interim, Preliminary Plat approval will expire on 3/16/10.

If another extension is granted, then the Preliminary Plat approval will be extended until 2/16/12.

§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. 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. The applicant is reminded of the May 4, 2010 deadline for the new SWM Ordinance and the project will have to conform to the new Road Code requirements.

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. Charles Hertzog, 56 McCush Drive, spoke in opposition of this project.

Mr. Di Giacomo read the recommendation of the staff:

The granting of a two- year extension of Preliminary Plat approval, to expire on 2/16/12.

A motion for the granting of an extension was made by Mr. Doordan and seconded by Mr. Edwards. The sole vote in opposition of the granting of an extension was made by Mr. Wallace.

Motion carried.

4. Glennas Heights, Lots 1025, Johnson Road, Preliminary Plat Extension, Stantec Consulting Services, Inc., Eighth Election District.

John Brants, 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,⁴ 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, 2/20/08, and 2/17/09 the last of which will expire on 2/17/10. If granted, this extension would expire on 2/16/12.

§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:

⁴ 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.

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

- 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 July 16, 2007 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at is time. The applicant is reminded of the May 4, 2010 deadline for the new SWM Ordinance.

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 1¹/₂" at the edges effecting a 3% cross slope for the entire 2,200'.
13. The Department will require substantial Geo-tech investigation of the suitability of the sub-grade, along the proposed roadway, to support a County road. The area of this investigation runs from the area of the proposed SWM facility to the intersection with Johnson Road.
14. Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.
15. The island within the Cobble Drive cul-de-sac bulb must be outside of the County ROW and so indicated as is done with the intermediate turnaround.
16. The requirements of Section 4.1.22 m & n must be addressed on the preliminary plat.
17. The private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).
18. The Private Mini-Road must be terminated in a cul-de-sac in accordance with Road Code Standard R-15.
19. The Developer must provide evidence of BG&E's approval of the mini-road design and crossing prior to Final Plat approval.
20. The BGE gas line must be identified on the plat.
21. The cul-de-sac does not meet the radius requirements of Road Code Standard (R-14). The radius of the ROW line must be 75' verses the 65' graphically shown.
22. The length of Cobble Drive requires that an intermediate turnaround be provided. Is the island median section of road adjacent to Lot 23 proposed to meet this requirement? Road Code Standard R-16 details the approved geometry for this. However the Department is open to possible alternatives if substantiated by a Road Code Variance request.
23. Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.
24. All driveways as well as the mini-road connection to the cul-de-sac must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.
25. It appears that the property line bisects two existing structures on Lot 24. What is proposed for these structures?
26. The 2003 aerial photo of this site indicates that there are existing drives interconnecting Lot 24 with the Lands of Halsey. Please clarify what is proposed for these.
27. An Inspection and Maintenance Agreement will be required for the SWM facilities.
28. A PWA will be required for internal streets and storm drains.

Mr. Doordan read the comments of the Health Department:

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:

The granting of a two- year extension of Preliminary Plat approval, to expire on 2/16/12.

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

All approve. Motion carried.

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

Jeff Deegan, Wilson Deegan & Associates, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: The Concept Plat⁵ (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC review;
- 2) A boundary line survey being done prior to submission of the Preliminary Plat;
- 3) Discrepancies in the depictions of wetland and wooded areas being rectified prior to the submission of the Preliminary Plat for TAC review;
- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC review;
- 5) Proposed Road names being approved prior to the submission of the Preliminary Plat for Planning Commission review;
- 6) A Jurisdictional Determination being done prior to Preliminary Plat review by the Planning Commission; and
- 7) An area table being included in the Preliminary Plat submitted for TAC review.

The Preliminary Plat, proposing only 54 lots on 181.71 acres, was approved on 7/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Final Plat check print being approved prior to submission of the Final Plat for Planning Commission review;
- 4) All acreage discrepancies being resolved on the Final Plat;

⁵ 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.

- 5) The FRAs being depicted on the Final Plat;
- 6) A note to the effect that proposed Lot 37 must be denied access to Washington Schoolhouse Road being included on the Final Plat;
- 7) A note to that effect that proposed Lot 36 cannot be further subdivided appearing on the Final Plat;
- 8) The FCP and Landscape Plan being approved prior to Final Plat review;
- 9) All details of the FCP and Landscape Plan matching those of the Final Plat;
- 10) Documentation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to Final Plat approval;
- 11) Consistent with §186.1, the 10' street tree planting easement being depicted and/or noted on the Final Plat; and
- 12) A mid-block turnaround being included on the Final Plat design for Farmstead Drive.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, per §4.1.18, the 7/19/04 Preliminary Plat approval was granted one year extensions on 5/15/06, 5/21/07, 5/19/08, and 5/18/09 (set to expire on 5/18/11).⁶

Regarding §2.6, is “Racine Property” the name by which this subdivision shall be known? Mr. Deegan said yes.

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

The proposed large lot (36) is 50.44 acres, or 27.52% of the total area. The total proposed common open space is 34.2%; thus bonus density eligibility has been maintained.

All common open space areas have been labeled as “common open space” on all sheets.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The 10' street tree planting easement for proposed Lots 32-35 must be labeled on the recordation plat.

Bufferyard Standard A is required to be planted along the lot lines of proposed lots 45-47 to buffer adjacent agricultural uses. The appropriate 100' setback is not shown on Lot 45.

The contiguous operating farm notice is included as Note # 4.

The FSD was approved on 6/5/02; the PFCP was been approved on 7/16/05 and revised on 11/4/05.

The FCP was approved on 3/14/08 and Landscape Plan was approved on 3/7/08.

A Landscape Agreement must be executed prior to recordation.

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

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

⁶ Even if this Final Plat is approved today, unless it is recorded by 5/19/09, the Preliminary Plat technically will expire on 5/19/09.

Per previous comments & conditions, the utility easement's owner (AT&T) is provided on the Final Plat, and documentation related to a formal agreement (between the developer and AT&T) to cross the utility easement was received on 4/14/08.

Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. Note # 8 on Sheet 6 of 7 will suffice on the plat.

A groundwater appropriation and use permit (GAP) has been obtained.

Proposed Lot 37 must be denied access to Washington Schoolhouse Road. A note to that effect must appear on the Record Plat.

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

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

All plans are technically complete and only administrative issues remain outstanding. All easements identified on the design plans must be reflected on the record plat. Submit a record plat check print to the Department for continuity review prior to submitting the mylars for signature. The DPW will not sign the record plat until these issues have been addressed to the satisfaction of the Department 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 4th 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 has been issued by Maryland Department of the Environment for 54 lots.

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 appropriate 100' building setback again being shown on Lot 45 on the Record Plat;
- 4) The note to the effect that proposed Lot 37 is denied direct access to Washington Schoolhouse Road being repeated on the Record Plat;
- 5) Deed restrictions prohibiting any further subdivision of Lot 36 being recorded and noted on the plat prior to recordation;
- 6) Recordation of any required formal agreement between the developer and the utility to cross the utility easement being received prior to recordation;
- 7) The 10' street tree planting easement again being depicted and/or noted on the Record Plat for all lots, including clear labeling of the 10' street tree planting easement for proposed Lots 32-35;
- 8) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 9) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 10) The contiguous operating farm notice again being included on the Record Plat;
- 11) The Landscape Agreement being executed prior to recordation;

- 12) Any required CoE/MDE permits being obtained prior to recordation; and
- 13) The record Plat's being signed and sealed.

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

Discussion ensued regarding the number of conditions of approval.

All approve. Motion carried.

6. Draft Comprehensive Plan recommendation to the Board of County Commissioners.

Mr. Wallace made a motion to propose a 75 ft. buffer around non-tidal wetlands larger than 2500 sq. ft. in all areas outside the designated growth area and for the appropriate changes to be made to in all sections of Chapter 7 relating to this buffer size.

The motion was seconded by Mr. Wiggins.

Members in favor of the motion include, Mr. Wallace, Mr. Wiggins and Mr. Janusz.

Members in opposition of the motion include, Mr. Doordan, Mr. Edwards and Chairman Mortimer.
No decision was made.

Mr. Doordan made a motion to recommend an approval for the adoption of the Draft Comprehensive Plan with the final compendium changes. No second was made; motion died for lack of second.

Mr. Edwards made a motion to propose a 75 ft. buffer around non-tidal wetlands larger than 5000 sq. ft. in all areas outside the designated growth area and for the appropriate changes to be made to in all sections of Chapter 7 relating to this buffer size. The motion was seconded by Mr. Janusz.

Members in favor of the motion include, Mr. Edwards, Mr. Wallace, Mr. Janusz and Mr. Wiggins.

The sole vote in opposition was made by Mr. Doordan.

Motion carried.

Mr. Wallace made a motion for approval of the Draft Comprehensive Plan with the compendium of changes, as amended by Mr. Edwards' motion and to recommend that the Board of County Commissioners adopt the draft as amended by the compendium.

At this time, a member of the audience asked if public comment would be heard. Chairman Mortimer explained that the next public comment opportunity would be heard at the Board of County Commissioners meeting, in March.

The motion was seconded by Mr. Edwards.

Members in favor of the motion include, Mr. Edwards, Mr. Wallace, Mr. Janusz and Mr. Wiggins.

The sole vote in opposition was made by Mr. Doordan.

The February Planning Commission meeting adjourned at 12:54 p.m., motioned by Mr. Doordan and seconded by Mr. Wallace.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

March 15, 2010

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; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Bill Mortimer, Chairman.

Call to Order: Vice Chair Doordan called the meeting to order at 12:01 p.m.

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

1. FY 2011-2015, Capital Improvement Program, Craig Whiteford.

Alfred C. Wein, County Administrator, along with Craig Whiteford, Budget Manager and Scott Flanigan, Director of Public Works, presented the Capital Improvements Program. Mr. Whiteford made reference to various sections of the summary that was provided to the commission members. Mr. Whiteford also explained that, when looking at the figures, the further out you go, the less likely it is to happen that way. This proposal will be considerable less than the commission has seen in some time. This is based on the county's best analysis of economic conditions at the present time and what they project those to be in the future. Mr. Whiteford stated that it is safe to say that the county will realize some revenue declines in FY 2011 and beyond. They are projecting minimal, if any economic growth. The real estate market continues to be suppressed and that negatively impacts our new construction and recordation revenues. Assessment data reflects an overall 14% decline in value for the assessed areas. Revenues are expected to remain neutral for 2011. Mr. Whiteford explained that other counties in Maryland have reported declines in income tax receipts but in Cecil County, a combination of conservative budgeting and what appears to be, better than many subdivision receipts, say that we will still make about 98% of our budget there.

At this point, Mr. Whiteford went over some items that are not necessarily reflected in this CIP or in the projections going forward. They are as follows: the potential impact of some legislation, the legislators are dealing with legislation that could limit setting tax raise beyond the constant yield tax rate. There is also budgetary actions proposed that may pass a portion of the teachers pensions back to the county. If that were to happen, the county would scale back the CIP further. This proposal also does not take into account a potential budget balancing action to eliminate our revenues or reimbursements associated with our Live In / Work Out program at the jail.

At this point, the commission asked questions regarding the proposals concerning bridges, wastewater projects, sewage extensions along MD Route 40, Public School renovations, Perryville Elementary Special Education program, with Perry Willis, CCPS, providing input.

No comments required from DPW and the Health Department.

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of the CIP, as proposed. No one spoke.

Mr. Sennstrom stated that staff recommends the approval of the CIP as proposed.

A motion for approval was made by Mr. Janusz.
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

(A copy of the proposal can be found in the Office of Planning and Zoning.)

2. Larson's Estates of Skyview, Lots 1-8, Skyview Road, Final Plat, Frederick Ward Associates, Third Election District.

Lou Shaffer, Frederick Ward 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.

A maximum base density of 1 du/ 5 ac. was permitted when, on 5/17/06, the original 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 1/5.1¹, 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.

Subsequently, a 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;
- 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. Therefore, all previous approvals are null and void.

Zoning: NAR

Density: The NAR zone permits a density of 1 du/ 10 ac. 5 of the 8 proposed lots are minor subdivision lots. The total acreage is 39.41 acres.

The new Concept Plat was approved on 1/20/10, conditioned on:

¹ Bonus density was not sought.

- 1) Any applicable, outstanding conditions of the prior approval being met.

The new Preliminary Plat was also approved on 1/20/10, 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;
- 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; and
- 6) The §174.2.b (1) waiver being granted.

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

No common open space is required; 1.6288 are proposed for stormwater management and the cul-de-sac bulb.

Per Note # 1 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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²

Areas of 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.

§174.2.b (1) empowered the Planning Commission to grant the requested waiver, since the proposed disturbance is minimized.

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

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

Skyview Road is functionally classified as a local Road. Therefore, no Bufferyard Standard C is required along its frontage.

² 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

A Bufferyard Standard A will be required adjacent to any adjoining parcel with an agricultural operation being conducted thereon.

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 10' street tree planting easement has been shown.

The FSD was approved on 5/2/06. The Preliminary Forest Conservation Plan (PFCP) was approved on 8/28/06.

The revised final Forest Conservation Plan (FCP) /Landscape Plan was approved on 11/30/09.

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name Larson's Way has been approved.

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

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

Lots 1 and 2 must be denied access to Skyview Road, as cited in Note # 9.

There are no 100-year floodplains associated with this site, as stated in note #5.

The two areas subject to prior agreements of sale must be shown with add-on hooks.

The contiguous operating farms notice has been provided on the plat as General Note #13.

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

All required plans are technically complete and only administrative issues remain outstanding. The Department will not sign the final plat until all these issues are satisfactorily addressed. Submit a check print prior to submitting the record plat for signature.

Mr. Wiggins read the comments of the Health Department:

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

The existing well on lot 8 must be abandoned and sealed by a licensed well driller prior to record plat approval.

The Health Department cannot approve the creation of free-standing "out-parcels". Plat can be satisfactory if the record plat shows these areas being legally added to adjoining parcels.

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 operation notice again being placed on the Record Plat;
- 4) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats;
- 5) The Landscape Agreement's being executed prior to recordation;
- 6) The Homeowners' Association being established, with \$50 per recorded lot being placed in escrow for improvements, prior to recordation; and
- 7) The two areas subject to prior agreements of sale being shown with add-on hooks on the Record Plat.

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

All approve. Motion carried.

3. The Mews at North East Creek, Lots 1-204, Mechanics Valley Road, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.

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

Mr. Di Giacomo, P&Z, read the comments of the department:
This 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 Plat³, 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;

³ 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.

- 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, 1-year extensions were granted on 5/21/07, 4/21/08 and 3/16/09. The last extension is set to expire on 3/16/10 unless either this requested extension is granted or a Final Plat is approved and recorded in the interim.

If another extension is granted, then the Preliminary Plat approval will be extended until 3/15/12.

§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. 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 an 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.
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. Wiggins read the comments of the Health Department:

The 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 of Preliminary Plat approval, to expire on 3/15/12.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

4. Bayhead Shore Estates, Lots 1-74, Carpenters Point Road, Preliminary Plat Extension, 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;⁴ 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 11/3/04.⁵ 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 4/18/05,⁶ 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;

⁴ 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.

⁵ 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.

⁶ That approval remains valid until 4/18/07, per §4.1.17.

- 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, extensions were granted on 3/19/07, 3/17/08 and 3/16/09. The last extension is set to expire on 3/16/10, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today.

If another extension is granted, then the Preliminary Plat approval will be extended until 3/15/12.

Another letter from the Maryland Critical Areas Commission was received on 3/11/10. Since the Planning Commission can extend only the Preliminary Plat that was actually originally approved, all necessary Critical Area modifications and revisions must be reflected on any Final Plat.

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

The Department has no objection to granting the extension requested. The Department's comments from the November 16, 2009 Planning Commission meeting still apply. These comments will not be read at this time but will be included in the minutes of this meeting:

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.

Mr. Woodhull also stated that in regard to the offsite road improvements required for the project, the design is ongoing and will need to be approved before any Final Plat can be signed by the department.

Mr. Wiggins read the comments of the Health Department:

The 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 **3/15/12**, conditioned on:

- 1) Critical Area Commission concerns being satisfactorily addressed prior to Final Plat approval; and
- 2) The applicant's directly forwarding a copy of any Final Plat to the Maryland Critical Areas Commission prior to Final Plat review.

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

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

5. Reynolds Farm, Lots 1-34, MD Rte. 273, Preliminary Plat Extension, Northern Bay Land Planning, Fourth Election District.

Faron Pyles, Northern Bay Land Planning, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

Density: The original Concept Plat, proposing 56 lots on 170.29 acres, for a proposed bonus density of 1/3.04, was approved on 10/20/03, conditioned on:

- 1) A boundary line survey being completed prior to Preliminary Plat review by the TAC;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

§4.0.9 provided that Concept Plats shall be valid for two years from date of approval. Therefore, a one-year Concept Plat extension was granted on 9/19/05.

Subsequently, on 11/21/05, the Planning Commission recommended approval of a proposed amendment to the Mater Water and Sewer Plan for a shared facility for this project, with 4 conditions:

1. Professionally maintained system.
2. Clarity of ownership until build out of development.
3. Inspection and regulation of facility during and after construction.

4. Underground system.

On 12/6/05, the Board of County Commissioners voted to approve the Master Water and Sewer Plan amendment per the recommendation of the Planning Commission.

A Preliminary Plat was reviewed by the TAC on 8/2/06. It included a proposed shared facility and a reduction in the number of lots, from 56 to 34, resulting in a new, lower non-bonus density of 1/5.05. In addition, the common open space acreage was increased from 51.64 (30%) to 80.47 acres (46.8%). The new layout excluded any connectivity to Middlecroft Road, owing at least in part to the avoidance of a stream crossing.

A revised Concept Plat⁷ was approved on 9/18/06,⁸ conditioned on:

- 1) A JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 2) The Bufferyard C requirement along MD 273 being waived in favor of a modified Bufferyard A along the northern boundaries of proposed Lots 2-8 & 47.

The Preliminary Plat was approved on 7/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The 10' street tree planting easements' being depicted and noted on the Final and Record Plats;
- 4) Covenants prohibiting the subdivision of the large lot being recorded and noted on the Final and Record Plats;
- 5) The FCP/Landscape Plan being approved prior to Final Plat review;
- 6) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan;
- 7) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 8) All provisions of §175.2.e having been satisfied prior to Final Plat review;
- 9) All provisions of §175.2.i having been satisfied prior to Final Plat review;
- 10) The GAP having been issued prior to Final Plat review;
- 11) Documentation of all Health Dept., DPW, PSC, and MDE approvals required for the shared facility being submitted prior to Final Plat review; and
- 12) The recommendation that a fire suppression tank or a dry hydrant be included.

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

Therefore, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today, Preliminary approval is set to expire on 7/21/10.

If the requested extension is granted, then the Preliminary approval will be extended until 3/15/12.

§4.1.18 specifies, "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.

⁷ It reflected the Preliminary Plat's changes that were reviewed by the TAC on 8/2/06, and it is set expire on 9/18/08.

⁸ This approval came one day prior to the expiration of the one-year Concept Plat extension that was granted on 9/19/05.

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 extending the preliminary plat however the plat must be coordinated with the engineering plans to correctly reflect the driveway access to all lots & the disposition of the farm lane on Lot 1. Otherwise, all outstanding comments made at the July 21, 2008 Planning Commission meeting still apply. Those comments will be made part of the minutes but not be read at is time.

1. The Department of Public Works Water & Waste Water Division has been identified as the “Controlling Authority” by the Board of County Commissioners of Cecil County for the proposed shared sewerage facility.
2. There are many administrative issues which must be resolved, such as the mechanism for collection of fees from the homeowners covering the maintenance/replacement costs, prior to final plat approval.
3. The Department will not recommend final plat approval until such time as the MDE permit for the shared facility has been approved.
4. The Developers must be aware of the fact that they will be responsible for maintenance and/or replacement costs for the proposed shared sewerage facility until the subdivision is built-out and the individual lot owners can begin paying this cost through a special taxing district or similar method. These costs must be established prior to final plat submittal.
5. The Public Works Agreement for the shared sewerage facility will include adequate surety for the work proposed.
6. The Developers should also be aware that they may also be responsible for posting a maintenance/replacement bond to be in effect as to such time as when the homeowners take over full responsibility for the maintenance/replacement costs associated with this facility.
7. The fact that each lot owner of Lots 1-22 & 25-34 is responsible for the maintenance/replacement costs associated with the shared sewerage facility must be made public to all potential purchasers.
8. What is the status of the groundwater appropriation permit?
9. A SWM plan; Street and Storm Drain plan; Sanitary Sewer plan; and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
10. As discussed at the September 18, 2006 Planning Commission the connectivity to Middlecroft Lane proposed in the concept plat been removed. The Department stated that it would support the layout as proposed conditioned on Mackie Farm Drive being designed as a dual lane road with center-island from MD 273 to Bowman Way. Upon further review and with the consideration of the intermediate turnaround proposed the Department has modified the condition to providing a monumental entrance with only a 100’ long traffic island separating the inbound from outbound traffic (see proposed Standard Detail R-22A).
11. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. None have been received therefore the internal street design will comply with the Road Code.
12. The road design must address how traffic flow around the intermediate turnaround will be controlled.
13. If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.
14. The SWM plan must address the quantity control requirements be addressed for Lots 24-34?

15. If the existing pond, behind Lots 26-28, is proposed as part of your SWM system an as-built, and a MD. Licensed Professional Engineer's analysis of the pond and outfall condition & hydraulic performance must be submitted. The analysis must address any relevant MD 378 Pond Code criteria. The analysis submittal must be in the form of an engineering report, signed & sealed by a MD licensed P.E.
16. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
- 16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 16.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 16.3 Requirements for Public Works Agreements.
 - 16.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 16.5 Requirements for County Roads.
 - 16.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. ~~*Final Plat:* "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."~~
 - c. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving MD 273 may not exceed 5% within the limits of the intersection right-of-way.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Additionally, Mr. Woodhull stated that the department will need to see the plans for the shared facility for approval.

Mr. Wiggins read the comments of the Health Department:

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

Plans for a shared-facility septic system must be submitted for review.

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:

The **GRANTING** of a two year extension of Preliminary Plat approval, to expire on 3/15/12.

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

The motion was seconded by Mr. Edwards.

All approve. Motion carried.

6. Bayview Station, Lots 1-3, Theodore Road, Revised Preliminary / Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Land Surveyor and John Mascari, Fair Hill 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 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: SR⁹

Density: The Concept Plat¹⁰ was approved at a density of 1/3.37 on 9/15/03, conditioned on:

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

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

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

Extensions of Preliminary Plat approval were granted on 3/20/06, 2/20/07, and 1/23/08.

⁹ The SR zone permits a maximum base density of 1 du/ 1 ac.

¹⁰ The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

The Final Plat was approved on 3/18/08, conditioned on:

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

This revised Preliminary-Final Plat amends the project to propose only 3 lots, total.

§2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.

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

No common open space is required for only 3 lots in the SR zone, although creating common open space in which to locate any stormwater management areas may be desirable.¹¹

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

Given the adjacent NAR properties, no sidewalks were recommended in this case.

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

Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lot 2.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The FCP /Landscape Plan was approved on 12/12/07. The necessary revisions to the previously-approved FCP/Landscape Plan have not yet been approved.

A Landscape Agreement must be executed prior to recordation.

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

The road name "Pleasantview Drive" was approved, but is now irrelevant.

¹¹ If so, then a Homeowners' Association for maintenance of common open space must also be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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:

With the nature of the proposed revision to the layout the SWM plan and a Mass and Final Grading plan previously submitted must also be revised. The revised plans have been submitted but not yet approved as required before the CCDPW will recommend Final Plat Approval. As such the Department does not recommend final plat approval at this time but would recommend Preliminary Plat approval.

Mr. Wiggins read the comments of the Health Department:

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

Final plat can be satisfactory with adjustment of sewage area to be 20' upslope of hole # 8 on lot 1 and depiction of percolation holes on lot 3.

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 as a Preliminary Plat ONLY, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The contiguous operating farm notice being provided on the Final and Record Plats;
- 4) The revisions to the previously-approved FCP/Landscape Plan being approved prior to submittal of the Final Plat; and
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A motion for approval with conditions as a Preliminary Plat was made by Mr. Wallace. The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

There were no items of General Discussion.

The March Planning Commission meeting adjourned at 1:18 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

April 19, 2010

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

Absent: H. Clay McDowell, alternate; Rebecca Demmler.

Call to Order: Chairman Mortimer called the meeting to order at 12:11 p.m.

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

1. Village of Stoney Run, 1125 Units, Baron Road, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Phil Toliver, 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: RM

Density: With community facilities, the RM zone permits a density of 12/1 for townhouses and 16/1 for apartments. This Village of Stoney Run Concept Plat¹ proposes 287 townhouses, 672 apartment units, and approximately 166 assisted living units. 1,125 dwelling units on 136.76 acres would yield a proposed density of 8.23/1.

Per Note # 18, 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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²

Steep slopes have been shown. Slopes greater than 25% must again be shown on the Preliminary Plat.

¹ The Villages of Stoney Run Concept Plat, proposing 234 single family and 162 townhouses on approx. 137 acres, for a proposed density of **2.89/1**, was approved on 3/19/07, with 9 conditions,¹ and the Prelim. Plat, proposing 231 single-family & 159 townhouse lots on 136.76 acres for a density of **2.85/1**, was approved on 7/16/07 w/ 10 conditions.¹ **All previous approvals have expired and, therefore, have no standing.**

² 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 ft² 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 160'³.

The 100-year floodplain has been shown. Note # 19 indicates that the 100-year floodplain boundary was taken from a FEMA Panel. A condition of any Concept approval will be that the Preliminary Plat must accurately depict the floodplain (per §4.1.22 (i) & §4.1.22 (p)).⁴

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

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

20% common open space is required for the townhouse section; 20% open space is required for the apartment and assisted living sections. An aggregate 60.26% 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 C.O.S. sensitive areas thresholds must be calculated and included on the Preliminary Plat.

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners' Association.

If the proposed overflow parking spaces in common open space in the townhouse section have been included in the cited 42.3 acres of common open space, then their area/acreage must be deducted from the C.O.S. total.

Likewise, the parking area in the apartment and assisted living sections would need to be deducted from the open space total acreage.

All common open space must be labeled and referenced as "common open space."

Sidewalks are recommended on both sides of all internal roads.

A minimum 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25' peripheral Bufferyard standard C has now been shown. No parking areas, roadways, or accessory structures shall be permitted in the 25' planted bufferyard.

³ If necessary, consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission **may** waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

⁴§241.2.d(1), §241.2.d(2), and §241.2.e(1-3) of the *Cecil County Zoning Ordinance*, §4.1.22(h), §4.1.22(i), §4.1.22(p), and §7.5.1 of the *Cecil County Subdivision Regulations* mandate that floodplain information be included on Preliminary Plats, and §239.1.b and §239.2.a-b of the *Zoning Ordinance* further require an **accurate determination** of the floodplain boundaries.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. The applicant is cautioned that the details of street tree plantings in the townhouse section need to be finalized in advance of any Landscape Plan approval. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements, but they still must be labeled. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 2/6/07.

A PFCP was previously approved on 7/11/07. A revised PFCP must be approved prior to the Planning Commission's review of the Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat (§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 and noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

All internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

A new, or possibly updated, TIS will be recommended.

The proposed Savannah Lane cul-de-sac suggests possible, future access to the lands of the Montgomery Brothers. Mr. Montgomery has indicated to OPZ that he is amenable to allowing access through the Montgomery Brothers' property out to Razor Strap Road, so long as the Montgomery Brothers do not have to construct the road.

Additional access is desirable from the emergency response and planning perspectives.

Sight distance must be confirmed for the proposed Emerson Lane entrance onto Baron Road.

An unnamed stub road shows connectivity (per §7.2.12.B.2 & §7.2.12.B.3) to the Lands of Jansen.⁵

The "Typical Townhouse Lot Layout" schematic shows access to townhouse rear yards. While fee simple access is always preferable, the Preliminary and Final Plats must clearly show the easements. In addition, such easement may be impossible to effectuate in areas such as Tupelo Court.

The "Typical Townhouse Lot Layout" schematic now satisfies the requirements of §4.0.13(j) with respect to dimensions.

All aspects of the design and layout must also conform to appropriate elements of §29.

Per Site Data Note # 12, the number of proposed parking spaces is consistent with §'s 274 & 277 of the Zoning Ordinance.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and DPW.

⁵ The Stoney Run Creek Estates Concept Plat was approved on 3/19/07 and extended on 3/16/09. It expired on 3/19/10 and no longer has any standing.

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

For the townhouse section, 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.

In the apartment & assisted living sections, the open space would not be owned by an HOA.

The details of the assisted living section component of the projects can either be included in the Preliminary Plat or submitted as a separate site plan. Either must conform to the requirements of Appendix A, and any site plan must be approved prior to the approval of the project's Final Plat.

Should this development proposal be approved and built, and should, at some future point in time, the apartments be converted to condominiums, then, in that case, a revised Preliminary Plat would need to be approved, consistent with the condominium approval process that has been established by the County.

The Master Water and Sewer Plan classifies this site as W-1 and S-1.

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.

Written verification of water allocation and sewer allocation must be received prior to Final Plat review. Otherwise, a Final Plat cannot be approved. Artesian Water is cited as the water provider, however the Board of County Commissioners has not granted a franchise for that area – which is in the Town of North East's water service area.

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

Discussion ensued regarding water and sewer availability.

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

1. A SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. Applicant is advised that if the SWM and E&S Control plans for this project are not submitted by May 4th 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
3. The Department understands that the water distribution system in this development will be a private system provided by Artesian Water Company. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings. Private utility easements will be required for all water lines run in

County ROW. 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.

4. The required Traffic Impact Study has been submitted however the queuing analysis for this proposal is still required.
5. The Department had reached an agreement with the previous Developer on the extent and nature of the required offsite improvements to Baron Road south of the CSX Bridge and Nazarene Camp Road to MD 272 as contained in an attached memo. We will require the same from this Developer and request that the Planning Commission make the completion of the improvements identified in the memo a condition of approval for the preliminary plat and that the memo is made part of the record.
6. The Department of Public Works requires that any Road Code Variances sought for offsite/entrance/onsite roads must be requested and the major road issues, including offsite road improvements required, be resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Planning Commission. 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.
7. The Department has serious concerns with the proposed the Emerson Lane access on to Baron Road. While providing a second access point into this development its location does not work with sight distance looking north over the CSX bridge and will be further complicated once the bridge has been replaced (approx. 2 ½ yrs). The new bridge will be taller and grading for the approaches makes this location unsuitable / less safe for access. The Department recommends that the Developer's engineer meet with our Engineering Division to coordinate the Baron Road improvements with the Department's CSX Bridge project.
8. In regards to providing a second access Savannah Lane as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Savannah Lane must be a collector townhouse road with 38' wide ROW as shown.
9. Why has connectivity to the Jansen property (Parcel 526) been removed?
10. The Department has concern over the geometry of the "U" shaped loops. As well as the "P" loop (see Standard Detail 14A) and traffic island at Elk Court. We recommend that discuss these before serious engineering begins.
11. Adequate off-street parking is always a concern especially in townhouse developments. In that regard the proposed 3.11 parking spaces per townhouse unit is more in line with the Persimmon Creek Section IV & V proposal of approximately 3.24 spaces per unit developed in response to the Department's concern.
12. Pre-design geotechnical evaluation and borings along the proposed road, at stream and wetlands crossings, are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
13. The structure on Palasades Drive over the unnamed 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.
14. Likewise the stream crossing structures on Savannah Lane must be approved as part of the road plan approval passing the 25 year storm without overtopping.
15. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
16. The Developer must also analyze the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the line. This analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.
17. 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. The

request can be made once this project has received preliminary plat approval. Until allocation has been granted the Developer proceeds with any and all project engineering at his own risk.

18. Connection to the Stoney Run Interceptor line will be the Developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.
19. Any pump station required must be located on a lot dedicated in fee simple to the Cecil County BOCC.
20. All sanitary sewer lines located outside of County ROW or deeper than 15' must be ductile iron.
21. 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 Note and the Lot Grading Plan Construction Limits Note.
 - 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 Private Mini Roads
 - 22.9 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 the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the sanitary sewer construction and county streets & storm drain construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. All curves must comply with the Road Code (Section 3.04).The internal street grade may not exceed 5% within the limits of the intersection right-of-way.
7. For County Roads, all driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. The private mini-road plans must adhere to the provisions of Section 2.13 of the Road Code which addresses requirements for private roads. A statement clearly outlining the responsibilities of the homeowners in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D. If mini-road profile grades exceed 5%, the mini-road travel way and cul-de-sac must be paved in accordance with Section 2.13.F of the Road Code.
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:

An allocation for public water and sewer must be granted prior to final plat approval. Permits for any sewer pumping stations or public water system upgrades must be approved by Maryland Department of the Environment prior to final plat approval.

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's signature block).

Plans for the swimming pools and nursing care facilities must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit 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:

APPROVAL, conditioned on:

- 1) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review;
- 3) The revised PFCP's being approved prior to Preliminary Plat review by the Planning Commission;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) The Board of Appeals granting a Special Exception for a nursing care facility in the RM zone prior to Final Plat approval; and
- 6) The Preliminary Plat's showing the 100 year flood plain based on field run topographic information.

Chairman Mortimer asked that a condition requiring two entrances be included. Mr. Woodhull, asked Chairman Mortimer if he would accept a "break away" entrance for emergency vehicles. Chairman Mortimer said yes.

The recommendation, with the added condition reads as follows:

APPROVAL, conditioned on:

- 1) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review;
- 3) The revised PFCP's being approved prior to Preliminary Plat review by the Planning Commission;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) The Board of Appeals granting a Special Exception for a nursing care facility in the RM zone prior to Final Plat approval;
- 6) The Preliminary Plat's showing the 100 year flood plain based on field run topographic information; and
- 7) Two entrances, being required for emergency response vehicle access.

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

All approve. Motion carried.

2. Bayview Station, Lots 1-3, Theodore Road, Revised Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Surveyor and John Mascari, Fair Hill 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: SR⁶

Density: The Concept Plat⁷ was approved at a density of 1/3.37 on 9/15/03, conditioned on:

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

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

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

Extensions of Preliminary Plat approval were granted on 3/20/06, 2/20/07, and 1/23/08.

The Final Plat was approved on 3/18/08, conditioned on:

- 1) Health Department requirements being met;

⁶ The SR zone permits a maximum base density of 1 du/ 1 ac.

⁷ The Bayview Junction Concept Plat for this same parcel was disapproved on 4/22/03.

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

The revised Preliminary Plat, amending the project to propose only 3 lots, total, was approved on 3/15/10, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements⁸ being met;
- 3) The contiguous operating farm notice being provided on the Final and Record Plats;
- 4) The revisions to the previously-approved FCP/Landscape Plan being approved prior to submittal of the Final Plat; and
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

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

No common open space is required for only 3 lots in the SR zone, although creating common open space in which to locate any stormwater management areas may be desirable.⁹

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

Given the adjacent NAR properties, no sidewalks were recommended in this case.

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

Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lot 2.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The FCP/Landscape Plan was approved on 12/12/07. The necessary revisions were approved on 3/18/10.

A Landscape Agreement must be executed prior to recordation.

⁸ Those requirements would include, but not be limited to, approval of the revisions to the SWM and Mass and Final Grading Plans.

⁹ If so, then a Homeowners' Association for maintenance of common open space must also be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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

The road name "Pleasantview Drive" was approved, but is now irrelevant.

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

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

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

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. Elaine Ardes, 11 Megan Circle, Elkton, MD, spoke in opposition of all development.

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 contiguous operating farm notice's again being provided on the Record Plat;
- 4) The Landscape Agreement's being executed prior to Recordation; and
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

3. Fletchwood Station, Lots 1-4, Fletchwood Road, Concept Plat, Will Whiteman Land Surveying, Inc., Third Election District.

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

Discussion ensued regarding the modification requested to eliminate the required COS.

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: The RM zone permits a density of up to 6 du/ 1 ac., with community facilities. This Concept Plat¹⁰ proposes 4 lots on 1.585 acres, for a proposed density of 2.52/1.

The boundary line survey has been completed, per Note # 3.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹¹

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.

Per §29.6.a, 15% common open space is required in the RM zone. Only the RM zone requires common open space for projects proposing fewer than 10 lots. The Planning Commission is empowered to grant design modifications, per §3.5 of the Subdivision Regulations. Given the desirability of infill development in the designated growth area, and given that landscaping will be required by §29.3.d and §186.3, staff does not object to the requested modification/relief of the common open space requirement, provided DPW is satisfied that I & M can be efficiently carried out on individual lots.

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. Unless waived by the Planning Commission, the required C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per §29.5, no landscaping of the development envelope is required; however, per §29.3.d and §186.3, 25% landscaping of the development envelope, excluding a Bufferyard Standard C along the Fletchwood Road frontage, will be recommended.

¹⁰ §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.

¹¹ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Sidewalks are recommended.

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

Per §186.1, 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 Forest Stand Delineation (FSD) has been approved. (§5.1.C, Cecil County Forest Conservation Regulations).

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

The proposal mini-road name, Red Rose Court, has been approved.

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

A Homeowners' Association for maintenance of common open space must be established (unless the requested modification is granted) 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 mini-road becoming members.

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

The Master Water and Sewer Plan classifies this site as W1 and S1.

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

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

A SWM plan, Street and Storm Drain plan, Sanitary Sewer & Water plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The SWM plan must be submitted before May 4, 2010 to use the current SWM Ordinance. Any plans submitted after that date fall under the new ordinance. As for the SWM facility located jointly on Lots 3 & 4, their deeds as well as the plat, must reflect that there is an easement for access for inspection and maintenance. Also, additional planting along the Menton said of the road, the county would not be responsible for maintain the plantings. The fees for design review of this project must be provided at the time of first design submittals. The

Mr. Doordan read the comments of the Health Department:

Identify the source of public water and sewer on the preliminary and final plats. An allocation for water and sewer must be granted prior to final plat approval. 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's signature block).

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:

APPROVAL, conditioned on:

- 1) The requested modification of relief from the provision of common open space being granted;
- 2) The requested Bufferyard C modification being granted;
- 3) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission; and
- 4) The Mini-Road Maintenance Association / HOA maintaining the vegetative buffer.

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

The motion was seconded by Mr. Edwards.

Motion carried with Mr. Wallace casting the sole opposing vote.

4. Barksdale Village, 116 Lots, PUD, Barksdale and Valley Roads, Concept Plat, Van Cleef Engineering Associates, Fourth 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: SR

The TAC previously reviewed Concept Plats for part of this site, under the names W. Harris Construction, Estates at Barksdale, and Barksdale Village, on 8/4/04, 1/5/05 and 11/4/09 respectively. This submission now includes Parcels 45, 288, and 619.

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 1/6/10. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

The applicant is cautioned that if the proposal should change such that any of the units are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.¹²

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission¹³ shall "make recommendations to the Board of Appeals." That is the purpose of today's review.

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."¹⁴

§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 PUD density of 4 du/ 1 ac. Otherwise, the SR zone permits a density of only 2/1 with community facilities. This Concept Sketch Plat proposes 116 dwelling units and 3 commercial buildings on 42.61 acres, for a proposed residential density of 2.722/1.

¹² Generally, the **condominium approval process** that was established in 1991 has worked as follows: From the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, "as built." The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

¹³ Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role first 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.

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

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

The existing zoning of adjacent properties has been shown, per §4.0.13(l).

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

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.

30% common open space is required (§25.3.b); 34.6% 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 C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

All "common open space" must be labeled and referenced as such.

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

All existing easements on site (especially those mentioned in Deeds NDS 273/262, WLB 653/923, and WLB 837/248) must be shown on the plat, per §4.0.13(h).

If any of the Lands of Torres and/or the Lands of Miller are included, then the acreages of these areas must be provided, and Torres and/or Miller must sign the Record Plat.

Proposed Lots 1 & 44-64 must be denied access to Barksdale Road, and proposed Lots 64-71 must be denied access to Valley Road.

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

¹⁵ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Barksdale & Valley Roads.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§25.4.c).

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' of sewer laterals and cleanouts.

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

The FSD must be approved prior to any granting of a PUD Special Exception (§5.1.C, Cecil County Forest Conservation Regulations). The Special Exception application cannot be accepted unless the FSD has already been approved.

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).

Per discussion at the 1/6/10 TAC review, neighbors in the adjacent Country Hills subdivision in Newark are concerned about headlights on vehicles exiting the proposed Adeline Avenue onto Valley Road. Since the end-of-cul-de-sac properties on Long Meadow Court are actually in Cecil County, staff will recommend that applicant include vegetative screening on the Cecil County portion of those lots in this project's Landscape Plan, only if the owners of those lots agree to accept those plantings on their lots.

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review.

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

Note # 13 contains specific parking details (per §4.0.13 (m) 3).

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.

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 property is not presently shown as a water or sewer service area (W0 & S0). The Master Water & Sewer Plan must be amended to include this site, as a W2 & S2 area, prior to the Planning Commission's review of the Final Plat.

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

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

The name of the water service provider providing the water must also be included on the Final and Record Plats. Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

The identity of the waste water treatment plant must be included on the Final and Record Plats. Documentation of sewer allocation/capacity 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." Per §250.2, in the SR zone, proposed duplex homes cannot exceed 30% & townhomes cannot exceed 20%. Only 19% (out of 30% permitted) of the dwellings are proposed as duplexes, but 44% (out of only 20% permitted) are proposed as townhouses. Given:

- 1) The proximity of the proposed townhouse location to the City of Newark;
- 2) The design, which incorporates enveloping the commercial component with townhouses;
- 3) The design, which decreases and transitions the proposed density as one moves farther from Newark; and
- 4) That the inclusion of a greater percentage of townhouses is a reasonable approach to maximizing the achievable density of this proposed PUD; ...

staff does not oppose the exceedence of the townhouse percentage, which can be approved per § 3.5 of the Subdivision Regulations and § 170 of the Zoning Ordinance.

This housing-type diversity is one of the two hallmarks of PUDs.

This proposal is also consistent with §248.2, the other hallmark of a PUD, with the inclusion of "commercial uses in a PUD that serve the day to day needs of the residents of the PUD."

§252.2 stipulates that business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states "the requirements of the BL zone shall apply to business uses in a development in the PUD." TIS's for PUDs must take this into consideration.

The details of the commercial component of the project can either be included in the Preliminary Plat or submitted as a separate site plan. Either must conform to the requirements of Appendix A, and any site plan must be approved prior to the approval of the PUD's Final Plat.

§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 information has generally been provided in the accompanying “Site Report.”

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

The applicant is reminded of the 4:30 p.m. submission deadline on the 3rd Thursday for review by the Board of Appeals the following month.

Discussion ensued regarding the commercial use proposed in this project.

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

No capacity exists for this site at the Highlands WWTP. Water supply from the Meadowview WTP is insufficient to service this development at this time. Both water & sewer service will be dependent upon the Artesian Water Company assuming operation of the Meadowview WWTP & WTP. The following comments are based on water & sewer service being provided by Artesian Water Company:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The Highlands WWTF is planned for decommissioning therefore the applicant must provide for sewer connectivity to the Meadow View WWTP or wait for the Aston Point off-site sewer project completion.
3. 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.
4. Will this site require an onsite lift or pumping station to connect to existing sewer service?
5. All portions of the proposed water and sewer systems located within County ROW must be designed to County standards and utility easements between Artesian Water Company and the County will be required.
6. Applicant is advised that if the SWM and E&S Control plans for this project are not submitted by May 4th 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
7. The wetlands & associated buffer differ substantially from what was previously presented to the TAC for this site. Is the wetlands representation here based on a determination by the MDE or COE?
8. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance. Any and/or all structures (i.e. dwellings, outbuildings, driveways, etc...) on down-gradient properties so impacted must be identified on the SWM Plans.
9. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. This analysis must include the culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from the SWM facilities.

- 10.** The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
- 11.** SWM structural BMPs required for this site must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Access from the county road system must be provided to each SWM facility on site.
- 12.** All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.
- 13.** A Traffic Impact Study (TIS) is required for a subdivision of this size. The TIS must be completed & submitted prior to Preliminary Plat review by the TAC.
- 14.** As indicated on the plat Isaiah Avenue, from station 0+00 to 9+00 will be classified as a "Minor Collector Road" with 60' wide right-of-way and a 32' wide paved section. From station 9+00 to 16+55.79 Isaiah Avenue will be a "Minor Road" with 50' ROW and 30" wide pave section.
- 15.** Proposed roads must be designed in accordance with the current road code. Specifically the minimum road design standards identified in Standard Detail R-35 of the Cecil County Road Code.
- 16.** The Cul-de-sac bulb proposed is not in compliance with the Standard Detail R-14 of the Cecil County Road Code and will require a Road Code Variance
- 17.** Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
- 18.** Applicant must provide intersection & stopping sight distance measurements for the Barksdale Road access to DPW prior to preliminary plat submittal. The centerline of the proposed entrance location must be marked in the field. Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector Road equivalency standard for 100' either side of the proposed entrances. The design engineer must address the requirement to improve/ establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development's road frontage on the street construction drawings.
- 19.** Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.
- 20.** Lots 44 & 116 are denied direct access to Isaiah Avenue. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.
- 21.** The Applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road and Valley Road from Kirkcaldy Drive to Barksdale Road. The Department may require the Applicant to perform off-site upgrades to these roads based on the findings of this condition survey. All necessary road improvements must be agreed to by the Department and shown on the preliminary plat presented to the TAC for review.
- 22.** All driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed (80% of Lots are built-out). The Developer/Contractor must establish the driveways for any lots not built -out at that time. In addition any driveway in excess of 5% up-gradient-slope from the road rights-of-way must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.
- 23.** What existing rights and obligation do the owners of Parcels 223, 356 & 711 have in regards to the existing access drive? Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels?
- 24.** The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide a 90⁰ angle.

- 25. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
- 26. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
- 27. An I&M Agreement is required for SWM facilities.
- 28. 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."

Mr. Doordan read the comments of the Health Department:

Identify the public water supply and public sewer plan to be utilized by this development on the plat. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval. If an upgrade to the water system or sewer plant is required to serve this development, approval for the upgrade must be approved by Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.

Design of the water and sewerlines should include capacity for parcels 223 and 711.

The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer 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 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's signature block).

Any Food Service Facility proposed in the commercial development must have Food Service Facility plans approved prior to building permit approval.

At this time, Mr. Lobdell gave additional statements to the effect of why the developer chose the layout presented.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition of this project. Richard Gaskins, 22 Kayser Ct., Newark, DE, spoke in favor. The following citizens spoke in opposition to this project: Elisa Diller (County Councilperson for the 5th District in Newark, DE, speaking as a resident), 182 King Williams St., Newark, DE, Sue Fuhrman, 9 Locharron Dr., Elkton, MD, Paul Baumbach, 38 Country Hill Dr., Newark, DE, Ron Hamlan, 9 Locharron Dr., Elkton, MD, read a statement from Bill Horn, 155 Kirkcaldy Dr., Elkton, MD and himself, Ron Hartman, 164

Little Egypt Road, Elkton, MD (for Pam Baumbach), Milton "Dick" Prettyman, Newark, DE, Elaine Ardes, 11 Megan Circle, Elkton, MD and Ken Gonse, 143 Ballantrae Dr., Elkton, MD.

Mr. Di Giacomo read the recommendation of the staff:

RECOMMENDATION of APPROVAL, conditioned on:

- 1) The requested modification to the percentages of structure types being granted;
- 2) The applicant's including vegetative screening on the Cecil County portion of the end-of-cul-de-sac lots on Long Meadow Court in this project's Landscape Plan, provided that the owners of those lots agreeing to accept those plantings on their lots;
- 3) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 4) A Traffic Impact Study(TIS)'s being completed prior to the TAC's Preliminary Plat review;
- 5) The PFCP's being approved prior to Preliminary Plat review by the Planning Commission; and
- 6) The 10% cap for commercial floor space being adhered to or the removal of the commercial component.

A motion for the recommendation for disapproval based on the commercial use for this PUD not being an adequate fit to serve the intended subdivision, and the 44% proposed townhouses was made by Mr. Janusz.

The motion was seconded by Mr. Edwards.

Motion for the recommendation of disapproval carried with a unanimous vote.

5. Louise, Lots 13-48, Waibel Road, Final Plat, McCrone, Inc., Seventh Election District.

Mike Burcham, McCrone, Inc., and Barry Montgomery, developer, appeared and presented an overview of this project.

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

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

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

Zoning: NAR

Density: The Concept Plat, proposing 5 minor subdivision lots and 44 major subdivision lots on 134.5 acres, was approved at the bonus NAR density of 1/3.06¹⁶ on 1/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The applicant's obtaining verification from MDE that the pumping at full yield of wells on this project will not be affected by any contaminants moving in the direction of these wells from contaminated sites.

The Section 1 Preliminary Plat was approved on 6/19/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;

¹⁶ §2.4.1 was invoked.

- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All questions regarding the location(s), maintenance, and monitoring of recommended sentry wells being resolved prior to Final plat review;
- 5) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat; and
- 6) The Details of the FCP and any Final Plat matching up.

The revised Section 1 (Rev. Lots 8 & 49)—Section 2 (Lots 12-26 & 41-48) Preliminary Plat was approved on 12/18/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) All questions regarding the location(s), maintenance, and monitoring of recommended sentry wells being resolved prior to Final plat review;
- 5) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat; and
- 6) The Details of the FCP and any Final Plat matching up.

The lot 12 Final Plat was approved on 3/19/07, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) A Homeowners' Association for maintenance of common open space being established with \$50 for this recorded lot being placed in escrow for improvements prior to recordation;
- 5) Covenants prohibiting the subdivision of this large lot being recorded and again noted on the Record Plat;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 7) Documentation of all necessary easement agreements with Susquehanna Transmission Co. of MD being submitted prior to the Planning Commission's review of any future section's Final Plat.

The lot 12 Record Plat was signed on 6/11/08, thus extending Preliminary Plat approval until 6/11/10.

The Lots 1-11 & 49 Final Plat was approved on 4/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) A Homeowners' Association for maintenance of common open space being established with \$50 for this recorded lot being placed in escrow for improvements prior to recordation;
- 5) Covenants prohibiting the subdivision of this large lot being recorded and again noted on the Record Plat;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and

- 7) All BG&E/Constellation Energy documents requiring recordation being recorded prior to recordation of the Record Plat.

The Lots 1-11 & 49 Record Plat was signed on 3/27/09, extending Preliminary approval until 3/27/11.

This Lots 13-48 Final Plat is consistent with the approved Concept, Preliminary, and Final 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.¹⁷ Slopes greater than 25% have been shown – as have stream and wetland buffers.

Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Documentation of the JD was received on 6/12/06.

A letter was received from MDE stating that available information indicates that groundwater in the vicinity is not expected to be affected by the contamination associated with the Woodlawn federal superfund site.¹⁸ At the 6/19/06 Planning Commission review of the Section 1 Preliminary Plat, it was determined that all such questions must be fully resolved prior to any Final Plat review. A subsequent 12/1/06 MDE letter stated that any possible monitoring wells would be “a voluntary effort that is not required by EPA or MDE.” Because such monitoring wells are required by neither the Zoning Ordinance nor the Subdivision Regulations, and because MDE states that, based upon empirical data, the Louise “subdivision is not expected to be affected” by contamination, staff finds no basis upon which to recommend the requiring of monitor wells.

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

15% common open space is required; 21.49% was proposed on the approved Concept Plat, and the Preliminary Plats together proposed 1 acre more open space/common open space than did the Concept Plat. Thus, bonus density eligibility has been maintained.

No landscaping or sidewalks are required. Bufferyards Standard C is required, outside the right-of-way, along the Doctor Jack & Waibel Road frontages.

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

The Forest Stand Delineation (FSD) was approved on 1/13/06.

The PFCP was approved on 6/16/06 for proposed Lots 1-11 & 27-40 only. Because lot lines have changed, it must be revised. The PFCP for the balance of the project must be approved prior to the Planning Commission's review of this Preliminary Plat.

The final FCP and Landscape Plan were approved on 3/18/10.

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.

¹⁷ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

¹⁸ The letter also stated “... it would be prudent to consider the installation of sentry wells between the subdivision and the Woodlawn site to ensure that should any changes occur, they would be detected before potentially impacting the proposed subdivision.”

The MDE letter did **not** provide any **guidance**, however, as to exactly where the sentry wells should be located or by whom they would be maintained or monitored.

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

Covenants prohibiting the subdivision of the large lot must be recorded and again noted on the Record Plat.

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

Documentation of an easement agreement with BG&E has been received. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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

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

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

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment for 48 wells. 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) The Landscape Agreement being executed prior to recordation;
- 4) \$50 per recorded lot for maintenance of and improvements to the common open space being placed in the HOA's escrow account prior to recordation;
- 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 Final and Record Plats; and
- 6) All BG&E/Constellation Energy documents requiring recordation being recorded prior to recordation of the Record Plat.

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

The motion was seconded by Mr. Janusz.

All approved. Motion carried.

There were no items of General Discussion.

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

All approve. Motion carried.

The April Planning Commission meeting adjourned at 3:14 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

May 17, 2010

Present: Bill Mortimer, Chairman, Pat Doordan, Vice Chair; Wyatt Wallace; Guy Edwards; Ken Wiggins; Tim Whittie; Clara Campbell; Fred von Staden; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Joe Janusz; Mark Woodhull; H. Clay McDowell, alternate; Rebecca Demmler.

Call to Order: Chairman Mortimer called the meeting to order at 12:04 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. Providence Reserve, Lots 1-29, MD Rte. 273, Preliminary Plat Extension, PELSA Co., Inc., Sixth Election District.

Harlan Williams, Mike Paraskewich, Sr. and Robert Eckroades, 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: NAR¹

Density: The combined Providence Reserve-Stammler Concept Plat² was approved on 12/18/06, conditioned on:

- 1) The boundary line survey's being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the JD's completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) All necessary Bufferyards A being shown on the Plat prior to the TAC's review of the Preliminary Plat; and
- 4) The Stammler Concept Plat being modified to be consistent with this design.

For Providence Reserve, the Concept Plat invoked the density provisions of §2.4.1 to propose 5 minor & 18 major subdivision lots on 91.8 acres, for a proposed major subdivision density of 1/5.1. It revised the layout of the approved Stammler Concept Plat, and tied its proposed Lot 4 to the Providence Reserve by virtue of the proposed access.

The Preliminary Plat was approved on 9/15/08, conditioned on:

- 1) Health Department requirements being met;

¹ The NAR zone then permitted a density of 1 du/ 5 ac.

² The original Stammler Concept Plat, proposing 2 minor and 4 major subdivision lots for a proposed density of 1/6.24, was approved on 10/16/06, conditioned on:

- 1) The **boundary line survey's** being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the **JD's** completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) All necessary **Bufferyards A** being shown on the Plat prior to the TAC's review of the Preliminary Plat;
- 4) A **setback modification** being granted for the existing dwelling on proposed Lot 1; and
- 5) Consideration being given to designing roadway connectivity to the adjacent proposal into the layout.

- 2) DPW requirements being met;
- 3) All common open space being correctly labeled and referenced;
- 4) The street tree planting easements being correctly labeled and referenced;
- 5) The FCP/Landscape Plan being approved prior to Final Plat review; and
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 9/15/08 Preliminary approval is set to expire on 9/15/10, unless either a Final Plat is approved and recorded or, as requested today, the Preliminary Plat's validity is extended.

If the requested extension is granted, then the Preliminary Plat approval will be extended until 5/17/12.

§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 granting the extension requested. The Applicant is reminded that the SWM plan for this development must be designed to meet the County's May 4, 2010 SWM Ordinance. In addition the Department's comments from the September 15, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The streets & storm drains must be designed to the new Road Code.
3. If the existing pond on Lot 8 is proposed to be used as a SWM BMP an as-built, dam breach analysis, and an engineer's report addressing MD Pond 378 requirements must be submitted with the SWM plan.
4. Where is the discharge point from the proposed SWM pond? The Department will not approve the SWM plan until the SHA have approved the discharge into their ROW.
5. The minimum horizontal curvature radius for a Minor Road is 200'. Clarify the location of C19?
6. Section 3.07.3 of the Road Code requires that slopes at intersections shall not exceed 5%. The proposed 6% & 11% slopes do not comply and must be revised. Section 3.02 mandates that the max slope for a minor road is 10% but not at intersections.
7. The intersection grade does not work and is not in compliance with the Road Code (2-3% cross slopes).
8. Verify the acceptable road slope, at the proposed entrance, with SHA.
9. The monumental entrance road geometry must accommodate all required turning movements. The lanes must be a minimum of 10' wide and left & right turn lanes needed at the site egress.
10. Identify the cart way pavement width, shoulders, drainage ditches, driveway locations, and any driveway pipes if required on the preliminary plat presented to the Planning commission.

11. There appear to be insufficient number of inlets for the slopes proposed.
12. The Department has concern about lot drainage. How do you propose to address runoff conveyance on lots to avoid adverse impacts on down-gradient lots?
13. Identify all drainage easements, where storm drain conveyance is run outside of County ROW, on the plat presented for Planning Commission review.
14. The driveway for Lot 1 must be located within 50' of the property line with Lot 2 to avoid conflict with the proposed intersection. The remainder of the lot frontage must be denied direct access on to Reserve Circle.
15. The driveway location for Lot must comply with the new Road Code.
16. We have a question about the Dry Hydrant pull-off proposed? Is it necessary?
17. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 17.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 17.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 17.3 Requirements for Utility relocations.
 - 17.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 17.5 Requirements for Public Works Agreements.
 - 17.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope form the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

The Groundwater Appropriation Permit has expired. A valid Groundwater Appropriation Permit is required at the time of final plat and record plat approvals.

The Health Department has no objection to extension of preliminary plat approval; however, the applicant is reminded that outstanding comments from the September 15, 2008 Planning Commission meeting must still be addressed. In addition, the major subdivision must be revised to reflect Minor Subdivision # 3843, which divided off the existing farmhouse on proposed lot 20 as lot 1.

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 year extension of Preliminary Plat approval, to expire on 5/17/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

2. Mank's Pond, Lots 5-35, Oldfield Point Road, Preliminary Plat Extension, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whitman and Ronny Carpenter, appeared and presented an overview of the project.

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

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

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

Zoning: SR

Density: The Concept Plat³ proposing 31 (new) lots⁴ on 76.991 acres, for a proposed density of 1/2.484,⁵ was approved on 5/21/07, conditioned on:

- 1) All questions relating to soils, stream buffers, and SWM locations being resolved prior to the TAC's review of any Preliminary Plat.

The Preliminary Plat was approved on 7/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The 10' street tree planting easements' being depicted and noted on the Final and Record Plats;
- 4) The FCP/Landscape Plan being approved prior to Final Plat review;
- 5) The GAP having been issued prior to Final Plat review; and
- 6) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

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

Therefore, the 7/21/08 Preliminary approval is set to expire on 7/21/10, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended.

If the requested extension is granted, then the Preliminary Plat approval will be extended until 5/17/12.

§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:

³ Similar Concept Plats for this property were **approved** on 7/16/01 and 7/19/04. Per §4.0.9, since a Preliminary Plat was not subsequently approved within two (2) years of that date, those Concept Plats no longer have any status.

⁴ Lots 1-4 are existing lots.

⁵ The SR zone permits a maximum base density of 1 du/ 1 ac.

- 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 granting the extension requested. The Applicant is reminded that the SWM plan for this development must be designed to meet the County’s May 4, 2010 SWM Ordinance. In addition the Department’s comments from the July 21, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A SWM plan, Road & Storm Drain plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100’ either side of the point of intersection between Oldfield Point Road and the proposed Mank Drive. The improvements required must address roadside drainage issues and pavement distress at a minimum. Additional improvements may be required if determined necessary by the DPW. Where these required improvements can be accommodated within the existing ROW or prescriptive right of maintenance, no new permanent fee simple ROW acquisition from adjoining property owners will be required.
3. The default minimum acceleration and deceleration lanes are a 100’ long 10’ wide paved section measured from the point of curvature of the entrance curves. The road design must reflect this.
4. Meadow Lark Spur must be terminated in a temporary tee turnaround and indicated as such on the preliminary plat presented to the Planning Commission.
5. The Department of Public Works requires that any Road Code Waivers and/or Variances sought must be requested and the major road issues be resolved, to the Department’s satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. The major road issues have been resolved to the Department’s satisfaction. And a variance to Sections 3.07.6 & 3.07.7 of the Road Code has been granted for the private mini road entrance geometry.
6. A Road Code Variance has been granted for the Private Mini-road in regards to the use of the existing paving.
7. Sight distance measurements must be submitted for all entrances to the DPW to establish compliance with the Cecil County Road Code.
8. Lot 32 is denied direct access to Oldfield Point Road and this must be reflected on the preliminary & final plats as well as the final lot grading plan.
9. Are all easements for SWM conveyance, access, and inspection & maintenance identified on the preliminary plat as required?
10. The longitudinal slopes of the proposed roads must be identified on the preliminary plat.
11. An access easement for each SWM facility must be extended out to abut County ROW.
12. The MDE stream crossing permit must be obtained prior to the Department approving the road & storm drain plans.
13. Well locations are not shown for every lot in the development.
14. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 14.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
- 14.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 14.3 Requirements for Utility relocations.
- 14.4 Requirements for Stormwater Inspection and Maintenance Agreements

- 14.5 Requirements for Public Works Agreements.
- 14.6 Requirements for Driveways.
- 14.7 Requirements for Private Mini Roads.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the streets & storm drainage constructions.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
7. A statement clearly outlining the responsibilities of the homeowners in the maintenance of private roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. Deed restrictions must be developed and recorded in accordance with Road Code Section 2.13.D.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval; however, the applicant is reminded that outstanding comments from the July 21, 2008 Planning Commission meeting must still 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 two year extension of Preliminary Plat approval, to expire on 5/17/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

3. Smith Creek II, Lots 1-3, Welders Lane, Revised Concept Plat, Michael A. Scott, Inc., First Election District.

Michael Scott, appeared and presented an overview of the project.

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

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

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

Zoning: SAR & RCA (Critical Area)

Density: The original Concept Plat,⁶ proposing 8 lots, a reconfigured Lot 4, and the inclusion of Lot 5⁷ in the density calculation, on approximately 149.291 acres, for a density of 1:16.59, was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of any Preliminary Plat;
- 2) Documentation of the JD's completion being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) Acreage totals consistently agreeing with one another on any Preliminary Plat;
- 4) Any Preliminary Plat's title block accurately reflecting what is actually being proposed;
- 5) The PFCP and any preliminary environmental assessment being approved prior to the Planning Commission's review of the Preliminary Plat;
- 6) All road name being approved prior to the Planning Commission's review of the Preliminary Plat;
- 7) Any Preliminary Plat's tabular information accurately reflecting lots in the proposal; and
- 8) Misspellings being corrected on all future submissions.

The Preliminary Plat for proposed Lots 1-4 only, was approved on 12/15/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) All Critical Area details being clearly and fully provided on subsequent submittals;
- 4) All Critical Area Commission comments being fully addressed on subsequent submittals;
- 5) The street tree planting easement's being depicted on the Final Plat;
- 6) The FCP/Landscape Plan being approved prior to the submission of the Final Plat;
- 7) The issue of the proposed access easement across proposed Lot 1 being revisited prior to the submission of the Final Plat;
- 8) The Smith Creek Lane acreage being added to Note # 4 to meet the §4.1.22 (r) requirement prior to the submission of the Final Plat;
- 9) Deed Parcel lines being shown on all subsequent submittals; and
- 10) The SAR total acreage being corrected on all subsequent submittals.

This new Concept Plat, reviewed by the TAC on 11/4/09, does away with the previous proposal of 8 new lots. Only 3 lots are now proposed on 145.438 acres, for a proposed density of 1/36.3695,⁸ which is consistent with both the SAR and RCA densities of 1/20.

Note # 4's stated SAR density of 1/34.614 can be arrived at only by subtracting the 6.982 acres of "private tidal wetlands" from the gross 145.438 acres and then dividing the remainder (138.456) by the 4 dwelling units.⁹ §12 of the Zoning Ordinance defines "density" as follows: "The number of

⁶ A previous Concept Plat for this portion of the property was approved on 8/19/02. A one year extension was granted of the concept plat on 8/16/04, and a subsequent one year extension was granted on 8/15/05. It was allowed to expire in August 2006.

⁷ As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1." Those comments pertain to Lot 5 of Smith Creek.

⁸ As stated at the 2/22/00 Planning Commission meeting: "The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1." Those comments pertain to Lot 5 of Smith Creek.

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

dwelling units that may be constructed per acre or per square foot of a zoned lot area.” Per Note # 4, the area zoned SAR is 145.438 acres.

For the previous Preliminary Plat, the acreage and layout had changed and a resubdivision had created a revised Lot 4 on Deed Parcel 3, but no additional density was added to Deed Parcel 3. All of the new dwellings now proposed are, and must be, on Deed Parcel 1.

What is the proposed disposition of the shed, with access from the adjacent lot, on proposed Lot 1?

Will the shed on proposed Lot 1, with access from the adjacent lot, figure into the lot coverage calculations? Mr. Scott said yes.

The dwelling on Lot 5 of Deed Parcel 3 was moved back to within Deed Parcel 1, because the Deed Parcel 3 density had been, and remains, exhausted.

Note # 4 indicates that there are 104.312 acres in the Critical Area. The RCA density is 1/32.443, after the deduction of the 6.982 acres of private tidal wetlands.

The boundary line survey has been completed. The Critical Area boundary and old 110’ Buffer have been shown and referenced. The “new”¹⁰ RCA Buffer is 200’. The Critical Area boundary on sheet 1 of 4 has been labeled.

These proposed lots would access Welder’s Lane – which needs to be labeled on sheet 1 of 4. Smith Creek Lane is no longer proposed. (The Smith Creek Lane road name has been approved.)

What is the rationale for the access easement across proposed Lot 1 to the Lands of Heath?

Slopes greater than 25% have been depicted. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹¹

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 in the SAR zone.

¹⁰ As of 7/1/08, the minimum Buffer in the RCA is 200’.

¹¹ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

The FSD approved on 12/18/99 was extended on 12/20/06 until 10/15/09, and a second extension was granted, rendering it valid until 10/29/14.

A Conceptual EA for this portion of the property was approved on 4/14/10.

The PFCP/Prelim. Environmental Assessment was conditionally approved on 11/19/08. The FRA shown is not consistent with the PFCP/PEA. Detail consistency between the plat and the PFCP/PEA must be achieved prior to the Planning Commission's review of the Preliminary Plat.

CBCAC comments relating to this project were received on 11/2/09, a copy of which was provided to the applicant. The more recent Critical Area Commission's 4/5/10 and 5/6/10 comment letters were both cc'ed to Mr. Scott and to Vortex Environmental, Inc.

The final Forest Conservation Plan (FCP)/Landscape Plan/EA must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the 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 RCA's 15% lot coverage threshold must be calculated and included on the Preliminary Plat.

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 an unnumbered note.

The old Critical Area RCA 110' buffer, and expansions thereof, have been shown. However, the new Buffer in the RCA is a minimum of 200', as of 7/1/08.

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.

A minimum 200' tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments.

The SWM plan for this development must be designed and submitted in accordance with the County's 2009 SWM Ordinance. Therefore, because the stormwater management concept plan was not approved by all agencies & departments (as specified in Section 251-12(B) of said SWM Ordinance) prior to this Concept Plat's submission to the Planning Commission, its approval cannot be recommended.

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

School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	338	479	740
Capacity	350	601	643
% Utilization	97%	80%	115%

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

1. The Applicant is reminded that the SWM plan for this development must be designed in accordance with the County's May 4, 2010 SWM Ordinance. With that in mind this project is in non-compliance with Article V Section 251-12 E. 1. a. of the this Ordinance that requires that the stormwater management concept plan must be submitted by the owner/developer and approved by all agencies and departments specified in Section 251-12(B) of this Ordinance prior to submitting the Concept Plat for approval to the Cecil County Planning Commission. As such, the department cannot support approval of this project at this time. The owner/developer must submit the conceptual stormwater management plan to all specified agencies and departments prior to or at the time of submittal of the concept plat to the Office of Planning and Zoning for Technical Advisory Committee review.
2. If the stormwater management plan involves the redirection of some or all the stormwater runoff of the site or concentrates the release of stormwater runoff in an offsite area that previously received non-concentrated flow permission (via easements or other property interests) where necessary must be obtained.
3. Why was the fee simple add-on proposed for Parcel 76, Lot 1 on the approved concept plat removed? How does this lot legally access the proposed road and what impact does this have on the proposed Lot 1? The Department will require, at a minimum, a deeded right of access for the dwelling on Parcel 76, Lot 1 across the proposed Lot 1 of this subdivision. This terminology must be reflected in the note referencing this access on Sheet 2/5
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 the Lot Grading Plan Construction Limits Note.
 - 4.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 4.3 Requirements for Utility relocations.
 - 4.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 4.5 Requirements for Public Works Agreement.
 - 4.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. A Public Works Agreement is required for the road & storm drain work.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope 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 requested from 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:

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

- All Critical Area issues relating to Concept Plats, including the depiction of and references to the 200' RCA Buffer, have been resolved; and
- All SWM issues specifically relating to Concept Plats have been resolved.

A motion for disapproval per the recommendation of staff was made by Mr. Wiggins.

The motion was seconded by Mr. Wallace.

Motion for disapproval carried.

General Discussion:

Discussion ensued regarding the acceptance of plats that do not have all of the appropriate approvals prior to the Planning Commission review.

Chairman Mortimer asked staff when the 2010 Comprehensive Plan will go into effect. Mr. Sennstrom stated that it is currently in effect. Discussion ensued.

Chairman Mortimer stated that he would like a discussion with Harlan Williams to be added to the "General Discussion" section of the June Planning Commission agenda.

Lastly, Chairman Mortimer stated that he would like to meet with the staff to discuss other points of interest concerning the Planning Commission.

A motion for adjournment was made by Mr. Wallace and seconded by Mr. Wiggins.

All approve. Motion carried.

The May Planning Commission meeting adjourned at 12:35 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

June 21, 2010

Present: Pat Doordan, Vice Chair; Wyatt Wallace; Guy Edwards; Ken Wiggins; Joe Janusz; H. Clay McDowell, alternate; Tim Whittie; Mark Woodhull; Clara Campbell; Rebecca Demmler; Fred von Staden; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Bill Mortimer, Chairman.

Call to Order: Vice Chair Doordan called the meeting to order at 12:00 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. Springhill, Section Two, Lots 5-18, 23 & 24, Spring Hill Road, Preliminary Plat Extension, American Engineering and Surveying, Inc., Sixth Election District.

Kordell Wilen, American Engineering & Surveying, 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 original Spring Hill Concept Plat proposing 19 lots on 98.501 acres¹ for a density of 1/5.18, was approved on 12/21/98, conditioned on:

- 1) Amber Court being realigned to minimize the impact on the existing forest, and
- 2) The number of panhandle lots being re-evaluated and if at all possible, being reduced to two.

The Section 1 Preliminary and Final Plats were approved on 4/19/99 and 8/16/99, respectively. Section 1 consisted of Lots 2 & 19-22.

Subsequently, another Spring Hill Concept Plat (for Section 2) for the remaining lots² was reviewed by the TAC on 3/7/01 and approved by the Planning Commission 3/19/01. It still showed an overall total of 19 lots (5 in Section 1 and 14 proposed in Section 2) on 98.501 acres.

The Springhill Section 1 (approved 8/16/99) Record Plats were signed on 10/17/02.³

The Section 2 Preliminary Plat was approved on 4/16/01, but it expired because §4.1.17 stipulates that Preliminary Plat approvals are valid for two years – if a Final Plat is not recorded within that timeframe. Per §4.0.9, the 12/21/98 & 3/19/01 Concept Plat approvals have expired, as well.

¹ The actual acreage was 105.5, but the 98.5 figure was erroneously used on Springhill submittals through 11/3/04. The error occurred through the renumbering of lots 2 and 4, one a minor, and the other a major subdivision lot.

² 14 – based upon the 98.5 acre figure.

³ This Record Plat cited the erroneous 98.5 acres of remaining lands, so it must be modified.

Consequently, a Section 2 Concept Plat was submitted and reviewed by the TAC on 11/3/04. However, it was not subsequently submitted for Planning Commission approval. It proposed 14 lots, which, if approved, together with Section 1's 5 lots, would have yielded an overall Springhill proposed density of 1/5.1842 – based on 98.501 acres.

The Section Two Concept, proposing 16 new lots on the remaining 88.417 acres, yielding a density of 1/5.526,^{4,5,6} was approved on 12/21/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) A modified TIS being completed prior to the TAC's review of the Preliminary Plat.

The Section Two Preliminary Plat, consistent with the approved Concept Plat, was approved on 7/21/08, conditioned on:

- 1) Health Dept. Requirements being met;
- 2) DPW requirements being met; and
- 3) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 7/21/08 Preliminary approval is set to expire on 7/21/10, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended.

§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.

The applicant is reminded the final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

If granted, then this extension would expire on 6/21/12.

'08 School information:	Elementary	Middle	High School
	Rising Sun	Rising Sun	Rising Sun
FTE	819.5	712	1129
Capacity	615	775	903
% Utilization	133%	92%	125%
School information:	Elementary	Middle	High School

⁴ Based on the original 105.528 total acres, 21 total lots would yield a density of 1/5.025, but the original Concept Plat's density approval has expired.

⁵ The NAR zone then permitted a maximum base density of 1 du/ 5 ac. It is now 1/10, with no opportunity for bonus density.

⁶ NAR bonus density was not an issue.

	Rising Sun	Rising Sun	Rising Sun
FTE	681	708	1177
Capacity	715	818	903
% Utilization	95%	87%	130%

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

The Department has no objection to granting the extension requested. The Applicant is reminded that the SWM plan for this development must be designed to meet the County's current SWM Ordinance. In addition the Department's comments from the September 15, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A SWM plan, Road & Storm Drain plan, and a Mass & Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. What special condition warrants the use of the 40' wide ROW proposed for Natalie Way and Amber Court? The Department is not inclined to approve reducing the ROW from the standard 50'. If we were to approve it closed section road must be used.
3. The DPW requires a modified TIS be prepared for this development. The TIS must analyze the site generated traffic distribution pattern. Intersection & link analyzes will not be required. The TIS must be submitted prior to preliminary plat review of this project by the TAC.
4. Section 3.07.15 of the Road Code nominally directs that Spring Hill Road be upgraded to a Minor Collector Standard for a distance of 100' either side of the points of intersection between Spring Hill Road and Amber Court & Natalie Way.
5. The Applicant should be aware that additional offsite road improvements may be required along Spring Hill Road and Ridge Road. To better determine what improvements if any will require that the applicant provide a Protocol 3 road condition survey & road improvements plan for Spring Hill Road from Ridge Road to Horse Shoe Road.
6. Sight distance measurements must be submitted for both Natalie Way and Amber Court intersections with Spring Hill Road prior to preliminary plat review. These locations must be marked in the field.
7. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 7.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.
 - 7.2 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
 - 7.3 Requirements for Utility relocations.
 - 7.4 Requirements for Stormwater Inspection and Maintenance Agreements
 - 7.5 Requirements for Public Works Agreements.
 - 7.6 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. 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.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.

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

Mr. Wiggins, read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval. A revised preliminary plat showing pumping on lot 13 is required, as stated in the July 2008 Planning Commission comments.

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 6/21/12.

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

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

2. Knights Court, Lots 1-45, Knight Island Road, Preliminary Plat Extension, McCrone, Inc., First Election District.

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

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

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

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

Zoning: SAR & RCA

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 8 minor & 37 major subdivision lots⁷ on 298.86 acres, for a proposed density of 1/8.077⁸, was approved on 11/27/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) A fire suppression tank being shown on the Preliminary Plat; and
- 5) Indication that the existing land to Lot 23 is used for farm use being placed on all subsequent plats.

⁷ For two parcels of record.

⁸ The SAR zone permitted a base density of 1 du/ 8 ac. Bonus density is not an issue.

35.58 acres are located in the Critical Area RCA overlay zone, which permits a density of 1/20. Only one proposed lot would be in the Critical Area on each original parcel of record: the proposed Lots 23 and 45 Critical Area density is 1/17.79.

The Preliminary Plat was approved on 7/21/08, conditioned on:

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

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 7/21/08 Preliminary approval is set to expire on 7/21/10, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat’s validity is extended.

§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.

The applicant is reminded the final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance). In addition, Critical Area regulations, as amended, must be followed.

If granted, then this extension would expire on 6/21/12.

'08 School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	306	513	717
Capacity	295	-----1244-----	
% Utilization	104%	99%	99%
School information:	Elementary	Middle	High School
	Cecilton	Bo Manor	Bo Manor
FTE	338	479	740
Capacity	350	601	643
% Utilization	97%	80%	115%

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

The Department has no objection to granting the extension requested. The Applicant is reminded that the SWM plan for this development must be designed to meet the County’s current SWM Ordinance. In addition the Department’s comments from the July 21, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A SWM plan, Road and Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. How will SWM requirements be addressed for Lots 1-14?
3. Easements for SWM facility access as well as inspection & maintenance must be identified on the preliminary plat presented to the Planning Commission for review. The same applies for SWM pond inflow and outflow conveyance.
4. The storm drain pipe geometry adjacent to Lot 20 is less than 90⁰ and must be addressed in the storm drain design for this project.
5. Sight distance measurements for the Knight Island Road access points were approved on 6/12/08.
6. The protocol 3 road condition survey and improvements plan have been submitted and approved.
7. The entrance plans submitted address the requirement for acceleration and deceleration lanes. However they must be shown on the preliminary plat...
8. The driveways for Lots 29, 30, & 40 must a minimum of 75' from the adjoining intersections.
9. No direct driveway access will be allowed on to Gawain Drive and Lots 1 & 44 are denied direct access onto Guinevere Drive. This must be noted on the preliminary plat submitted for Planning Commission review.
10. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 10.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 10.2 Requirements for Utility relocations.
 - 10.3 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
 - 10.4 Requirements for Public Works Agreements.
 - 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 10.6 Requirements for Driveways.

Notes and requirements identified for record:

1. ~~The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.~~
 - a. ~~Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."~~
 - b. ~~Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."~~
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. 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 of the Cecil County SWM Ordinance.
4. A Public Works Agreement is required for the streets & storm drainage constructions and for sanitary sewer.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wiggins, read the comments of the Health Department:

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

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition to 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 6/21/12.

A motion for the granting of a two (2) year extension was made by Mr. Wallace.
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

3. Barksdale Village, 118 Lots, PUD, Barksdale & Valley Roads, Concept Plat, Van Cleef Engineering Associates, Fourth Election District.

Scott Lobdell, Van Cleef Engineering Associates, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This proposal is in compliance with §3.8 & §3.9.1 regarding public notification.

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

Zoning: SR

The TAC previously reviewed Concept Plats for part of this site, under the names W. Harris Construction, Estates at Barksdale, and Barksdale Village, on 8/4/04, 1/5/05 and 11/4/09 respectively. This submission now includes Parcels 45, 288, and 619.

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 6/2/10. Up to that point, there is no difference between the PUD approval process and the normal subdivision review and approval process.

The applicant is cautioned that if the proposal should change such that any of the units are instead proposed as condominiums, then, in that case, a different process of review and approval shall be followed.⁹

§256.3 requires that the "Sketch Plat/Special Exception Application" next shall be reviewed by the Planning Commission, and that the Planning Commission¹⁰ shall "make recommendations to the Board of Appeals." That step is being taken today.

Ordinarily, per §251.12 of the 2009 Cecil County SWM Ordinance, and per §5.1.C, Cecil County Forest Conservation Regulations and §4.0.13 (a) of the Subdivision Regulations, a project's SWM Concept Plan and Forest Stand Delineation, respectively, would need to be approved prior to the Concept Plat's submission for review by the Planning Commission. However, since, per §256.2,

⁹ Generally, the **condominium approval process** that was established in 1991 has worked as follows: From the approved Preliminary Plat/Site Plan, building permits are then issued. Next, the units are built, and then the Final Condominium Plats come back to the Planning Commission for approval, **"as built."** The Final Condominium Plats are used to record the actual footprints of the units and the actual building plans as constructed.

¹⁰ Moreover, §'s 256.3 & 256.4 make clear that the Planning Commission's role first 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.

this is a “Sketch Plat/Special Exception Application,” and per §256.4, as will again be cited below, it is the Board of Appeals who actually decide on approval or disapproval, the Concept Plat’s submission for Planning Commission review was accepted – in the absence of both an approved SWM Concept Plan and Forest Stand Delineation (FSD).

The applicant is again advised that the “Sketch Plat/Special Exception Application” will not be accepted for review by the Board of Appeals if the SWM Concept Plan has not first been approved, or if the FSD has not first been approved, or if any other requirement set forth in §4.0.13 (a) has not first been satisfied.

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.”¹¹

Per §256.5, “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 application, Preliminary Plats and Final Plats would be reviewed in the regular way, with the Planning Commission rendering decisions, approving or disapproving, 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 PUD density of 4 du/ 1 ac. Otherwise, the SR zone permits a density of only 2/1 with community facilities. This Concept Sketch Plat proposes 118 dwelling units, with no commercial buildings, on 42.61 acres, for a proposed residential density of 2.722/1.

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

The existing zoning of adjacent properties has been shown, per §4.0.13(l).

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹²

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

¹¹ It is incumbent upon the applicant to become thoroughly familiar with all aspects Article XVII, Part II.

¹² 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

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.

30% common open space is required (§25.3.b); 31.4% 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 C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat. All “common open space” must be labeled and referenced as such.

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

All existing easements on site (especially those mentioned in Deeds NDS 273/262, WLB 653/923, and WLB 837/248) must be shown on the plat, per §4.0.13(h).

If any of the Lands of Torres and/or the Lands of Miller are included, then the acreages of these areas must be provided, and Torres and/or Miller must sign the Record Plat.

Proposed Lots 1 & 64-72 must be denied access to Barksdale Road, and proposed Lots 56-63 must be denied access to Valley Road.

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 Barksdale Road & the west side of Valley Road.

A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring (§25.4.c).

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' of sewer laterals and cleanouts.

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

Again, the FSD must be approved prior to the submission of the PUD Special Exception Application (§5.1.C, Forest Conservation Regs.). The application cannot otherwise be accepted.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

Per previous discussion, neighbors in the adjacent Country Hills subdivision in Newark are concerned about headlights on vehicles exiting the proposed Adeline Avenue onto Valley Road. Since the end-of-cul-de-sac properties on Long Meadow Court are actually in Cecil County, staff will recommend that applicant include vegetative screening on the Cecil County portion of those lots in this project's Landscape Plan. However, the owners of those lots must agree to accept those plantings on their lots.

A Landscape Agreement must be executed prior to recordation.

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

The internal road names have been approved.

A Traffic Impact Study (TIS) is required prior to the TAC's Preliminary Plat review. Per established precedent, the Newark Planning Department and DelDOT will be invited to participate in the TIS review.

This design is consistent with §7.2.12.E.4 and §7.2.12.E.5.

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

Note # 13 contains specific parking details (per §4.0.13 (m) 3).

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.

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 property is not presently shown as a water or sewer service area (W0 & S0). The Master Water & Sewer Plan must be amended to include this site, as a W2 & S2 area, prior to the Planning Commission's review of the Final Plat.

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

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

The name of the water service provider providing the water must also be included on the Final and Record Plats. Documentation of water allocation must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

The identity of the waste water treatment plant must be included on the Final and Record Plats. Documentation of sewer allocation/capacity 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." Per §250.2, in the SR zone, proposed duplex homes cannot exceed 30% & townhomes cannot exceed

20%. 30% of the dwellings are proposed as duplexes, and 20% are proposed as townhouses. The remaining 50% are proposed as single family dwellings. Given:

- 1) The proximity of the proposed townhouse and duplex locations to the City of Newark; and
- 2) The design, which decreases and transitions the proposed density as one moves farther from Newark; ...

staff finds that this design is a reasonable approach to maximizing the achievable PUD density, given the parameters of the comments received at the 4/19/10 Planning Commission review of the previous design iteration of Barksdale Village.

The above housing-type diversity is one of the two hallmarks of PUDs.

This proposal is not consistent with §248.2, the other hallmark of a PUD – the inclusion of “commercial uses in a PUD that serve the day to day needs of the residents of the PUD.”¹³

Based upon comments received at the Planning Commission’s 4/19/10 review of the previous iteration of Barksdale Village, the exclusion of a commercial component is consistent. Just as the Planning Commission has the power to grant modifications, in this case, the Board of Appeals has the power to approve this application – with no commercial component.

§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 information has generally been provided in the accompanying “Site Report.”

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

School information:	Elementary	Middle	High School
	Cecil Manor	Cherry Hill	Elkton
FTE	488	532	1141
Capacity	523	775	1380
% Utilization	93%	67%	83%

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

No capacity exists for this site at the Highlands WWTP. Water supply from the Meadowview WTP is insufficient to service this development at this time. Both water & sewer service will be dependent upon the Artesian Water Company assuming operation of the Meadowview WWTP & WTP. The department will not approve the final plans for this subdivision until the offsite sewer

¹³ §252.2 stipulates that business uses permitted in a PUD shall be the same as those permitted in the BL zone, and §252.3 states “the requirements of the BL zone shall apply to business uses in a development in the PUD.”

line plans for connection to the Meadowview WWTP and any required offsite water systems plans required for this site have been approved and Public Works agreements executed. The applicant is further advised that the “Sketch Plat/Special Exception Application” will not be accepted for review by the Board of Appeals if the SWM Concept Plan has not first been approved by this Department. The following comments are based on water & sewer service being provided by Artesian Water Company:

1. A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan, Water Distribution plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
2. The SWM plan must be designed in accordance with the current Ordinance.
3. 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, the applicant must obtain an allocation for public sewer and water prior to final plat.
4. The Highlands WWTF is planned for decommissioning therefore the applicant must provide for sewer connectivity to the Meadow View WWTP or wait for the Aston Point off-site sewer project completion and or Artesian Water Company completing that line.
5. 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.
6. Will this site require an onsite lift or pumping station to connect to existing sewer service?
7. All portions of the proposed water and sewer systems located within County ROW must be designed to County standards and utility easements between Artesian Water Company and the County will be required.
8. Applicant is advised that if the SWM and E&S Control plans for this project are not approved (i.e. signed) by May 4th 2010 the new SWM Ordinance will apply and the SWM plan must be designed to meet its requirements.
9. The wetlands & associated buffer differ substantially from what was previously presented to the TAC for this site. Is the wetlands representation here based on a determination by the MDE or COE?
10. 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.C.3 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 downstream conveyance of storm water must be analyzed for the existing culvert under Barksdale Road. Special care must be given to the design if a concentration of runoff will result from any of the SWM facilities proposed.
12. The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled.
13. SWM structural BMPs required for this site must be provided for within Common Open Space (COS) and located within a private stormwater management easement. Access from the county road system must be provided to each SWM facility on site.
14. All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20’ however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.
15. A Traffic Impact Study (TIS) is required for a subdivision of this size. The TIS must be completed & submitted prior to Preliminary Plat review by the TAC.

16. As indicated on the plat Isaiah Avenue, from station 0+00 to 9+00 will be classified as a “Minor Collector Road” with 60’ wide right-of-way and a 32’ wide paved section. From station 9+00 to 16+55.79 Isaiah Avenue will be a “Minor Road” with 50’ ROW and 30” wide pave section.
17. Proposed roads must be designed in accordance with the current road code. Specifically the minimum road design standards identified in Standard Detail R-35 of the Cecil County Road Code.
18. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
19. Applicant must provide intersection & stopping sight distance measurements for the Barksdale Road access to DPW prior to preliminary plat submittal. The centerline of the proposed entrance location must be marked in the field. Section 3.07.15 of the Road Code requires that Barksdale and Valley Roads be upgraded to Minor Collector Road equivalency standard for 100’ either side of the proposed entrances. The design engineer must address the requirement to improve/establish shoulders, construct the minimum acceleration and deceleration lanes, and improve any deficient roadside drainage along the development’s road frontage on the street construction drawings.
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. The Applicant must conduct a Category 3 Protocol road condition survey along Barksdale Road from its intersection with Appleton Road to its intersection with Valley Road and Valley Road from Kirkcaldy Drive to Barksdale Road. The Department may require the Applicant to perform off-site upgrades to these roads based on the findings of this condition survey. All necessary road improvements must be agreed to by the Department and shown on the preliminary plat presented to the TAC for review.
22. All driveways must be paved at least to the right of way. The driveway paving, within the ROW, must be complete for all lots at the time when the surface course for the internal roads is installed (80% of Lots are built-out). The Developer/Contractor must establish the driveways for any lots not built –out at that time. In addition any driveway in excess of 5% up-gradient-slope from the road rights-of-way must be paved to the crest and the Developer/Contractor will be responsible for this at the time of surface course installation. If the development is phased this requirement will apply to each phase when 80% of the lots are built-out. All of this must be so indicated on the Lot Grading Plan.
23. What existing rights and obligation do the owners of Parcels 223, 356 & 711 have in regards to the existing access drive? Is this access owned in fee simple or is it an access easement? What is the proposed disposition of the access to these Parcels?
24. The access to Torres & Miller properties (Parcels 223, 356 & 711) must be aligned with the proposed street to provide a 90⁰ angle.
25. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
26. A PWA is required for the Roads and Storm Drains, Public Sanitary Sewer, and Water System.
27. An I&M Agreement is required for SWM facilities.
28. 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."

Mr. Wiggins, read the comments of the Health Department:

Identify the public water supply and public sewer plant to be utilized by this development on the plat. Written confirmation of adequate water and sewer allocation must be received prior to final plat approval. If an upgrade to the water system or sewer plant is required to serve this development, the upgrade must be approved by Cecil County Department of Public Works and Maryland Department of the Environment prior to final plat approval.

Design of the water and sewerlines should include capacity for parcels 223 and 711.

The Master Water and Sewer Plan must be amended to include this project as an area served by Public Water and Sewer prior to 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 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's signature block.)

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. Milman "Dick" Prettyman, 19 Long Meadow Court, Newark, DE, Sue Fuhrman, 9 Locharron Dr., Elkton, MD and Paul Pomeroy, 204 Dallam Road, Newark, DE (Member of Newark City Council speaking on behalf of himself), spoke in opposition of this project.

Discussion ensued regarding the site report provided by Van Cleef Engineering and the requirements of a PUD.

Mr. Di Giacomo, read the recommendation of the staff:

RECOMMENDATION of APPROVAL, conditioned on:

- 1) The Office of Planning's not accepting any "Sketch Plat/Special Exception Application" submission to the Board of Appeals until only after the SWM Concept Plan has first been approved, and the FSD has first been approved, and all other pertinent requirements set forth in §4.0.13 (a) have first been satisfied;
- 2) The applicant's including of vegetative screening on the Cecil County portion of the end-of-cul-de-sac lots on Long Meadow Court in this project's Landscape Plan, provided that the owners of those lots agree to accept those plantings on their lots;
- 3) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 4) A Traffic Impact Study(TIS)'s being completed prior to the TAC's Preliminary Plat review; and
- 5) The PFCP's being approved prior to Preliminary Plat review by the Planning Commission.

A motion for the recommendation of disapproval based on the density, and without the full set of PUD requirements being met was made by Mr. Wallace.
The motion was seconded by Mr. Wiggins.

Motion for the recommendation of disapproval carried with a unanimous vote.

General Discussion:

Harlan Williams presented the Planning Commission members with literature regarding the possibility of cluster housing. An overview of the outline was discussed among Mr. Williams and the Commission members. Discussion ensued.

Mr. Di Giacomo presented the Planning Commission members with a chapter-by-chapter and module-by-module executive summary of the educational orientation manual that will be used for orientation purposes for all newly appointed Planning Commission and Board of Appeals members henceforth. Discussion ensued.

Mr. Wallace thanked the staff for putting together the training material.

Discussion ensued regarding the Planning Commission making recommendation to the Board of County Commissioners regarding Cluster Housing.

A motion for adjournment was made by Mr. Edwards and seconded by Mr. Wallace.
All approve. Motion carried.

The June Planning Commission meeting adjourned at 2:02 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

July 19, 2010

Present: Pat Doordan, Vice Chair; Wyatt Wallace; Guy Edwards; Ken Wiggins; H. Clay McDowell, alternate; Tim Whittie; Mark Woodhull; Clara Campbell; Fred von Staden; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Bill Mortimer, Chairman; Joe Janusz; Rebecca Demmler.

Call to Order: Vice Chair Doordan 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. Wallace. All approve. Motion carried.

1. Blueball Investment Group, LLC, Lots 1-4, Blueball Road & MD Rte. 273, Preliminary Plat Extension, McCrone, Inc., Ninth Election District.

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

Mr. Di Giacomo read the comments of the department:

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

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

Zoning: BG

This was the BG-zoned portion of the Mendenhall Square site, the Concept Plat approval¹ of which included the waiver of the Bufferyard C requirement along MD 273 in favor of a Bufferyard C between the BG zone and the NAR zone.

The Mendenhall Square Phase 1 Preliminary Plat's approval² was conditioned on a pedestrian access being designed into the plat from the residential to the commercial portion of the property. How does this layout accommodate that pedestrian access?

¹ The Concept Plat (31 plus 4 minor lots on 94.2 acres, for a proposed density of **1/3.039**) was approved on 7/21/03, conditioned on:

- 1) A **boundary line survey** being complete prior to the TAC's review of the Preliminary Plat;
- 2) A **JD** being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All proposed lots other than 34 & 35 having access off the internal roads;
- 4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
- 5) A **TIS** with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;
- 6) Lot **34's** Bufferyard **C** requirement along Blue Ball Road **and** the **street tree** requirement along Blackborne Drive **being waived** in favor of a rear Bufferyard **B** and a **row of pines** along the side lot lines;
- 7) A setback modification being granted for the existing building on proposed Lot 34;
- 8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the **BG** zone and the **NAR** zone; and
- 9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

² The Phase 1 Preliminary Plat was approved on 6/21/04, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The **TIS recommendations** being **agreed to** by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The inclusion of a 30,000 gallon drafting tank in the final design; and
- 7) Pedestrian access being designed into the plat from the residential to the commercial portion of the property.

The Phase 1 Final Plat³ was approved on 4/18/05, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 5) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
- 6) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 7) The contiguous operating farms notice being included on the Record Plat;
- 8) The Record Plat showing the location of the 30,000 gallon drafting tank; and
- 9) The connecting pedestrian path being shown on the Record Plat.

The Concept Plat was re-approved⁴ on 10/17/05, conditioned on:

- 1) All previous and now-pertinent conditions of approval remaining in full effect.

The Phase 2 Preliminary Plat was approved on 2/21/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the Final Plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The contiguous operating farms notice being included on the Final and Record Plats; and
- 7) Owner, deed reference, and tax map & parcel information being updated on the Final and Record Plats.

The Phase 2 Final Plat was approved on 4/17/06 conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees being recorded and again noted on the plat prior to recordation;
- 6) The Record Plat depicting and noting the 10' street tree planting easement;
- 7) Deed reference, tax map and parcel number information have not being included on the Record Plat;
- 8) The contiguous operating farms notice again being included on the Record Plats;
- 9) The correct Election District being cited on all sheets of the Record Plat; and
- 10) The Owner's and Surveyor's Certificates being signed, respectively, on the Record Plats.

The Preliminary Plat⁵ was approved on 7/21/08, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) A traffic Impact Study (TIS) being completed prior to Final Plat review;
- 4) Final Plat approval preceding all site plan approvals;
- 5) The FCP being approved prior to Final Plat review;
- 6) All Landscape Plans being approved prior to future site plan approvals;
- 7) All details between the Final Plat and the FCP and future Landscape Plans matching up;

³ For Lots 1-16, 21-31& 33-35.

⁴ When the Phase 2 Preliminary Plat, consisting of proposed Lots 17-20, 29, & 32, was reviewed by the TAC on 10/0/05, it was discovered that the Concept Plat approval had lapsed.

⁵ §4.0.1 allows for the elimination of a Concept Plat for subdivisions of fewer than 10 lots and fewer than 25 acres.

- 8) Per the Mendenhall Square Phase 1 Preliminary Plat's condition of approval, the Final Plat and all future site plans showing pedestrian access from the residential portion of the project; and
- 9) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

§4.1.17 provides that Preliminary Plats shall be valid for two years from date of approval. Therefore, the 7/21/08 Preliminary approval is set to expire on 7/21/10, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended.

If the requested extension is granted, then the Preliminary Plat approval will be extended until 7/19/12.

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

The Department has no objection to granting the extension requested. The Department's comments from the July 21, 2008 Planning Commission meeting that remain outstanding still apply. While not being read they will be included in the minutes of this meeting:

1. SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. We will require a traffic impact study for this development. Its major objective must be to determine the traffic loading generated by this development. Particular interest must be paid to the issue of left turn stacking on Blue Ball Road waiting to enter this site. The final location of the Blue Ball Road access points will be determined after analyzing the data from this study. If this data is not available until the site plan phase the exact locations remain a fluid state. That is that the entrance location may be moved from what is presented here to what the Department finds acceptable as each of the site plans are presented for the four individual lots.
3. The Department strongly recommends that the traffic impact generated by this proposal be based on a worst case scenario of traffic loading by number & type of vehicles and that entrance locations be selected and approved accordingly.
4. Requirements for acceleration, deceleration and bypass lanes apply to any/all entrances proposed onto Blue Ball Road. Please clarify the plan presented on Sheet 2. Are you proposing to create a 10' wide paved lane along the entire Blue Ball Road frontage from the existing right turn lane at MD Route 273 to the Mendenhall Square property?

5. What type of truck traffic do you expect with the proposed site use? The entrance geometry must be accordance with Section 3.07.1 & 2 to accommodate the turning movements of the largest vehicle expected.
6. While the internal pavement arrangement does not fall under our jurisdiction outside of the proposed entrances the Department has some concern over the onsite cart way widths and geometry as to their ability to handle large delivery trucks operating in and out of this site. What we do not want to see is traffic backed out onto Blue Ball Road due to inadequate turning movement available onsite.
7. The well location for Lot 1 is at a point that is exposed to possible damage from truck traffic into both Lots 1 and 4. We recommend moving the well or at a minimum providing traffic barriers around it.
8. In using the existing SWM pond located on the west side of the site you must verify that the pond was designed and built to accommodate runoff from this site.
9. Do you propose installing curb along the Blue Ball Road frontage? If so how do you intend to handle the runoff from Blue Ball Road as well as the runoff that had been conveyed by the roadside drainage swale remove for the curb installation? Identify the runoff conveyance proposed for this frontage.
10. Preliminary plats must show storm water conveyance and SWM easements. These must be on the plat presented to the Planning Commission for review.
11. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 11.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 11.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 11.3 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 11.4 Requirements for Public Works Agreements.
 - 11.5 Requirements for Utility relocations.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed county road and all work done on Blue Ball Road.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

Mr. Wiggins read the comments of the Health Department:

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

Vice Chair Doordan asked if anyone would like to speak in favor or in opposition of this project. 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 7/19/12.

A motion for the granting of a two (2) year extension was made by Mr. Wallace. The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

2. Village of Stoney Run, Information Item, Related to a contemplated minor design modification. For information only.

Phil Toliver, Morris & Ritchie Associates, appeared and presented an overview of the minor design modification that will be presented.

Mr. Toliver stated that his intention is to bring the Village of Stoney Run Preliminary Plat to the Planning Commission for review. At that time, he will be requesting that they receive a design modification for the rear yard setback in the townhouse area. Presently, in the RM zone, the rear yard setback is 40'. They will be requesting the rear yard setback be modified to 25'. The reason for the request is Mr. Toliver feels this change will reduce the future requests by the homeowners for variance purposes such as rear decks, sunrooms, etc.

Also, Mr. Toliver stated that he feels by granting this request, it will provide the builder of this project, greater flexibility in terms of housing options. At this point in the planning, they could make the lots deeper and achieve the same objective but the purpose of not creating bigger lots would be to save the wooded area that is presently there. This request would help the developer to save approximately 2 acres of trees of future clearing. Mr. Toliver feels that there will be no adverse affects on adjacent properties due to this request.

Mr. Wallace said he likes the idea of reducing the removal of trees. Discussion ensued regarding the variance request and the open space for the project.

Mr. Di Giacomo, P&Z stated that §170 in the Zoning Ordinance and §3.5 in Subdivision Regulations will allow the Planning Commission, if it chooses, to grant this modification when this proposed modification comes before the commission.

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

This project was granted an environmental site design waiver on April 28, 2010 allowing the SWM and E&S Control plans to be designed under the requirements of the storm water management ordinance in effect as of May 4, 2009. The applicant is reminded that the waiver shall expire and will not be extended if the development does not receive "Final Approval" by May 4, 2013 or if substantial construction associated with all eleven storm water facilities, in the judgment of the Department of Public Works, has not been completed by May 4, 2017. The applicant is reminded that the Department's comments from the July 7, 2010 TAC meeting apply. The comments will be included in the minutes of this meeting but not read at this time:

1. A SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. This project was granted an environmental site design waiver on April 28, 2010 allowing the SWM and E&S Control plans to be designed under the requirements of the storm water management ordinance in effect as of May 4, 2009. The applicant is reminded that the waiver shall expire and will not be extended if the development does not receive "Final Approval" by May 4, 2013 or if substantial construction associated with all eleven storm water facilities, in the judgment of the Department of Public Works, has not been completed by May 4, 2017.

3. The Department understands that the water distribution system in this development will be a private system provided by Artesian Water Company. The water distribution system must be designed to meet or exceed the County's standards. This includes providing adequate fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. Has the serving fire company reviewed & approved all fire hydrant spacing and locations provided on this plat? The serving fire company must approve the layout prior final construction drawing approval... Private utility easements will be required for all water lines run in County ROW. 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.
4. The Traffic Impact Study dated 4-1-10 was submitted to the Department and is under review.
5. While there have been discussions with Traffic Concepts, Inc. about the impact this size subdivision will have on traffic movement at the Palisades Drive entrance, the Department still requires a formal submittal of a queuing analysis of this principal access point based on the 1125 dwelling units proposed.
6. In regards to off-site road improvements on both Baron & Nazarene Camp Roads, the nine (9) items identified in the Department's 6-15-10 letter must be satisfactorily addressed prior to our recommending preliminary plat approval to the Planning Commission.
7. The Department of Public Works has granted (6-12-10) a Road Code Variance from Standard Detail R-14 (residential Cul-de-sac). No other variances having been sought and/or approved therefore, the applicant will be held to all other applicable requirements as identified in the Cecil County Road Code.
8. The Department's previous opposition to the proposed Emerson Lane access on to Baron Road is withdrawn. Adequate sight distance has been substantiated for this access point. In addition, the developer's engineer is working with our Engineering Services Division to coordinate this access point with the Baron Road improvements proposed in the Department's CSX Bridge project.
9. In regards to providing an additional access Savannah Lane as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Savannah Lane must be a collector townhouse road with 38' wide ROW as shown.
10. As the Department requested connectivity to the Jansen property (Parcel 526) has been reestablished.
11. The Department's concern over the geometry of the "U" shaped loops. As well as the "P" loop (see Standard Detail 14A) and traffic island at Elk Court has been addressed to our satisfaction and are considered acceptable as shown.
12. Adequate off-street parking is always a concern especially in townhouse developments. While needing to address the requirements of ESD on any site legitimate issues of adequate access for emergency services vehicles remain important the Department. In that regard we're concerned over this proposal's 32 fewer spaces than the last proposal provided.
13. Pre-design geotechnical evaluation and borings at stream and wetlands crossings of any proposed road are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
14. The structure for the Palisades Drive crossing of the unnamed intermittent stream must be designed to pass the 100 year storm without overtopping the road. Its design must be included in the road & stormdrain design plan submitted for approval. A re-mapping of the on-site 100-year flood plain and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
15. All proposed culvert structures under Savannah Lane must be approved as part of the road plan approval passing the 25 year storm without overtopping.
16. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages.
17. Have you analyzed the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the line? This

analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.

18. 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 allocation has been granted the developer proceeds with any and all project engineering at his own risk.
19. Connection to the Stoney Run Interceptor line will be the developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.
20. The preliminary layout of the proposed subdivision sewer system required at Concept Plat review by the Planning Commission was received by the Department on 4-22-10.
21. No pump station was indicated on the preliminary utility layout submitted however, if during design any are determined to be necessary they must be located on a lot dedicated in fee simple to the Cecil County BOCC and shown as such on the final plat submitted for Planning Commission review.
22. All sanitary sewer lines located outside of County ROW or deeper than 18' must be ductile iron per Section 2700 of the Standards, Specifications and Detail for Water Mains & Sewer Mains.
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 Note and the Lot Grading Plan Construction Limits Note.

23.2 Compliance with Section 251-13 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 County Roads.

23.7 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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.
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 sanitary sewer construction and county streets & storm drain construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. All curves must comply with the Road Code (Section 3.04).The internal street grade may not exceed 5% within the limits of the intersection right-of-way.
7. To the maximum extent possible 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. Wallace said that he believes this proposed modification is a good idea.

Mr. Wiggins stated that the Health Department had no comment.

Vice Chair Doordan stated that there were no comments from the audience.

General Discussion:

There were no topics of general discussion.

A motion for adjournment was made by Mr. Wallace.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

The July Planning Commission meeting adjourned at 12:23 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
16 August 2010

Present: Doordan, B. Patrick; Janusz, Joe; Mortimer, William; Wallace, Wyatt; Wiggins, Kennard; Demmler, Rebecca; Campbell, Clara; Di Giacomo, Tony; Sennstrom, Eric; Whittie, Tim; Woodhull, Mark; Von Staden, Fred

Absent: Taylor, Randall; Bakeoven, Jennifer

Call to Order: Chairman Mortimer called the meeting to order at 12:05 p.m.

Approval of Minutes: Motion was made by Joe Janusz to approve the July 2010 meeting minutes. Motion was seconded by Wyatt Wallace. All members present voted in favor of motion. Motion carried.

Worsell Manor, Section 1, Lots 1-12, Preliminary Plat Extension

Mike Burcham appeared to present the request for an extension of the preliminary plat approval for the proposed subdivision known as Worsell Manor.

Dr. Di Giacomo read the Planning & Zoning comments. Zoning: **SAR**

Density: The Concept Plat, proposing 41 lots on 330.58 acres, for a proposed density of **1/8.06¹**, was approved on 12/21/06, conditioned on:

- 1) The **boundary line survey**'s being completed prior to TAC review of the Preliminary Plat;
- 2) Documentation of the **JD**'s completion being received prior to the Planning Commission's review of the Preliminary Plat;
- 3) The **PFCP** being approved prior to the Planning Commission's review of any Preliminary Plat; and
- 4) A joint **TIS** being completed with the developers of the adjacent Worsell Manor project prior to the Planning Commission's review of any Preliminary Plat.

The Section 1 Preliminary Plat was approved on 9/15/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Parcel 42 being cited on all subsequent submissions;
- 4) The 10' street tree planting easement being depicted, labeled, and noted on all subsequent submissions;

¹ The **SAR** zone then permitted a maximum base density of **1 du/8 ac**. As of 1/107, the SAR permitted density changed to 1/20.

- 5) The common open space proposed on all subsequent submissions totaling at least 15% of the gross acreage in the aggregate;
- 6) The **FCP/Landscape Plan** being approved prior to Final Plat review;
- 7) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (**FRA**s) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the **FRA** being shown on the Final & Record Plats;
- 8) The standard street tree and forest retention notes being included on the Final & Record Plats; and
- 9) The previous TIS requirement being waived.

The proposed Section 1 density was **1/2.116**, based upon 25.386 acre

§4.1.17 provides that Preliminary Plats shall be valid for two years **from date of approval**. Therefore, the 9/15/08 Preliminary approval is set to expire on 9/15/10, unless either a Final Plat is approved and recorded or, as requested, the revised Preliminary Plat's validity is extended.

If the requested extension is granted, then the Preliminary approval for the proposed Section 1 will be extended until **8/16/12**.

§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 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.

Mark Woodhull read the comments of the Department of Public Works. The Department has no objection to granting the extension requested. The Applicant is advised that the SWM and E&S Control plans for this project must be designed in accordance with the current SWM Ordinance. The Applicant is further advised that the concept, preliminary & final SWM plans must be approved prior to submitting the final plat to the Planning Commission for review. Lastly the Department's comments from the September 15, 2008 Planning Commission meeting still apply 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 design for the proposed streets & storm drains must be in accordance with the new Road Code.

3. *The Trip Distribution Analysis requested at the August 6, 2008 TAC meeting has been submitted and the Department accepts its findings.*
4. *The protocol 3 road condition survey & road improvements plan for Worsell Manor Road has been submitted and the Department has reviewed it. Based on that review the extent of the Worsell Manor Road improvements will be limited to the mill & overlay of the north bound lane for the 220' section identified in the road improvements plan submitted. This meets the requirements of Section 3.07.15 of the Road Code.*
5. *The acceleration & deceleration lanes proposed are not acceptable due to length proposed. The default minimum for these lanes is 100' of 10' wide pavement extending from the point of curvature of the entrance curve. The 100' length consists of a 50' taper section and a 50' full width transition area. The taper line is delineated by a paint stripe set at a 5/1 ratio. The Applicant's Engineer must address this in the road design submitted for review.*
6. *The applicant has provided sight distance measurements (includes intersection & stopping) submittal for two of the proposed Worsell Manor Road access locations and they exceed AASHTO's minimum suggested distances. As such the Department finds them acceptable. A similar approval will be required for the proposed driveway for Lot 40 prior to that section of the subdivision being presented.*
7. *It appears that open section road is proposed and as such the preliminary plat should reflect the road shoulders and roadside drainage ditch associated with Standard Detail R-6.*
8. *Lots 1-3 are denied direct access to Worsell Manor Road and must be so indicated on the final plat and final lot grading plan.*
9. *The Department has a question about the apparent routing of runoff from an existing drainage ditch in to the SWM pond near Lot12.*
10. *The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:*

- 10.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
- 10.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 10.3 Requirements for Utility relocations.
- 10.4 Requirements for Public Works Agreements.
- 10.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 10.6 Requirements for County Roads.
- 10.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of*

any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”

- b. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving the County road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Vice Chairman Doordan read the comments from the Department of Environmental Health.

Chairman Mortimer asked if anyone desired to speak in favor or in opposition to the proposal. No rose to speak.

Staff recommended granting a two year extension of the preliminary plat.

Motion was made by Joe Janusz to grant a two year extension of the preliminary plat to expire on 16 August 2012. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

Sun Valley Estates, Lots 1-26, Concept Plat Extension

Mike Burcham and Jim Barczewski appeared to present the request to extend the concept plat approval for proposal known as Sun Valley Estates.

Dr. Di Giacomo read the Planning and Zoning Comments. 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 again on 9/15/09. It is set to expire on 9/21/10. If another extension is granted, it shall extend Concept validity until **9/21/11**.

§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:

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

Staff reports only that a new Comprehensive Plan has been adopted, and the 2010 Comprehensive Plan shows this site to be in the Medium Density Growth Area, which would have a density "range from two to six units per acre." The 1990 Comprehensive Plan's Suburban Residential District called for densities of up to 3:1, without incentives (4:1 with). The Concept Plat was approved at just below the lower end of 2010 Plan's density range.

Mark Woodhull read the Department of Public Works' comments. The Department has no objection to the extension requested. The proposed roads, water and sanitary sewer systems must be designed to meet the current Cecil County codes & ordinances. Additionally the Applicant is advised that the SWM and E&S Control plans for this project must be designed in accordance with the current SWM Ordinance and as such the Applicant is advised that the concept and preliminary SWM plans must be approved prior to submitting the preliminary plat to the Planning Commission for review. The outstanding comments from the September 21, 2006 & September 15, 2008 Planning Commission meetings still apply but will not be read at this time:

- 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 property line with Barksdale Village subdivision in order to access Lot 10. A 'Tee-Turnaround' may be required at this terminus.*
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.

Vice Chairman Doordan read the comments of the Department of Environmental Health.

Chairman Mortimer asked if anyone desired to speak in favor or in opposition to the request. No rose to speak.

Staff recommended granting a one year extension of the concept plat to expire on 21 September 2011.

Motion was made by B. Patrick Doordan to grant an extension of the concept plat to expire on 21 September 2011. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

Chesapeake Club, Lots 344 – 876, Preliminary Plat Extension

Mike Burcham and Mike Pugh appeared to present the request to extend the preliminary plat approval for the project known as Chesapeake Club, Lots 344 – 876.

Dr. Di Giacomo read the Planning & Zoning comments. Zoning = **RM**.

The original Concept Plat was approved **5/19/87** for 1440 units on 411 acres, for a density of **3.5/1**. The **RM** zone allows for a density of **6/1** with community facilities.

Revised Concept Plats were approved **12/20/93**, **6/20/94** (with no conditions), **3/16/98**, and **9/16/02**. These revised Concept Plats have all adhered to the originally-approved density of **3.5/1**, and they have reflected only slight changes in design, layout, and structure types.

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was approved on 4/27/04.

The original Preliminary Plat for proposed Lots 344-876 was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) **DPW** requirements being met;
- 3) The **FCP** and **Landscape Plan** being approved prior to Final Plat review;
- 4) **Sidewalks** or walkways, in keeping with the designs of completed sections, being included;
- 5) **Water** allocation must be **confirmed** by the Town of North East prior to Final Plat approval;
- 6) **Sewer** allocation must be confirmed by the Department of Public Works prior to Final Plat approval;
- 7) A revised Preliminary Plat showing fire hydrant locations being submitted for North East Volunteer Fire Company, Emergency Services, and DPW review prior to Final Plat review;
- 8) **A TIS being completed and reviewed, and a consensus being reached among DPW, OPZ, and SHA as to needed improvements, prior to Final Plat review;**
- 9) The Final Plat's noting and showing both rear and side access easement for those townhouses that do not back up to common open space; and
- 10) The details of the cross easement agreement areas being shown on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provides that Preliminary Plats shall be valid for **two years** from date of approval. Therefore, per **§4.1.18**, a 1-year extension was granted on 7/16/07, **but it expired on 7/16/08**.

An Area H Preliminary Plat for proposed lots 110-216 was approved on 5/20/02.

An Area H-1 Final Plat for proposed lots 128-187 was approved on 1/22/04. Those Record Plats were signed on 7/6/04.

The Area H Preliminary Plat for proposed lots 110-216 approval expired on 7/6/06.

What, then, is now proposed regarding Lots 110-127?

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was approved on 4/27/04. No record plat was recorded subsequent to the 10/16/06 Final Plat approval. Therefore, the 3/20/06 Preliminary Plat extension expired on 3/20/07.

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was extended on 7/21/08.

A revised Preliminary Plat for proposed Lots 344-876, **consistent** with the approved revised Concept Plat, the approved Area H-2 and H-3, Lots 188-343, Preliminary Plat, and the Preliminary Plat previously approved on 8/15/05, was approved on 9/ /08, conditioned on:

- 1) DPW concerns being addressed, to include a **TIS**.
- 2)

§4.1.17 provides that Preliminary Plats shall be valid for two years **from date of approval**. Therefore, the 9/15/08 Preliminary approval is set to expire on 9/15/10, unless either a Final Plat is approved and recorded or, as requested, the revised Preliminary Plat's validity is extended.

If the requested extension is granted, then the Preliminary approval for proposed Lots 344-876 will be extended until **8/16/12**.

§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 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:

- k) Change of adjoining land use.
- l) Change in street or highway plan.
- m) Change in zoning or subdivision regulations."

There have been **no** such pertinent **changes**.

Mark Woodhull read the comments of the Department of Public Works. The Department has no objection to granting the extension requested. The Applicant is advised that the SWM and E&S Control plans for this project must be designed in accordance with the current SWM Ordinance and as such the Applicant is advised that the concept, preliminary & final SWM plans must be approved prior to submitting the final plat to the Planning Commission for review. In addition the Department's comments from the September 15, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. *The design of the proposed streets must be in accordance with the new Road Code. This will have a major effect on the street layout present here.*
2. *A Protocol Three Road Condition Survey & Road Improvements Plan will be required for Irishtown road extending from Timberlane Drive to MD Route 272. This is needed to establish what improvements/repairs will be required on Irishtown Road to support the additional traffic loading generated by this development. The Department's policy is to have all major road issues resolved between the Developer & the Department prior to the Planning Commission's review of the preliminary plat.*
3. *With the traffic flow in & out of this development it is quite possible that beside the normal acceleration & deceleration lanes bypass lanes will be required at both entrances. This may require the Developer to obtain additional ROW from the owners of adjoining properties on the north side of Irishtown Road. Failing this Irishtown Road centerline must be shifted toward the south to accommodate the bypass lane. The Department will not entertain any request to omit the need for a bypass lane. This is an item that requires resolution prior to approving the final plat.*
4. *An amended Road Code Variance request must be submitted by the Developer's consulting engineering in accordance with criteria established on August 12, 2005 in consultation with the Director of the Department of Public Works. The applicant and the planning commission can expect layout changes to the current preliminary plat roadway network.*
5. *The Department wants to see a Traffic Impact Study (TIS). Since this development was originally proposed there have been major changes in the number of background developments, both proposed as well as under construction that are analyzed in the TIS. Submittal of the revised TIS is required prior to final plat review by the Planning Commission. A critical component of this TIS will be the lane capacity analysis for Irishtown Road with the impact of this development.*
6. *The new Storm Water Management Act of 2007 will be taking effect by the end of the year which could impact the proposed layout.*
7. *The Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system, including fire hydrant locations, be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. All easements for the water lines must be reflected on the final plat. The Town should require a PWA for the water system.*
8. *The De La Plaine sewage pump station upgrades must be complete prior to sewer allocation being granted for any of the proposed lots. A benefit assessment for the north east sanitary sewer sub district improvements project and SPS improvements is anticipated and will likely be applicable to each unit of this project proposal.*
9. *A preliminary sewer layout was provided on July 12, 2005 to the Department of Public Works. It is anticipated that a response will be forwarded to the applicant in the next thirty days. Off-road sanitary sewer collection system and force main alignments must be made accessible and maintainable along with a minimum 12' wide gravel access road. It is not evident how the current layout provides these features to the Department and the applicant will need to resolve these issues to the Department's satisfaction before any infrastructure design submittals can be reviewed by the Department. Discuss phasing in terms of construction traffic access through the established subdivision streets and the timing of the new access locations on Irishtown Road.*
10. *We had requested that the Applicant provide a phasing plan on the preliminary plat for planning commission review. This has not been shown. What phasing are you proposing?*
11. *Identify the proposed sidewalk limits for record. I.e., one side, both sides, to be determined, etc. Will a separate bike/pedestrian access be provided, or will the sidewalk serve this purpose?*

- 12.** *All off-street parking areas are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. Identify permanent maintenance easements in accordance with footnote two of standard detail R-5 of the Cecil County Road Code. For the town home units, how many off-street parking spaces will be provided on each town home lot?*
- 13.** *In all cases where the lot layouts proposed hereon contain dual or multiple frontages, the lots should access the new roadways of lower use classification.*
- 14.** *Bay Club Parkway shall be designed, at a minimum, as a residential minor collector road from the point it starts to Grand Slam Court and as a major collector road from Grand Slam Court, north to Irishtown Road. For a parkway, why is no monumental entrance or center island theme proposed?*
- 15.** *Blue Heron Drive from its point of origin to the south leg of Fairway Oaks Lane shall be designed, at a minimum, as a residential minor collector road and designed as a residential major collector road from there north to Irishtown Road.*
- 16.** *Access should be provided, separate from public drainage and utility easements, to all stormwater management facilities. The combined width of any adjacent public drainage and private stormwater access easements should not be less than 30 feet. Revise access for Stormwater Facility off Gallery Drive.*
- 17.** *Section 3.07.15 of the Road Code requires that Irishtown Road be upgraded to a Minor Collector Road standard for 100' either side of the proposed entrance. The design engineer must address the requirement for minimum bypass, acceleration and deceleration lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant's expense.*
- 18.** *Subdivision entrance geometry design off Irishtown Road must be coordinated with the Department and a plan view submittal made prior to any major engineering effort commencing for the subdivision. The Developer will be responsible to repair any damage to existing county roads within the Chesapeake Club development created by construction traffic associated with this phase of development. Once a phasing plan is submitted, the Department will comment upon the timing of the Irishtown Road entrance constructions relative to the overall project phasing.*
- 19.** *Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.*
- 20.** *Pre-design geotechnical evaluation and borings along the proposed road perennial stream, intermittent stream, and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement.*
- 21.** *The Department recommends that the applicant's engineering meet with the Department before beginning the site infrastructure design*
- 22.** *Public works agreements are required for the internal streets & storm drains and sanitary sewer work.*
- 23.** *An Inspection & Maintenance Agreement is required for the private SWM facilities.*
- 24.** *A TIS should be required.*
- 25.** *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:*
 - 25.1** *The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.*
 - 25.2** *Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.*
 - 25.3** *Requirements for Stormwater Inspection and Maintenance Agreements.*

25.4 Requirements for Public Works Agreements.

25.5 Requirements for Utility relocations.

25.6 Requirements for Driveways

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed road work and for the sewer work proposed.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
6. All driveways accessing them must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Vice Chairman Doordan read the comments of the Department of Environmental Health.

Chairman Mortimer asked if anyone desired to speak in favor or in opposition to the request. No one rose to speak.

Staff recommended granting a two year extension of the preliminary plat to expire on 16 August 2012.

Motion was made by B. Patrick Doordan to grant a two year extension of preliminary approval to expire on 16 August 2012. Motion was seconded by Wyatt Wallace. All members present voted in favor of the motion. Motion carried.

Adjournment: Chairman Mortimer adjourned the meeting at 12:25 p.m.

Next Meeting: 20 September 2010.

Respectfully Submitted:

Eric S. Sennstrom, Director – Planning & Zoning

CECIL COUNTY PLANNING COMMISSION

**Meeting Minutes
September 20, 2010**

Present: Pat Doordan; Vice Chair; Ken Wiggins; Randy Taylor; H. Clay McDowell, alternate; Tim Whittie; Mark Woodhull; Rebecca Demmler; Clara Campbell; Fred von Staden; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Bill Mortimer, Chairman; Joe Janusz and Wyatt Wallace.

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. McDowell. All approve. Motion carried.

1. Elk Point Marina, Lots 1-18, Oldfield Point Road, Concept Plat, CNA, Third Election District.

Doug Kopeck, CNA and Mike Novac, owner, appeared and presented an overview of the project.

Discussion ensued regarding the proposed docks and 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: SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The MB zone, per §'s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.

Site Data Note # 8 reflects the rezoning of part of the site from MB to SR.

General Note #13 indicates that a Variance will be sought to create lots on the proposed private road, Elk Point Road. That must be done prior to Final Plat review, but it is recommended to be accomplished as early in the process as possible.

Further, while this appears unlikely, should the 100-year floodplain boundary change, and, as a result, any dwelling sites were to find themselves within a revised floodplain boundary, then, in that case, those affected dwelling sites could be approved, but only pursuant to the provisions of §241.2.d (1).

This Concept Plat proposes 18 lots on 76.326 acres, for a proposed density of 1/4.240. A portion of the site is within the Critical Area RCA overlay zone, which permits the density of only 1 du/ 20 ac. For that area, only two dwellings are proposed on 48.331 acres, for a proposed density of 1/24.166 – which is consistent with that permitted in the RCA.

The Tax Map, block (or grid), and parcel numbers appear in the title block.

Critical Area Growth Allocation will not be required.

The previous proposed design used the “lotominium” concept. These are fee-simple lots.

There is precedent for split lots.

An existing cemetery is shown between proposed units 2 & 3. §93 requires a Bufferyard standard C between the burial plot(s) and all lot lines. ART. 27, §267 of COMAR covers abandoned cemeteries. How will access to the cemetery be effectuated via the proposed private road?

Any proposed signage or fencing associated with the cemetery must be included in the public works agreement.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 or covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²

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

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

The 100-year floodplain boundary has been clearly labeled, in conjunction with a legend.

A 110’ tidal wetland and tidal waters Buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments. A Variance could possibly be required, per §195.3.b & c, should the Buffer need to be expanded.

At 7/2/08 TAC review, Mr. Kopeck provided a copy of documentation submitted to MDE for bulkhead repair & maintenance, and testified that this marina had been in continuous operation. The boat launch & slips details must be consistent with §’s 169 & 198.

The effect of the parking area for 20+ cars with boat trailers must be included in the lot coverage calculations.

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

¹ This is based upon the Meadow Run precedent, 6/30/97.

² 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 ft² 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, but required to be completed prior to recordation.

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle's nest on the adjacent property have been shown.³

15% common open space is required; 16% 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 C.O.S. sensitive areas thresholds must be calculations must again be included on any Preliminary Plat.

The SR zone requires 20% landscaping (of the development envelope); 25%, in the MB zone.

Sidewalks are not recommended, so as to reduce the amount of lot coverage (impervious surfaces).

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

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

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 the proposed private Elk Point Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard & street tree requirements.

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

No development is permitted in the tidal wetlands and tidal waters Buffer, including septic systems, lot coverage, parking areas, roads, or structures.

No more than 15% of the surface area can be converted to lot coverage (impervious surface) in the RCA or LDA. No more than 20% of the forest or developed woodland may be removed.

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater to assure a ten percent reduction of pre-development pollutant loadings. The community boat slip details, per §291, including proposed parking & impervious surfaces, must be included on the Preliminary Plat.

In the critical area, no structure shall exceed 35' in height.

The original FSD/Conceptual Environmental Assessment was approved on 8/19/08. The revised EA approved. The Conceptual Stormwater Management Plan has been submitted, but it has not yet been approved.

The Critical Area Commission has expressed a number of concerns, which can possibly be addressed at the Preliminary Plat stage. The possible approval of the Concept Plat neither guarantees subsequent approvals nor obviates the need to address all concerns and issues.

³ If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.

A minimum 200' Buffer is required in the RCA. The 300' Buffer cited in previous CBCAC correspondence is moot since a Growth Allocation would not be required to achieve this proposal, as designed.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name, Elk Point Road, has been approved.

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

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

This plat depicts protective, concentric zones for bald eagles' nests on the adjacent Chesapeake Cove subdivision.

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

In a 10/1/07 letter, the Planning Director wrote that OPZ found⁵ that "the plats ... must show the required protective zones," and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles' nests could be added to the plat in lieu of the zones' depiction. A 10/19/07 letter from the applicant's counsel proposed said language, which, found to be satisfactory was included in two notes on sheet 1.

Moreover, the protective language used on the adjoining Chesapeake Cove subdivision Record Plats would suffice, rendering the depiction of the protective, concentric zones on this plat unnecessary:

"Active bald eagle nesting trees were identified at these locations on the adjoining Chesapeake Cove subdivision when this plat was prepared. The then current state and county bald eagle habitat protection guidance recommended development of restrictions on construction within a ¼ mile radius of bald eagle nests between December 15 and June 15. See the Environmental Assessment report filed with the Cecil County Office of Planning and Zoning for the restrictions devised for the six affected lots (Lots 1, 2, 3, 4, 10, and 18).

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

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

So long as the nest remains active, initiation of house construction activities and forest clearing within the Zone 3 protection area (between 660 and 1320 feet of the nest) between December 15th and June 15th are restricted. Construction substantially underway on or before December 15th may continue throughout the restricted period. Construction shall be deemed substantially underway upon Cecil County's: (a) issuance of a building permit; and (b) approval of the foundation inspection."

§4.0.13 (c) requires that in the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

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

School information:	Elementary	Middle	High School
	Elk Neck	North East	North East
FTE	433	776	1138
Capacity	501	712	1009
% Utilization	86%	109%	113%

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

The department has no objection to the tabling of this submittal. We will include the Department's comments in the minutes of this meeting but will not read them at this time:

1. All plans must be designed in accordance with the current regulations & ordinances. As such the SWM plan must meet the requirements of the May 4, 2010 Ordinance & current Maryland Department of Environment regulations. This includes the requirement to obtain concept SWM plan approval from the Department of Public Works prior to submitting this plat to the Planning Commission for review.
2. Road & Storm Drain plan, Sewer & Water plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
3. With that in mind why have you chosen a private road with a 60' wide Right of Way (ROW)? The standard ROW for a private road is 36' also why propose a 24' wide pavement especially within the Critical Area? The Department wants the ROW reduced to 36' width from the intersection of Oldfield Point Road to the western property line of Lots 2 & 10. From there on it can be 60' wide. We strongly suggest that the paved road width be reduced to 20' to lessen the impervious surface impact of this site.
4. The Department has strong objection to running private septic lines as proposed here for Lots 10-12.
5. How do Lots 2-9 & 13-17 access the proposed Elk Point Road? Lots 11 & 12 extend between those lots and the road barring their direct access.
6. We strongly suggest that the Engineer meet with the Department to discuss how these issues can be resolved to the satisfaction of the Department prior to submitting this plat for Planning Commission review.
7. How do you propose to address SWM for this site? Water quality facilities within the IDA are required to meet the 10% pollutant load removal rule.
8. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.
9. A Protocol Three (3) Road Condition Survey and Improvements Plan is required for Oldfield Point Road along this development's road frontage. The information from this survey and will be

used by the Department to determine what if any offsite road improvements will be required. This determination and agreement by the Developer must be complete prior to submitting the preliminary plat to the TAC.

10. At a minimum Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Elk Point Road. The improvements required must address roadside drainage issues and pavement distress at a minimum.
11. Acceleration and deceleration lanes have been noted on the plat but are not correctly drawn. This must be corrected before moving forward for Planning Commission review.
12. The required fee simple dedication note for the 30' wide strip of land along the entire frontage of this development with Oldfield Point Road must be included on the plat presented to the Planning Commission for review.
13. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
14. Sight distance measurements (intersection & stopping), for the proposed access point on to Oldfield Point Road, must be submitted and approved prior to the preliminary plat submission for TAC review.
15. All sewer lines running within the proposed 60' ROW must be shown on the preliminary plat submitted to the TAC.
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 and Lot Grading Plan Construction Limits Notes.
 - 16.2 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 16.3 Requirements for Public Works Agreements.
 - 16.4 Requirements for Utility relocations.
 - 16.5 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 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 shown 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. An Inspection & Maintenance Agreement is required for the private SWM facilities.
3. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
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. All driveways accessing them must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. 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.

Add a note that the existing well (s) will be abandoned and sealed by a licensed well driller and the existing septic tank (s) will be pumped and filled with earth prior to record plat approval.

Use 2009 soil types. Show percolation holes and data on preliminary plat. Sewage areas cannot be reviewed without percolation data.

Lots must connect house area to designated sewage area by a minimum 20' fee simple strip. Lot 13 proposes an easement only and cannot be approved as shown. Lots 10, 11 and 12 show 20' wide fee simple strips; however, the mechanism allowing the roadway over these strips is not clear. Nothing can constrain lot owners from working on sewer pressure lines that would be installed under the roadway when necessary. While it may be possible to arrange this without violating specific Health Department regulations, liability issues may arise (traffic damaging pressure lines, work on lines damaging roadway, etc.).

Chapter 5 of Environmental Site Design calls for permeable pavement to be 25' from designated sewage areas and 50' from confined wells. Clearly identify all permeable surfaces and maintain required setbacks.

Lots 2 – 13 propose infiltration berms. The expanded critical area buffer extends to the rear of the sewage areas on lots 2-9. Show where the berms will be located. Sewage areas must be 25' away.

The narrative states that drywells may be proposed. A 25' separation from sewage areas and 50' separation from wells is required for drywells.

Fill on lot 1 creates a slope over 25% within the designated sewage area. Sewage areas must be 25' from slopes over 25%.

The proposed limit of disturbance on lot 14 prevents running a pressure line on the lot from the house to the sewage area.

Commissioner Demmler asked if the issues stated in the letter received from the Critical Area Commission has been addressed. Mr. Kopeck said yes. Discussion ensued regarding the proposed sewer lines and SWM practices.

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:

Table, to allow time for the Conceptual SWM Plan to be approved.

A motion for the tabling of this project was made by Mr. Wiggins. The motion was seconded by Mr. McDowell.

All approve. Motion carried.

2. Lands of Jeffrey and Judith Rummel, Phase 1, Lots 6-18, Spears Hill Road, Preliminary Plat Extension, 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: NAR⁶

Density: The Concept Plat, proposing 2 minor- and 17 major-subdivision lots on 51.7017 acres, at a bonus density of 1/3.042⁷, 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.⁸

The Phase 1 (Lots 6-18) Preliminary Plat was approved on 11/17/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A note appearing on the Final Plat to the effect that Parcels 618, 619, and 620 in Tax Map 38 shall be activated as building lots only via the major subdivision process;
- 4) The FCP/Landscape Plan being approved prior to submission of the Final Plat;
- 5) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final and Record Plats;
- 6) The Final Plat's depicting and clearly labeling the 10' street tree planting easement outside the right-of-way; and
- 7) All common open space shown or referenced on the Final Plat being clearly labeled and referenced as such.

The Phase 2 Preliminary Plat for proposed Lots 1-5 & 19, consistent with the previously- approved Concept and Preliminary Plats, was approved on 12/21/09, conditioned on:

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

⁶ The NAR zone's permitted density was reduced to 1/10, effective 1/1/07.

⁷ The NAR zone permitted a base density of 1 du/ 5 ac.; bonus density eligibility carried with it a permitted density of 1/3.

⁸ 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.

- 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.

Per §4.0.9, the 12/21/09 Phase 2 Preliminary Plat approval extended the validity of the Concept Plat until 12/21/12. However, it did not extend the 11/17/08 Phase 1 Preliminary Plat approval, which, per §4.1.17⁹, is set to expire on 11/17/10, unless either a Final Plat is approved and recorded or the requested extension is granted.

If granted, then the Phase 1 Preliminary Plat approval will be extended until 9/20/12. The Phase 2 Preliminary Plat approval would remain valid until 12/21/12.¹⁰

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

The Department has no objection to granting the extension requested. The Applicant is advised that the SWM and E&S Control plans for this project must be designed in accordance with the current SWM Ordinance and as such the Applicant is advised that the concept, preliminary & final SWM plans must be approved prior to submitting the final plat to the Planning Commission for review. In addition the Department’s comments from the November 17, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. The applicant has provided sight distance measurements identifying adequate distances are obtainable for the Spears Hill Road access location.
3. The protocol 3 road condition survey & road improvements plan for the entire length of Spears Hill Road has been submitted and reviewed. We concur with the findings presented. The Department’s August 7, 2008 letter has identified the extent of the Applicant’s responsibilities as road side drainage improvements along the development’s Spears Hill Road frontage and the mill & overlay of both lanes of Spears Hill Road for 100’ either side of the point of intersection with the proposed access road.
4. The Department previously requested that the applicant amend the TIS for Brickhouse Farm Estates to address the additional traffic loading generated by this development. However due to the relatively small number of lots (19) we no longer see a benefit to revisit the Brickhouse Farm TIS at this time and withdraw our request.

⁹ §4.1.17 provides for the automatic extension of Preliminary Plats only with the recordation of a Final Plat for any section of the Preliminary Plat of which it was a part..

¹⁰ Because the Phase 2 Preliminary Plat approval was made subsequent to the 4/07/09 amendment to the Subdivision Regulations, its Preliminary approval was for three years instead of the former two year Preliminary Plat approval.

5. 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.
6. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way and the maximum grade break (algebraic difference) at the intersection is 6%.
7. It appears that driveway pipes will be required for all but one or two lots. These pipes must be analyzed & sized to provide adequate drainage to the SWM facility at the time of design.
8. The proposed street trees must be located outside the ROW.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 9.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
 - 9.2 ~~Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.~~
 - 9.3 Requirements for Utility relocations.
 - 9.4 Requirements for Public Works Agreements.
 - 9.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 9.6 Requirements for County Roads.
 - 9.7 Requirements for Driveways.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note. The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. ~~The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.~~
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The internal street grade leaving Spears Hill Road may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval. The applicant is reminded that COMAR 26.04.03 limits Health Department approval of plats to 6 months. A written request for extension may be granted for not more than 12 additional months.

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 Phase 1 Preliminary Plat approval, to expire on 9/20/12.

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

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

3. The Villages at Herron Lake, Parcels 3, 4, 6, 7 & 9, Zeitler Road, Preliminary Plat Extension, Taylor Wiseman & Taylor, Third Election District.

David Meiskin, Managing member of Herron 393, LLC, appeared and presented an overview of the project.

Commissioner Demmler asked the applicant why the applicant allowed the project to expire. Mr. Meiskin explains he was dealing with several different aspects of the planning process for this proposed development so he unknowingly missed the deadline for expiration.

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.

The Concept Plat, proposing 1,465 dwelling units on 373.8 acres, for a proposed density of 3.92/1¹¹ was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;

¹¹ The **RM** zone permits a maximum base density of **2/1**, or **6/1** with community facilities; **12/1** for townhouses; **16/1** for apartments.

- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;
- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The “Land Use Summary” taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the “Land Use Summary;”
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

The Preliminary Plat, proposing 680 units¹² in Parcels 1, 3, 6, 7, 8, & 9 (on approximately 375 acres for an approximate density of 3.885/1) was approved 11/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any Final Plat or Preliminary Plat/site Plan being first submitted for TAC review prior to Planning Commission review;
- 4) Documentation of FEMA and MDE approval of the “as determined” floodplain boundary being received prior to any Final Plat or Preliminary Plat/Site Plan review by the TAC;
- 5) Clear delineation of the new floodplain boundary (resulting from fill) being included on any Final Plat or Preliminary Plat/Site Plan prior to review by the TAC;
- 6) The SWM facilities in Parcel 2 being phased to support the development proposed in Parcel 3;
- 7) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 and 4;
- 8) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 & 4;
- 9) The identity of the waste water treatment plant being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;

¹² Consistent with the July & September ‘06 TAC submittals, 777 “future units” were also proposed, including 34 of the 202 in Parcel 3 and 3 of the 95 units in Parcel 9. Thus, the aggregate total of 1457 (680 + 777) was 8 fewer than proposed in the approved Concept Plat.

- 10) The name of the water company providing the water being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 11) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 4;
- 12) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Final Plat review or Preliminary Plat/Site Plan review by the Planning Commission for Phases 2 and 4;
- 13) Final concurrence on the recommendations of the Traffic Impact Study being completed prior to any Final Plat or Preliminary Plat/Site Plan review;
- 14) Final design of the Blue Ball Road entrance(s) being consistent with SHA requirements;
- 15) All proposed areas of common open space being labeled as “common open space;”
- 16) Any Preliminary Plat/Site Plan review for Phases 2 & 4 clearly demonstrating consistency with §277;
- 17) The FCP and Landscape Plan being approved prior to Final Plat review or Preliminary Plat/Site Plan review by the TAC;
- 18) The Final and Record Plats or Preliminary Plat/Site Plans containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 19) The Final and Record Plats or Preliminary Plat/Site Plans also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale; and
- 20) All granted Variance numbers being cited on Final Plats, Preliminary Plat/Site Plans, and Record Plats.

The Revised Preliminary Plat was originally approved on 5/19/08. On that approved plat, because of design considerations, the apartment units were shown with a 15’ setback, and the Revised Preliminary Plat was re-approved to explicitly include the 15’ setback modification on 9/18/08 conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any Final Plat or Preliminary Plat/site Plan being first submitted for TAC review prior to Planning Commission review;
- 4) Documentation of FEMA and MDE approval of the “as determined” floodplain boundary being received prior to any Final Plat or Preliminary Plat/Site Plan review by the TAC;
- 5) Clear delineation of the new floodplain boundary (resulting from fill) being included on any Final Plat or Preliminary Plat/Site Plan prior to review by the TAC;
- 6) The SWM facilities in Parcel 2 being phased to support the development proposed in Parcel 3;
- 7) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 and 4;
- 8) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission’s review of the Final Plat or the Preliminary Plat/Site Plans for Phases 2 & 4;
- 9) The identity of the waste water treatment plant being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;

- 10) The name of the water company providing the water being included on the Final Plat or Preliminary Plat/Site Plans for Phases 2 & 4;
- 11) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 4;
- 12) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Final Plat review or Preliminary Plat/Site Plan review by the Planning Commission for Phases 2 and 4;
- 13) Final concurrence on the recommendations of the Traffic Impact Study being completed prior to any Final Plat or Preliminary Plat/Site Plan review;
- 14) Final design of the Blue Ball Road entrance(s) being consistent with SHA requirements;
- 15) All proposed areas of common open space being labeled as “common open space;”
- 16) Any Preliminary Plat/Site Plan review for Phases 2 & 4 clearly demonstrating consistency with §277;
- 17) The FCP and Landscape Plan being approved prior to Final Plat review or Preliminary Plat/Site Plan review by the TAC;
- 18) The Final and Record Plats or Preliminary Plat/Site Plans containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 19) The Final and Record Plats or Preliminary Plat/Site Plans also containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/homes offered for sale;
- 20) All granted Variance numbers being cited on Final Plats, Preliminary Plat/Site Plans, and Record Plats; and
- 21) All acreage accounting questions being resolved prior to Final Plat review;
- 22) The details of any Final Plat and the FCP matching up;
- 23) Another fire hydrant being placed along Griffin Drive in the area of proposed Lot 24;
- 24) The proposed rezoning for the former Parcel 10 being obtained prior to Final Plat review;
- 25) References to condominiums being dropped if the new Parcel 1 units are, in fact, intended to be apartment units;
- 26) If the new Parcel 1 units are to be condominiums, the a condominium Preliminary Plat-Site Plan being submitted for TAC review and Planning Commission approval;
- 27) The requirements of §4.1.22 (s) being satisfied;
- 28) A Site Plan being approved for the proposed Parcel 1 Clubhouse prior to Final Plat review; and
- 29) The requested setback modification being granted.

Today, §4.1.17 of the Cecil County Subdivision Regulations specifies that Preliminary Plat approvals are valid for three (3) years from the date of approval. However, prior to the 4/7/09 amendment, §4.1.17 stipulated that Preliminary Plat approvals were valid for only two (2) years. Therefore, the 9/18/08 Preliminary approval expired on 9/18/10 (2 days ago).

For unexpired Preliminary Plats, §4.1.18 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.”

Our reporting that there have been no such pertinent changes is technically moot because of the approval expiration issue.

Staff ordinarily will not recommend an extension for any Concept or Preliminary approval that has already expired. However, given:

- The precedent of the Planning Commission’s selective, specific extensions of prior expired approvals;
- The fact that the Preliminary approval expired only days ago, by virtue of a quirk in the calendar (i.e., this September’s Planning Commission meeting’s being scheduled two days after expiration);
- The fact that the Subdivision Regulations now allow for three (3) year Preliminary approvals;
- The complexity of the project combined with the difficulty of the macroeconomic environment; and
- The clear consistency of the project and its location with the goals of the 2010 Comprehensive Plan; ...

Staff would not offer objection to the Planning Commission’s extending the Preliminary approval until 9/20/12.

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

The Department has no objection to granting the extension requested. The Applicant is advised that the SWM and E&S Control plans for this project must be designed in accordance with the current SWM Ordinance and as such the Applicant is advised that the concept, preliminary & final SWM plans must be approved prior to submitting the final plat to the Planning Commission for review. In addition the Department’s comments from the May 19, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

1. A Road & Storm Drain plan, a Water Treatment and Distribution system plan, a Sewer Collection and Treatment System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. SWM ponds cannot be located within stream buffers, wetland buffers and/or the 100-year flood plain.
3. The Department understands that Artisan will provide potable water for this development. Water supply for this development must be confirmed before the Department will sign the final plat.
4. The sewer collection and treatment system in this development is to be public.
5. All easements for the sewer lines outside of County ROW must be identified by note on the final plat.
6. Both the water and sewer lines must be extended to the northern end of Edinburgh Road to allow for ease of future connection when the road is extended on to the Lands of William J. Huebner.
7. The water distribution system including fire hydrant locations shall be designed to meet or exceed the County’s standards. The applicant is responsible for securing review of the hydrant locations by the serving fire company. All easements for the water lines outside of County ROW must be identified by note on the final plat.
8. The Department has received the copy of Delmarva Power letter approving the proposed impacts to their ROW. The CCDPW requires the applicant to submit to Connective all engineering plans for roads & infrastructure crossing their ROW. The Department will not approve any plans until

we receive notification from Connective that they have approved all proposed impacts to their ROW.

9. Both Wessex and Samantha Drives will be private roads. The County will not own any of the streets in the apartment complex.
10. The townhouse layout plans do not scale correctly in areas of road curves at the 20' length as detailed on Sheet 11. The final plat layout plans must accurately show the parking at each townhouse as the detail on Sheet 11 indicates.
11. The Randolph Drive stream crossing design approach and selection process shall be accomplished with pre-design input from the Department of Public Works. As well, any Zeitler Road bridge improvements shall be treated in a similar manner, with Departmental input being sought by the applicant's engineer prior to making any design submittals or permit applications for the same.
12. Pre-design geo-technical evaluations and borings are required along the proposed road alignments that cross perennial streams and non-tidal wetlands. Specific recommendations for subsurface drainage and street subgrade placement are required in the area of these crossings. New stream crossings must be approved as part of the overall road system design approval. The applicant is responsible to have their engineer prepare and submit these designs and analyses.
13. The applicant will be required to improve the Marley Road intersections with Deaver and Nottingham Roads. The Deaver Road intersection may require substantial re-alignment to create a Deaver Road stop and intersection condition. The Marley Road improvements shall include the Nottingham Road intersection, which shall be improved on the Nottingham Road segment at least 100' in either direction to a minor collector road standard R-7 equivalency, and significant geometric improvement to the Deaver and Marley Road intersection. The applicant will be responsible for obtaining any and all right-of-way with acquisition being solely at the applicant's expense.
14. The applicant has submitted a Protocol 2 Road Condition Survey of Marley Road per the November 2005 TAC and Planning Commission hearing requirements. The proposed improvements approach is acceptable to the Department.
15. Given the phasing proposed the Marley Road interconnection and any associated offsite improvements must be designed, rights-of-way approved, construction guaranteed, and included in the public works agreement for phase four. The Marley Road improvements shall be complete prior to the issuance of any temporary/final use & occupancy permits for dwellings or condominiums west of Laurel Run (phases 4, 6, 7, 8, & 9).
16. Identify all utility and/or drainage easements outside of County ROW by note on the final plat.
17. Identify all access and I&M easements for proposed SWM facilities by note on the final plat.
18. Public Storm drainage easements must be separated from private stormwater management and access easements.
19. If the proposed sewer system is to be owned by the County all sanitary sewer pump stations must be located on property dedicated in fee simple to the BOCC of Cecil County.
20. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 20.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 20.2 Compliance with Sections 251-9. A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
 - 20.3 Requirements for Utility relocations.
 - 20.4 Requirements for Public Works Agreements.
 - 20.5 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 20.6 Requirements for County Roads.
 - 20.7 Requirements for Driveways.
 - 20.8 Requirements for Final Plat - Public Water and Sewer Allocation.
 - 20.9 Requirements for Sewer Service Cleanouts – Location.

20.10 Requirements for Stopping Sight Distance Measurements.

20.11 Townhouse Parking Areas & H.O.A. Maintenance Easement Notes.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and a note indicating that sidewalk maintenance will be required of the adjacent property owner (if sidewalks are required). The Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat:* "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."
 - b. *Final Plat:* "Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code."
 - c. *Grading Plan:* "No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
4. A Public Works Agreement is required for the streets & storm drainage and public water and sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. The street R.O.W. entrance tapers must be offset 25' from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grades leaving Zeitler and Marley Roads may not exceed 5% within the limits of the intersection right-of-way.
7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
8. If a County-owned and maintained public water & sewer system is proposed, the Developer must request and obtain a public water & sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.
10. Applicant must provide stopping sight distance measurements for the Marley Road access to DPW prior to preliminary plat submittal. Mark the proposed Marley Road entrance location in the field by a survey stake or paint.
11. All parking areas are to be paved and are to be maintained by the HOA unless otherwise noted. Identify parking easements as private easements for HOA maintenance of the parking areas. This must be shown clearly on the final plat. Identify permanent maintenance easements in accordance with footnote one of standard detail R-5 of the Cecil County Road Code.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval. The applicant is reminded that COMAR 26.04.03 limits Health Department approval of plats to 6 months. A written request for extension may be granted for not more than 12 additional months.

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:

Staff offers no objection to the Planning Commission's extending the Preliminary approval until 9/20/12, provided that:

- 1) Said approval's also explicitly including the automatic extension of Concept Plat approval, consistent with the intent of §4.0.9 (Otherwise, technically, a new Concept Plat would need to be approved.);
- 2) It being understood that all sections and/or phases of the project must meet current stormwater management requirements, including a Final Stormwater Management Plan's being approved prior to the Planning Commission's review of any Final Plat; and
- 3) It being understood that an updated Traffic Impact Study (TIS) could, possibly, be required prior to the Planning Commission's review of any Final Plat – depending on the length of time elapsed since the completion of the original TIS.

A motion for the granting of a two (2) year extension was made by Mr. McDowell.
The motion was seconded by Mr. Taylor.

All approve. Motion carried.

General Discussion:

Mr. Wiggins asked staff their opinion as to whether or not the Planning Commission members should attend the MPCA annual conference. Mr. Di Giacomo stated that would be up to the Planning Commission members own discretion.

A motion for adjournment was made by Mr. Wiggins.
The motion was seconded by Mr. McDowell.

All approve. Motion carried.

The September Planning Commission meeting adjourned at 1:04 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

October 18, 2010

Present: Bill Mortimer, Chairman; Pat Doordan; Vice Chair; Ken Wiggins; Wyatt Wallace; Randy Taylor; H. Clay McDowell, alternate; Tim Whittie; Mark Woodhull; Rebecca Demmler; Clara Campbell; Fred von Staden; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Joe Janusz.

Call to Order: Chairman Mortimer called the meeting to order at 12:04 p.m.

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

Chairman Mortimer announced that the second item on the agenda, Bohemia Crossing, would be moved to the first agenda item with Village of Stoney Run following.

1. Bohemia Crossing, Lots 1-10 (Lots 11-15 are located in New Castle County, DE), Old Telegraph Road, Preliminary Plat Extension, Landmark Consulting Engineering, Inc., Second Election District.

Keith Baynes, Esq., John Gonzales, Landmark Engineering and George Hobbs, 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: SAR and RCA

Density: The Concept Plat, invoking the density provision of §2.4.1 and proposing 4 minor and 6 major subdivision lots on 49.20 acres, for a proposed density of 1/8.2,¹ was approved on 12/18/06, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 3) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) All areas of natural constraints table data being corrected prior to the TAC's review of any Preliminary Plat; and
- 5) Road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat, and, since New Castle County 911 will handle, and the Middletown Fire Company will respond to, emergency calls for the 5 proposed NCC

¹ The permitted density of the SAR zone was then 1/8. Effective 1/1/07, the permitted SAR maximum density became 1/20.

homes, documentation of NCC's approval of the road name on which the NCC lots front will also being submitted prior to the Planning Commission's review of any Preliminary Plat.

The Preliminary Plat, which did not propose any new lots in the Critical Area RCA overlay zone, was approved on 11/17/08, conditioned on:

- 1) Health department requirements being met;
- 2) DPW requirements being met;
- 3) The area/density table, required by §4.1.22 (r), being included on the Final Plat;
- 4) The Critical Area acreage being included on the Final Plat;
- 5) All §4.1.22 (b) information being included on the Final Plat;
- 6) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 7) The required 10' street tree planting easement being depicted and noted on the Final and Record Plats;
- 8) The confusion between open space and common open space has being eliminated from the Zoning Regulations table on the Final and Record Plats;
- 9) The FFCP/Landscape Plan/Environmental Assessment being approved prior to submittal of the Final Plat; and
- 10) Any other relevant Critical Area Commission comments being adequately addressed prior to submittal of the Final Plat.

As to the development of the proposed lots in New Castle County, respective Final Plats for this project must be approved in both counties prior to recordation in either county. Final Plat should make crystal clear the fact that the NCC lots are not being approved by the Cecil County Planning Commission.

Per §4.1.17², the 11/17/08 Preliminary Plat approval is set to expire on 11/17/10, unless either a Final Plat is recorded or the requested extension is granted.

If granted, then the Preliminary Plat approval will be extended until 10/18/12.

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

The Department has no objection to granting the extension requested. The comments from the November 17, 2008 Planning Commission meeting still apply and will not be read but will be included in the minutes of this meeting:

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 §4.1.17 provided that Preliminary Plats remained valid for only two years prior to the 4/7/09 amendment.

2. Sight distance measurements for the Old Telegraph Road access have been submitted and approved.
3. The required Protocol 3 Road Condition Survey & Road Improvements Plan for Old telegraph Road, along the entire frontage of this development, has been submitted. In accordance with the Department's May 21, 2008 comments the Applicant shall be responsible for the following work and this must be identified on the preliminary plat submitted to the Planning Commission:
 - 3.1. Replacement of the existing culvert under Old Telegraph Road located immediately north of the proposed entrance.
 - 3.2. Re-establish the roadside drainage swale on the east side of Old Telegraph Road, immediately north of the existing culvert.
 - 3.3. Mill and overlay both lanes of Old Telegraph Road along the entire frontage of the proposed development.
4. The Department will require proof that any/all MDE stream crossing permits have been obtained prior to approval of the final road & storm drain plans.
5. Geo-technical analysis of all road crossings of wetlands/streams to determine suitability of the sub-base to support a county road. This analysis must be included in the road & storm drain design submittal.
6. Who required that a water line be installed between the drafting tank and from the Great Bohemia Creek? It has always been the Department's understanding that the initial fill & subsequent refills of this or any drafting tank would be the responsibility of the serving Fire Company. This can be achieved with far less environmental impact by the Fire Company through use of a tanker truck than by running a pipe through the 110' riparian buffer and out into the creek.
7. The preliminary SWM submittal incorrectly identifies this site as being in the Transitional Region. This site is in the Coastal Plain and as such no 251-9.A.3 determination is required.
8. The Recharge Volume Requirements (Re_v) for this or any site cannot be met by use of the proposed above ground detention basin (P1-5, or W1-4). Refer to Table 4.3 BMP Selection – Stormwater Treatment Suitability of the MDE 2000 Design Manual. Recharge must be accomplished outside of the basin. Look at Table 4.3 for acceptable methods to meet the Re_v requirements (i.e. roadside ditches as dry swales, infiltration basins, bioretion, etc...).
9. What form of drainage is proposed in the rear yards of Lots 2-5? Both the SWM & Lot Grading plans must address this. If the runoff is to be concentrated a private storm water conveyance easement will be required and it must be identified on the preliminary plat and final plats.
10. The Inspection & Maintenance easement for the SWM pond as well as any conveyance easements for proposed storm drain pipe must be called out as appropriate on the preliminary and final plats.
11. For the portion of the development in Delaware the applicant must comply with all pertinent requirements imposed by them in regards to SWM, lot grading, building permits, etc...
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

- 12.1 The Final Plat Lot Grading and the Lot Grading Plan Construction Limits Note.
- 12.2 Compliance with Sections 251-9.A(5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
- 12.3 Requirements for Utility relocations.
- 12.4 Requirements for Public Works Agreements.
- 12.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 12.6 Requirements for County Roads.
- 12.7 Requirements for Driveways.

Notes and requirements identified for record:

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

- a. *Final Plat:* “A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”
 - b. *Grading Plan:* “No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”
2. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
 3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
 4. A Public Works Agreement is required for the streets & storm drainage construction.
 5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 6. The street R.O.W. entrance tapers must be offset 25’ from the R.O.W. point of intersection and be straight lines, per 7.2.12.E.3 of the Subdivision Regulations. The internal street grade leaving Old Telegraph Road may not exceed 5% within the limits of the intersection right-of-way.
 7. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

The Health Department has no objection to extension of preliminary plat approval. The applicant is reminded that COMAR 26.04.03 limits Health Department approval of plats to 6 months. A written request for extension may be granted for not more than 12 additional months.

Chairman Mortimer asked if anyone would like to speak in favor or in opposition to this project. Frank Dinbokowitz, 15 Horseshoe Circle, Warwick, MD 21912, spoke in opposition.

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two-year extension of Preliminary Plat approval, expiring on 10/18/12.

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

The motion was seconded by Mr. Doordan.

All approve. Motion carried.

2. Village of Stoney Run, 1125 Units, Baron Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District.

Phil Toliver, 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: RM

Density: With community facilities, the RM zone permits a density of 12/1 for townhouses and 16/1 for apartments.

The Concept Plat, proposing 287 townhouses, 672 apartment units, and approximately 166 assisted living units on 136.76 acres at a proposed density of 8.23/1, was approved on 4/19/10, conditioned on:

- 1) Any necessary DPW requirements relating to SWM being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A Traffic Impact Study(TIS)'s being updated prior to the TAC's Preliminary Plat review;
- 3) The revised PFCP's being approved prior to Preliminary Plat review by the Planning Commission;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) The Board of Appeals granting a Special Exception for a nursing care facility in the RM zone prior to Final plat approval;
- 6) The Preliminary Plat's showing the 100-year floodplain based on field-run topographic information; and
- 7) Two entrances being required for emergency response vehicle access.

This project was presented as an information item at the 7/19/10 Planning Commission meeting – with a focus on a then-contemplated minor design modification involving the rear setback's being reduced from 40' to 25', as is now cited in Site Data Note # 23.

Site Data Note # 14 indicates that the project's water provider will be the Artesian Water Company. As has been stated at all previous reviews, written verification of water and sewer allocation must be received prior to Final Plat review; otherwise, a Final Plat cannot be approved.

On 10/14/10, OPZ received, via fax, a letter to the Planning Commission from Venable LLP, representing the Town and expressing the Town's objection "to any development approval related to Stoney Run based in whole or in part on water service being provided by any entity other than the Town"

As Artesian Water is again cited as the water provider on this Preliminary Plat, staff again notes that the Board of County Commissioners has not granted a franchise for that area – which is in the Town of North East's water service area. Therefore, if this were a Final Plat submission, then, in that case, staff could not recommend approval.

§4.1.22 (r) requires the total number of lots, the area of lots, the density, the total area and types of right-of-way dedicated, and total area of subdivision to be indicated in table form.

The Lot Area Table in the lower left-hand corner contains only the first two information and data sets. Site Data Note # 4 cites the total subdivision area, Site Data Note # 10 cites the density, and the total area and types of right-of-way to be dedicated is found in Site Data Note # 11. All of this information should be included in one table.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.³

Areas of steep slopes have been shown.

³ 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 ft² 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 160'⁴.

The 100-year floodplain has been shown.⁵ Note # 18 indicates that the 100-year floodplain boundary was determined by MRA rather than being taken from a FEMA Panel, as was a condition of Concept Plat approval. Thus, this plat is consistent with the requirements of §4.1.22 (i) & §4.1.22 (p).⁶

Stream and wetland buffers have been depicted.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. JD's are required in conjunction with permitting. The 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.

20% common open space is required for the townhouse section; 20% open space is required for the apartment and assisted living sections. An aggregate 62.97% is proposed.

The C.O.S. sensitive areas thresholds have been calculated and included on this Preliminary Plat.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

§176.2.a prohibits any common open space being used for parking. There can be common overflow parking areas, but they cannot be included in the open space total acreage. Maintenance of the common overflow parking areas will be the responsibility of the Homeowners' Association. The C.O.S. Calculation Box notes that no parking spaces have been included in the C.O.S. acreage.

Sidewalks are recommended on both sides of all internal roads. A minimum 25% landscaping is required in the RM zone. The required (§29.5.a (2)) 25' peripheral Bufferyard standard C has been shown.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements, but they still must be labeled. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. The Landscape Plan must include clustered tree plantings instead of the normal 50' spacing intervals.

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

The FSD was approved on 2/6/07.

A PFCP was previously approved on 7/11/07. A revised PFCP was approved on 7/12/10.

⁴ If necessary, consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better.

⁵ Per previous PDW comments, the 100-year floodplain boundary may need to be revisited.

⁶ §241.2.d(1), §241.2.d(2), and §241.2.e(1-3) of the *Cecil County Zoning Ordinance*, §4.1.22(h), §4.1.22(i), §4.1.22(p), and §7.5.1 of the *Cecil County Subdivision Regulations* mandate that floodplain information be included on Preliminary Plats, and §239.1.b and §239.2.a-b of the *Zoning Ordinance* further require an **accurate determination** of the floodplain boundaries.

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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.

The old TIS's being updated prior to the TAC's Preliminary Plat review was a condition of the 4/19/10 Concept Plat approval, and an updated TIS, dated 4/1/10, had been received on 4/5/10. It did not include the "SYNCHRO" analysis that SHA had requested.

To avoid project delay, on 6/3/10 Mr. Caloggero, traffic consultant for the developer, requested that the applicant be permitted to submit the Preliminary Plat for TAC review – in light of the fact that SHA had not provided their "SYNCHRO" model for the update to identify road improvements and contributions.

Under those circumstances, including the submission of the 4/1/10 TIS, staff determined that the Preliminary Plat could be submitted for TAC review on 7/7/10.

At that time, more than three months ago, staff then commented that "the completed TIS, with the SYNCHRO model input, would need to be completed prior to the Preliminary Plat's review by the Planning Commission." Due to delays by SHA, SHA has written that it has no objection to the approval of this Preliminary Plat.

The TIS must be completed and all reviews finalized prior to Final Plat review.

The proposed Savannah Lane cul-de-sac suggests possible, future access to the lands of the Montgomery Brothers. Mr. Montgomery has indicated to OPZ that he is amenable to allowing access through the Montgomery Brothers' property out to Razor Strap Road, so long as the Montgomery brothers do not have to construct the road.

Additional access is desirable from the emergency response and planning perspectives.

Sight distance must be confirmed for the proposed Emerson Lane entrance onto Barron Rd.

Road names have been approved. An unnamed stub road shows connectivity (per §7.2.12.B.2 & §7.2.12.B.3) to the adjacent Lands of Jansen.⁷

Per previous comments, the "Typical Townhouse Lot Layout" schematic shows easement access to townhouse rear yards. Fee simple access is always preferable. In addition, such easements may be difficult to effectuate in several areas.

All aspects of the design and layout must conform to appropriate elements of §29.

Per Site Data Note # 12, the number of proposed parking spaces is consistent with §'s 274 & 277.

Fire hydrant locations must be finalized in consultation with the North East Volunteer Fire Company and DPW.

⁷ The Stoney Run Creek Estates Concept Plat was approved on 3/19/07 and extended on 3/16/09. It expired on 3/19/10 and no longer has any standing.

For the townhouse section, a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. Access to common open space between lots must be marked with concrete monuments.

Common open space is also proposed in the Apartment and Assisted Living sections. Is a master HOA contemplated or separate HOA's? Mr. Toliver stated that there would be a HOA for the townhouses and a separate HOA for the apartment buildings.

As stated at Concept review, the details of the assisted living section component of the projects can either be included in the Preliminary Plat or submitted as a separate site plan. Either must conform to the requirements of Appendix A, and any site plan must be approved prior to the approval of the project's Final Plat. Since those details are not now provided, the applicant is locked into the separate site plan approval scenario.

A Site Plan will also be required for the club house/pool area.

Should this development proposal be approved and built, and should, at some future point in time, the apartments be converted to condominiums, then, in that case, a revised Preliminary Plat (condominium Preliminary Plat/ Site Plan) would need to be approved, consistent with the County's established condominium approval process.

The Master Water and Sewer Plan classifies this site as W-1 and S-1.

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.

Written verification of water allocation and sewer allocation must be received prior to Final Plat review. Otherwise, a Final Plat cannot be approved.

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

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

1. The SWM plan, Street and Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
2. This project was granted an environmental site design waiver on April 28, 2010 allowing the SWM and E&S Control plans to be designed under the requirements of the storm water management ordinance in effect as of May 4, 2009. The applicant is reminded that the waiver shall expire and will not be extended if the development does not receive "Final Approval" by May 4, 2013 or if substantial construction associated with all eleven storm water facilities, in the judgment of the Department of Public Works, has not been completed by May 4, 2017.
3. The Department understands that the water distribution system in this development will be a private system provided by Artesian Water Company. The water distribution system must be designed to meet or exceed the County's standards. This includes providing adequate fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution.

Has the serving fire company reviewed & approved all fire hydrant spacing and locations provided on this plat? The serving fire company must approve the layout prior final construction drawing approval... Private utility easements will be required for all water lines run in County ROW. 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.

4. The Traffic Impact Study dated 4-1-10 was submitted to the Department and is under review.
5. While there have been discussions with The Traffic Group, Inc. about the impact this size subdivision will have on traffic movement at the Palisades Drive entrance, the Department still requires a formal submittal of a queuing analysis of this principal access point based on the 1125 dwelling units proposed. The Department will not approve the final plat until the TIS has been approved.
6. In regards to off-site road improvements on both Baron & Nazarene Camp Roads, the nine (9) items identified in the Department's 6-15-10 letter have been satisfactorily addressed by the deadline set by the Department.
7. The Department of Public Works has granted (6-12-10) a Road Code Variance from Standard Detail R-14 (residential Cul-de-sac). No other variances having been sought and/or approved therefore, the applicant will be held to all other applicable requirements as identified in the Cecil County Road Code.
8. The Department's previous opposition to the proposed Emerson Lane access on to Baron Road is withdrawn. Adequate sight distance has been substantiated for this access point. In addition, the developer's engineer is working with our Engineering Services Division to coordinate this access point with the Baron Road improvements proposed in the Department's CSX Bridge project.
9. In regards to providing an additional access Savannah Lane as proposed provides a revertible easement allowing future access to Razor Strap Road via Parcel 548. With this connectivity Savannah Lane must be a collector townhouse road with 38' wide ROW as shown.
10. As the Department requested connectivity to the Jansen property (Parcel 526) has been reestablished.
11. The Department's concern over the geometry of the "U" shaped loops. As well as the "P" loop (see Standard Detail 14A) and traffic island at Elk Court has been addressed to our satisfaction and are considered acceptable as shown.
12. Adequate off-street parking is always a concern especially in townhouse developments. While needing to address the requirements of ESD on any site, legitimate issues of adequate access for emergency services vehicles remain important the Department. In that regard we're concerned over this proposal's 32 fewer spaces than the last proposal provided.
13. Pre-design geotechnical evaluation and borings at stream and wetlands crossings of any proposed road are required along with specific remedial recommendations for subsurface drainage and street sub grade placement.
14. The structure for the Palisades Drive crossing of the unnamed intermittent stream must be designed to pass the 100 year storm without overtopping the road. Its design must be included in the road & stormdrain design plan submitted for approval. A re-mapping of the on-site 100-year flood plain and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
15. All proposed culvert structures under Savannah Lane must be approved as part of the road plan approval passing the 25 year storm without overtopping.
16. The standard fee simple ROW dedication note is required for the Baron & Nazarene Camp Road frontages. The Department of Public Works will not sign the final plat until this note is included.
17. Have you analyzed the existing sanitary sewer main from the proposed point of connection to the Washington Street Pump station to determine if adequate capacity exists in the line? This analysis must be submitted prior to the sanitary sewer plan submittal. The County has an I&I issue on this line.

18. 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 allocation has been granted the developer proceeds with any and all project engineering at his own risk.
19. Connection to the Stoney Run Interceptor line will be the developer's responsibility including obtaining all required easements and the installation of the sewer main between the site and the main. The applicant is also responsible for all costs in doing so.
20. The preliminary layout of the proposed subdivision sewer system required at Concept Plat review by the Planning Commission was received by the Department on 4-22-10.
21. No pump station was indicated on the preliminary utility layout submitted however, if during design any are determined to be necessary they must be located on a lot dedicated in fee simple to the Cecil County BOCC and shown as such on the final plat submitted for Planning Commission review.
22. All sanitary sewer lines located outside of County ROW or deeper than 18' must be ductile iron per Section 2700 of the Standards, Specifications and Detail for Water Mains & Sewer Mains.
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 Note and the Lot Grading Plan Construction Limits Note.
- 23.2 Compliance with Section 251-13 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 Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and the Lot Grading Plan must include the standard construction limits note.
 - a. *Final Plat: "A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. 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.
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 sanitary sewer construction and county streets & storm drain construction.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. To the maximum extent possible 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 Health Department:

An allocation for public sewer must be granted prior to final plat approval. Adjoining areas on Baron Road and Nazarene Camp Road are included in the Master Water and Sewer Plan as an area of "failing septic systems"; sewer planning for this project should include the opportunity to serve these areas.

Information on the proposed source of water to be supplied by Artesian Water Company must be submitted and all applicable regulatory approvals obtained prior to final plat approval. Master Water and Sewer Plan must be amended to reflect any change from the Town of North East as water supply for this area.

Required Construction Permits for any sewer pumping stations or water system construction must be issued by Maryland Department of the Environment prior to record plat approval.

Final and Record Plats must include the following statements:

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

Plans for the swimming pool and for the nursing care facilities must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit approval.

Demolition permits must be obtained and all existing buildings removed prior to record plat approval. All wells must be abandoned and sealed by a licensed well driller and Abandonment Reports submitted to the Health Department prior to record plat approval. All septic tanks must be pumped by a licensed septic hauler and the tanks filled with earth prior to record plat approval.

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

Discussion ensued regarding the water service being proposed for this development.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;
- 2) Any necessary DPW requirements relating to SWM being completed prior to Final Plat review by the Planning Commission;
- 3) The results of the TIS, with SYNCHRO analysis, being completed and all necessary improvements being formally agreed to among CCDPW, SHA, the Town of North East, and OPZ prior to the submission of the Final Plat for Planning Commission review;
- 4) The water provider issue's being resolved prior to Final Plat review;
- 5) Documentation of Water Allocation being submitted prior to Final Plat review;
- 6) Documentation of Sewer Allocation being submitted prior to Final Plat review;
- 7) The revised FCP/Landscape Plan's being approved prior to Preliminary Plat review by the Planning Commission;
- 8) A separate Site Plan's being approved for the Assisted Living section in lieu of a Final Plat for that section;
- 9) A separate Site Plan's being approved for the Apartment section's Club House area prior to any Apartment section's Final Plat's approval;
- 10) Deed restrictions for the long-term protection of the street trees/Landscaping and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 11) The proposed rear setback modification being approved.

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

All approve. Motion carried.

3. Lands of Helena duPont Wright, 1 Lot (Activation of a building lot), Middle Neck Road, Preliminary / Final Plat, Michael Scott, Inc., Second Election District.

Michael Scott 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 Preliminary / Final 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 potential has been exhausted.

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.

The Concept Plat was approved on 11/16/09, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The FFCP/Landscape Plan/Environmental Assessment must 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.

The 4th condition of approval was satisfied when The Critical Area Commission staff agreed, that because COMAR 15.15.01.02-2(7) defines 'Subdivision' as follows: "means the division of land into 2 or more parts or parcels," the 200' Buffer implementation did not apply. Therefore, the 110' Buffer, with necessary expansions thereof, suffices.

The boundary line survey has been completed.

FIDS habitat must be avoided in the Critical Area.

The Forest Area note indicates that a total of 80.744 acres are forested.

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 # 14.

A Critical Area Buffer, and expansions thereof, has been shown.

Copies of the CBCAC comments relating to this project have been provided to the applicant. The most recent CBCAC letter (10/4/10) states the applicant has adequately addressed the comments of the CBCAC's 8/26/10 letter.

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 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁸

Steep slopes and the 100-year floodplain boundary 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'.⁹

A 25' buffer is required around all non-tidal wetlands and intermittent streams present.¹⁰ 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, and no landscaping of the development envelope is required in the SAR zone. The habitats of rare, threatened, and endangered species must be avoided.

A portion of this project is exempt under §3.2B. The FSD/FCP/Landscape Plan/ Environmental Assessment was approved on 10/5/10.

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.

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."

Notes # 16 and # 17 have been corrected (density and development potential, respectively).

⁸ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁹ In the Critical Area, the 160' maximum distance does not apply.

¹⁰ In the critical Area, intermittent tributary streams require a 110' buffer.

The contiguous operating farm notice has been provided on the plat as Note # 13.

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

1. The SWM plan was submitted prior to the new ordinance taking effect and is currently under review. The SWM plan must be approved and all Inspection and Maintenance Agreements executed prior to the Department signing the final plat.
2. Sight distance submittals must be approved by the Department of Public Works prior to presenting the preliminary plat for review by the Technical Advisory Committee. We have not yet received the required sight distance measurements for the proposed access point onto Middle Neck Road. The Department will recommend disapproval of this plat to the Planning Commission until such time as we have received the sight distance submittal.
3. A driveway permit must be obtained prior to construction of the proposed driveway for this lot.
4. The standard "Lot Grading" note must be included on the final plat or the Department cannot and will not sign the final plat. The wording of this note is as follows:

"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 plans will require a consistency review, of the SWM approval, with CCDPW."

Mr. Doordan read the comments of the Health Department:

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 Dept. requirements being met;
- 2) DPW requirements being met;
- 3) A Note being added to the plat that references the MALPF Agreement; and
- 4) All Critical Area regulations being adhered to.

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

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

5. Elk Point Marina, (Tabled from the September Planning Commission meeting), Lots 1-18, Oldfield Point Road, Concept Plat, CNA Engineers, Third Election District.

Doug Kopeck and Chris Mink, CNA Engineers and Mike Novac, 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.

This project was TABLED at last month's Planning Commission meeting in order to allow time for the approval of the Conceptual Stormwater Management Plan.

Zoning: MB, SR, IDA (Critical Area), & RCA (Critical Area)

Density: The SR zone permits a base density of 1 du/ 1 ac., or 2/1 with community facilities. The MB zone, per §'s 54.4, 69, 70.3, 75.2, 76.2 and the Schedule of Zone Regulations, permits various types of residences under various circumstances and conditions.

Site Data Note # 8 reflects the rezoning of part of the site from MB to SR.

General Note #13 indicates that a Variance will be sought to create lots on the proposed private road, Elk Point Road. That must be done prior to Final Plat review, but it is recommended to be accomplished as early in the process as possible.

Further, while this appears unlikely, should the 100-year floodplain boundary change, and, as a result, any dwelling sites were to find themselves within a revised floodplain boundary, then, in that case, those affected dwelling sites could be approved, but only pursuant to the provisions of §241.2.d (1).

This Concept Plat proposes 18 lots on 76.326 acres, for a proposed density of 1/4.240. A portion of the site is within the Critical Area RCA overlay zone, which permits the density of only 1 du/ 20 ac. For that area, only two dwellings are proposed on 48.331 acres, for a proposed density of 1/24.166 – which is consistent with that permitted in the RCA.

The Tax Map, block (or grid), and parcel numbers appear in the title block.

Critical Area Growth Allocation will not be required. The previous proposed design used the "lotominium" concept. These are fee-simple lots.

There are precedents for split lots.

An existing cemetery is shown between proposed lots 2 & 3. §93 requires a Bufferyard standard C between the burial plot(s) and all lot lines. ART. 27, §267 of COMAR covers abandoned cemeteries. How will access to the cemetery be effectuated via the proposed private road? Mr. Mink said it will have its own driveway.

Any proposed signage or fencing associated with the cemetery must be included in the public works agreement.¹¹

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 ft² or more. On slopes between 15 and 25%, good engineering practices

¹¹ This is based upon the Meadow Run precedent, 6/30/97.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹²

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

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

The 100-year floodplain boundary has been clearly labeled, in conjunction with a legend.

A 110' tidal wetland and tidal waters Buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments. A Variance could possibly be required, per §195.3.b & c, should the Buffer need to be expanded.

At 7/2/08 TAC review, Mr. Kopeck provided a copy of documentation submitted to MDE for bulkhead repair & maintenance, and testified that this marina had been in continuous operation. The boat launch & slips details must be consistent with §'s 169 & 198.

The effect of the parking area for 20+ cars with boat trailers must be included in the lot coverage calculations.

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

The habitats of any rare, threatened, and endangered species must be avoided. The concentric protective zones associated with the bald eagle's nest on the adjacent property have been shown.¹³

15% common open space is required; 16% 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 C.O.S. sensitive areas thresholds calculations must again be included on any Preliminary Plat.

The SR zone requires 20% landscaping (of the development envelope); sidewalks are not recommended, so as to reduce the amount of lot coverage (impervious surfaces).

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

¹² 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

¹³ If seasonal perc tests are required, then that portion of the subsurface discharge area that is within a date-constrained protective zone could be problematic.

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.

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

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

No development is permitted in the tidal wetlands and tidal waters Buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

No more than 15% of the surface area can be converted to lot coverage (impervious surface) in the RCA or LDA. No more than 20% of the forest or developed woodland may be removed.

In the IDA, §199.4 mandates demonstration that Best Management Practices for stormwater to assure a ten percent reduction of pre-development pollutant loadings. The community boat slip details must be approved, per the details of §291, including proposed parking areas & impervious surfaces, must be included on the Preliminary Plat.

In the critical area, no structure shall exceed 35' in height.

The original FSD/Conceptual Environmental Assessment was approved on 8/19/08. The revised EA has been approved, as has the Conceptual Stormwater Management Plan.

The Critical Area Commission has expressed a number of concerns, which can possibly be addressed at the Preliminary Plat stage. The possible approval of the Concept Plat neither guarantees subsequent approvals nor obviates the need to address all concerns and issues.

A minimum 200' Buffer is required in the RCA. The 300' Buffer cited in previous CBCAC correspondence is moot since a Growth Allocation would not be required to achieve this proposal, as designed.

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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

The proposed road name, Elk Point Road, has been approved.

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

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

This plat depicts protective, concentric zones for bald eagles' nests on the adjacent Chesapeake Cove subdivision.

In the review and approval process for Chesapeake Cove, in a DNR letter dated 9/8/06 (received by OPZ on 9/28/07), Lori Byrne, Environmental Review Coordinator, spoke to the necessity of establishing a 3-zoned, ¼ mile radius protection area for the bald eagle's nest.¹⁴

In a 10/1/07 letter, the Planning Director wrote that OPZ found¹⁵ that "the plats ... must show the required protective zones," and advised that the applicant had 15 days from receipt to file an appeal with the Cecil County Board of Appeals. None was filed.

Subsequently, at a 10/11/07 meeting, it was agreed that language regarding the protection of the eagles' nests could be added to the plat in lieu of the zones' depiction. A 10/19/07 letter from the applicant's counsel proposed said language, which, found to be satisfactory was included in two notes on sheet 1.

Moreover, the protective language used on the adjoining Chesapeake Cove subdivision Record Plats would suffice, rendering the depiction of the protective, concentric zones on this plat unnecessary:

"Active bald eagle nesting trees were identified at these locations on the adjoining Chesapeake Cove subdivision when this plat was prepared. The then current state and County bald eagle habitat protection guidance recommended development of restrictions on construction within a ¼ mile radius of bald eagle nests between December 15 and June 15. See the Environmental Assessment report filed with the Cecil County Office of Planning and Zoning for the restrictions devised for the six affected lots (Lots 1, 2, 3, 4, 10, and 18).

So long as the nest remains active, initiation of house construction activities and forest clearing within the Zone 3 protection area (between 660 and 1320 feet of the nest) between December 15th and June 15th are restricted. Construction substantially underway on or before December 15th may continue throughout the restricted period. Construction shall be deemed substantially underway upon Cecil County's: (a) issuance of a building permit; and (b) approval of the foundation inspection."

§4.0.13 (c) requires that in the event that a record subdivision adjoins the property to be developed, the subdivision should be indicated by dashed lines.

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

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

1. The SWM concept plan has been approved.
2. Road & Storm Drain plan, Sewer & Water plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.

¹⁴ That letter stated that the nest is on an adjacent property, but thus and previous submittals have shown it to be on the subject property.

¹⁵ As stated in the referenced letter, the finds was "based on Article IX, Section 174.6 of the Zoning Ordinance; Article II, Section 2.4.2 (e) of the Subdivision Regulations; Article IV, Section 4.2.13 (x), 4.2.13 (y), 4.2.13 (z) of the Subdivision Regulations; Article VII, Section 7.5.2 (d), 7.5.2 (e) 3, 7.5.2 (h) of the Subdivision Regulations; and Section 9.3 of the Cecil County Critical Area Program."

3. The Department wants the ROW reduced to 36' width from the intersection of Oldfield Point Road to the western property line of Lots 2 & 10. From there on it can be 60' wide. The paved road width must be reduced to a maximum of 20' to lessen the impervious surface impact of this site.
4. Remove the gravel access road(s) identified on the concept plat.
5. How do Lots 2-9 & 13-17 access the proposed Elk Point Road? Lots 11 & 12 extend between those lots and the road barring their direct access.
6. We strongly suggest that the Engineer meet with the Department to discuss how these issues can be resolved to the satisfaction of the Department prior to submitting this plat for Planning Commission review.
7. How do you propose to address SWM for this site? Water quality facilities within the IDA are required to meet the 10% pollutant load removal rule.
8. All SWM conveyance easements and/or inspection & maintenance easements must be shown on the preliminary and final plats.
9. A Protocol Three (3) Road Condition Survey and Improvements Plan is required for Oldfield Point Road along this development's road frontage. The information from this survey will be used by the Department to determine what if any offsite road improvements will be required. This determination and agreement by the Developer must be complete prior to submitting the preliminary plat to the TAC.
10. At a minimum Section 3.07.15 of the Road Code directs that Oldfield Point Road must be upgraded for a distance of 100' either side of the point of intersection between Oldfield Point Road and Elk Point Road. The improvements required must address roadside drainage issues and pavement distress at a minimum.
11. Acceleration and deceleration lanes have been noted on the plat but are not correctly drawn. This must be corrected before moving forward for Planning Commission review of the preliminary plat.
12. The required fee simple dedication note for the 30' wide strip of land along the entire frontage of this development with Oldfield Point Road must be included on the preliminary plat presented to the Planning Commission for review.
13. The Department of Public Works requires that any Road Code Variances for offsite/entrance roads sought must be requested and the major road issues are resolved, to the Department's satisfaction and shown on the preliminary plat prior to submittal of the preliminary plat to the Technical Advisory Committee. If no variances are requested & approved prior to the preliminary plat approval by the Planning Commission the applicant will be held to all Road Code requirements as dictated by the DPW.
14. Sight distance measurements (intersection & stopping), for the proposed access point on to Oldfield Point Road, must be submitted and approved prior to the preliminary plat submission for TAC review.
15. All sewer lines running within the proposed 60' ROW must be shown on the preliminary plat submitted to the TAC.
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 and Lot Grading Plan Construction Limits Notes.
 - 16.2 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 16.3 Requirements for Public Works Agreements.
 - 16.4 Requirements for Utility relocations.
 - 16.5 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 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 shown 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. An Inspection & Maintenance Agreement is required for the private SWM facilities.
 3. A Public Works Agreement is required for the proposed county road and all work done on Oldfield Point Road.
 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. All driveways accessing them must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be filled with Maryland Department of the Environment prior to final plat approval.

Add a note that the existing well (s) will be abandoned and sealed by a licensed well driller and the existing septic tank (s) will be pumped and filled with earth prior to record plat approval.

Use 2009 soil types. Show percolation holes and data on preliminary plat. Sewage areas cannot be reviewed without percolation data.

Lots must connect house area to designated sewage area by a minimum 20' feet simple strip. Lot 13 proposed an easement only and cannot be approved as shown. Lots 10, 11 and 12 show 20' wide feet simple strips; however, the mechanism along the roadway over these strips is not clear. Nothing can constrain lot owners from working on sewer pressure lines that would be installed under the roadway when necessary. While it may be possible to arrange this without violating specific Health Department regulations, liability issues may arise (traffic damaging pressure lines, work on lines damaging roadway, etc.).

The Health Department has no objection to the Concept Stormwater Management Plan received on October 6, 2010.

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 Health Department requirements being met;
- 2) All DPW requirements being met, including the approval of the Preliminary Stormwater Management Plan prior to the Planning Commission's review of the Preliminary Plat;
- 3) The Preliminary Environmental Assessment's being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Any Critical Area Commission concerns being satisfactorily addressed prior to Final Plat review;
- 5) The boundary line survey being completed prior to the TAC's Preliminary Plat review; and
- 6) The private road variances being obtained prior to Final Plat review.

Discussion ensued regarding the easements that are located under the proposed roads.

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

All approve. Motion carried.

General Discussion:

Chairman Mortimer announced that the Commission would be discussing whether or not to have extension requests handled administratively.

Mr. Wallace stated that he feels that by moving the granting of extensions from the Planning Commission to the Office of Planning & Zoning staff, this will unrightfully eliminate the opportunity for public comment. He also feels there should be a limit on the number of extension allowed per project. He also feels that there should be legitimate reasons for extensions being granted (i.e. progress being made on the project, etc.).

Mr. Doordan stated that he feels if the developers are obeying the regulations and have met the criteria of an extension, they should be considered for an extension. Mr. Doordan is in favor of this process being moved to the staff.

Chairman Mortimer stated that he feels the economy is a legitimate excuse for an extension.

Mr. Wiggins provided Chairman Mortimer with a proposed amendment to the drafted letter to the Board of County Commissioners. Chairman Mortimer read the proposed amendment.

Mr. McDowell stated that he has concerns about the expiration dates of the projects and feels that the project should expire at the end of the month in which it was approved rather than the actual date it was approved. Chairman Mortimer agreed.

A motion was made by Mr. Wallace to continue with extension being heard and granted by the Planning Commission.

The motion was seconded by Mr. Wiggins.

Members in favor are Mr. Wallace and Mr. Wiggins.

Members in opposition were Mr. Doordan, Mr. McDowell and Mr. Taylor.

A motion was made by Mr. Wiggins to continue with the draft letter with the following three additions:

1. Administrative extensions would be limited to one (1) per petitioner, per project phase, after which expiring, they would return to the Planning Commission.
2. They would be appealable to public petitions. A Cecil County citizen would bring their appeal to rehear before the Planning Commission for consideration.
3. The decisions would be advertised publicly and each month a report from the previous month would be provided to the Planning Commission members.

Mr. Doordan asked if a citizen would have to appeal a project based on a specific violation. Mr. Wiggins stated that he feels the citizens should be able to appeal for any reason they feel so. Chairman Mortimer disagreed.

Mr. Di Giacomo asked if the applicant would also be able to appeal a decision of the OPZ. Mr. McDowell and Chairman Mortimer both feel they should also be able to appeal. Ms. Campbell said both side need to be afforded the opportunity to appeal a decision.

Discussion ensued regarding how the staff feels about taking over this approval process and whether the projects that are up for extension requests would be published.

Chairman Mortimer asked that a new letter be drafted with the following additions:

1. Administrative extensions would be limited to one (1) per petitioner, per project phase, after which expiring, they would return to the Planning Commission;
2. Staff would only be approving extensions, possible disapprovals would be heard by the Planning Commission;
3. Each extension would be published monthly on the website and provided in the Planning Commission members packets; and
4. Approvals would expire at the end of the month the approval was granted in lieu of the exact day the approval was granted.

Chairman Mortimer asked if anyone in the audience would like to make any comments.

Donny Sutton, McCrone, Inc., 106 East Main Street, Elkton, MD, George Kaplan 35 Oak Street, Colora, MD and Nancy Valentine, 135 Pine Cone Drive, North East, MD provided comments.

Discussion ensued regarding whether expired plats should be excepted for consideration of an extension.

A motion for adjournment was made by Mr. Wallace.
All approve. Motion carried.

The October Planning Commission meeting adjourned at 2:35 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

November 15, 2010

Present: Pat Doordan; Vice Chair; Ken Wiggins; Joe Janusz; Wyatt Wallace; H. Clay McDowell, alternate; Tim Whittie; Mark Woodhull; Rebecca Demmler; Clara Campbell (Arrived at 12:15); Fred von Staden; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Bill Mortimer, Chairman; Randy Taylor.

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

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

Vice Chair Doordan announced that the first item on the agenda, Clover Meadow, was withdrawn per the applicant.

1. Clover Meadows, Lots 1-19, Weaver Meadows Road, Final Plat, RJK Engineering & Associates, Eighth Election District.

WITHDRAWN

2. Charlestown Crossing, Phase 1B, Lots 146-149 & 154-156 and Phase 1C, Lots 141-145 & 157-160, US Rte. 40, Final Plat, Taylor Wiseman & Taylor, Fifth Election District.

Fred Sheckells, Clark Turner Companies, appeared and presented an overview of the project.

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

This project is in compliance with §3.9 & §3.9.1 regarding public notification.

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

Zoning: SR, M1, RM, 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 Appeals¹ – 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;

¹ Because a PUD is permitted in the SR zone only by Special Exception

- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the “employment” area in the SR zone have been declared and they are, in fact, permitted in the BL zone;
- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots² at a density of 2.63/1, was approved³ 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;

² On 224.73 SR-zoned acres

³ The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;
- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and
- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

Per §4.1.18, 1-year Preliminary Plat extensions were granted 3/19/07, 1/23/08, & 12/15/08.⁴

The Phase 1 Final Plat, for 50 lots, 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 overview was presented to the Planning Commission.

Again 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 was reflected in lots 74-78.

⁴ 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.

Other design modifications included in the revised Phase 1A Final Plat were:

- Single family lots had increased minimum width from 50' to 52'.
- Townhouse lots had increased in length from 80' to 82'.
- The proposed private Henrietta Lane was made 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 included street trees to be planted between the curb and sidewalk.

The revised Phase 1A Final Plat included 14 single family and 36 townhouse lots; it was approved on 6/15/09, 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 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.

The Phase 1A recordation plats were signed on 12/11/09 and 3/29/10.

The Special Exception that was granted allowed 176 townhouses.⁵

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.

⁵ In the SR zone, no more than 20% of the PUD dwelling units can be **townhouse** or apartment units.

The FCP/ Landscape Plan for Phase 1 (north of the stream) was approved on 4/29/08. A revised FFCP was approved on 12/11/09 and a revised Landscape Plan was approved on 12/14/09.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of planted buffers, 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.

The 10' Street Tree Planting Easement has not been labeled.

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 these 16 lots has been verified.

The Record Plat shall contain 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.⁶

The words "approving authority" must appear under the signature lines.

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

The Record Plat's signature block for DPW should indicate "Director or Chief Engineer" under the signature line.

General Note # 6 on Sheet 2 references 'private roads.' It has been understood that Claiborne and Stewart Roads were intended as public roads; is that not correct? Mr. Sheckells said that is correct; Note #6 should be corrected.

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

The Department has no objection to the Planning Commission granting final plat approval.

Mr. Wiggins read the comments of the Health Department:

A sanitary sewer allocation has been granted by Cecil County Department of Public Works for these lots. A water allocation has been granted by Artesian Water for these lots.

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 full balance of the common open space being provided in future phases and sections;

⁶ The Master Water & Sewer Plan identifies this site as W2 and S2.

- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, 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) The 10' Street Tree Planting Easement being labeled on the Record Plat;
- 7) A Landscape Agreement being executed prior to recordation;
- 8) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 9) 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;
- 10) 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;
- 11) The Record Plat's signature block for DPW indicating "Director or Chief Engineer" under the signature line;
- 12) The Record Plat's signature blocks for the Health should indicating "Approving Authority" under the signature lines; and
- 13) References for private roads being eliminated from the Record Plat.

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

All approve. Motion carried.

General Discussion:

Vice Chair Doordan read a letter to the Planning Commission members regarding the Watershed Implementation Plan Advisory Committee (See OPZ for copy). The letter was requesting a member of the Planning Commission to serve on the said committee. Mr. Janusz nominated Wyatt Wallace. Mr. Wallace accepted.

Discussion ensued regarding the amendments made to the language proposed in regard to §4.0 & §4.1. Suggested revisions will be put in draft form by Mr. Di Giacomo and distributed to the Planning Commission members.

Mr. Wallace asked that the Planning Commission to revisit the county implemented HOA fees that are placed in escrow by subdivision developers at time of recordation. Vice Chair Doordan asked that this topic be placed on the January 2011 agenda under general discussion.

A motion for adjournment was made by Mr. Wallace.
All approve. Motion carried.

The November Planning Commission meeting adjourned at 12:47 p.m.

Respectfully Submitted:

Jennifer Bakeoven

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes December 20, 2010

Present: Bill Mortimer, Chairman (Arrived at 12:11); Pat Doordan; Vice Chair; Ken Wiggins; Joe Janusz; Wyatt Wallace; Randy Taylor;; Tim Whittie; Mark Woodhull; Diana Broomell; Clara Campbell; Fred von Staden; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: H. Clay McDowell, alternate.

Call to Order: Vice Chair Doordan called the meeting to order at 12:05 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. Lum's Estates, Section 2, Lot 7A, Walton Lane, Concept Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Will Whiteman, Land Surveyor, Jay Emrey, Esq. and Ronny Carpenter, Carpenter Engineering, 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 §3.9.1 of the Subdivision Regulations regarding public notification signs.

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

Zoning: SR

Density: The SR zone permits a density of 1 du/ 1 ac. The original subdivision consisted of 250.987 acres, with 9 lots. The Final Plat was approved on 7/17/79, with the Section 1 Record Plat being signed on 7/23/79, and the Section 2 Record Plat signed on 8/7/79.

Section 2 consisted of Lots, or 'Parcels', 1, 2, 3, 6, 7, 8 and 9. Section 1 consisted of Lots, or 'Parcels', 4 and 5. Section 1 Lot 5 was further subdivided to create 5 lots, bringing the total number of lots to 13. The Section 1 Record Plat (Note # 9 states: "The parcels shown hereon cannot be further subdivided.") was signed on 9/27/83.

Subsequently, a resubdivision was approved to add 4.5 acres from Parcel 4 to Lot 5 of the old Parcel 5. No new lot was created, so the total remained at 13.

The vicinity map on the Concept Plat submitted for today's review shows the add-on to Lots 4 and 5; however, the signed Record Plat indicates the add-on to Lot 5 only.

Subsequently, in a Section 2 resubdivision, Lot 2 was divided into "Parcel 2 and Parcel 1A" "whereby the southerly portion of Parcel 2 ..." was "... acquired by the ... owner of Parcel 1." A note on the Record Plat, signed on 3/2/84, states: "Application is hereby made for your approval of the indicated transfer of land solely for adding to adjoining holdings and not for development. Any future subdivision of this land or building development will be submitted in the regular manner for approval in accordance with the existing 'subdivision regulations.'"

Although Lot 1A remains separate and distinct from Lot 1, as it was not created as a buildable lot, the lot count remained at 13.

This Concept Plat proposes one additional lot, the 14th on the Lum's Estates' original 250.987 acres, for a proposed, overall density of 1/17.93.

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

If the recomputed property line would amend the previously-recorded plat(s), then the title should reflect that. What is the net effect of the recomputed boundary line on 'Parcel' 3, the Benjamin property? Will the Benjamin's be required to sign the Final and Record Plat? Mr. Whiteman said there is no net effect; it was shown incorrectly on the plat.

The original Lum's Estates Final Plat was approved on 7/17/79, at which time: "Mr. Pugh advised that before any of the 5 lots on Walton Lane were subdivided further, Walton Lane would have to become a County Road and the Home Owners [sic] Association would have to agree to this."

As Lot 1A was not a building lot, the conversion of the mini road to a County Road did not then come into play with its creation.

§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.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.¹

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.

¹ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

§25.3.a requires 15% common open space “for all subdivisions involving ten (10) or more lots.” If approved, then proposed Lot 7A would be the 14th lot.²

15% of any 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. Any C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per Note #8, 20% landscaping of the development envelope is required in the SR zone. No sidewalks are recommended.

A Bufferyard Standard C is not required, but Street trees with a 10’ planting easement are required, outside the right-of-way, along the Walton Lane mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements.

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

Per Note # 6, this project is exempt under §3.2K.

The Forest Stand Delineation (FSD) and SWM Concept Plan must (shall) be approved prior to Planning Commission review of the Concept Plat (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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

As the Walton Lane mini-road already exists, the name does not need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

The 8/7/79 Section 2 Record Plat references the Lum’s Estates Maintenance Association, as well as the responsibility for “their fair share of maintaining all lots, storm drainage structures, [and] sediment and erosion control structures for in common with all other members” – the members’ being the owners of Lots “3, 6, 7, 8 & 9.” If approved, then how would proposed Lot 7A affect the HOA’s Article of Declaration referenced on the 8/7/79 Section 2 Record Plat (e.g., amending terms, possible inclusion of common open space, etc.)? Mr. Emrey said the Declaration of Restrictions for this development requires any lot owner to become a member of the Walton Lane Maintenance

² As the 10th, 11th, 12th, and 13th lot creators were not required to provide the technically-required common open space, staff would support waiving that requirement for this applicant.

Association, Inc. The owners of Lot 7A would become members of the above said maintenance association.

Any necessary changes to the HOA's 'Article of Declaration' must be identified prior to Final Plat review by the Planning Commission and effectuated through recordation prior to recordation of the subdivision Record Plat.

Although the Section 2 Record Plat's references to the Lum's Estates Maintenance Association do not include the maintenance of Walton Lane private mini-road, the 5 lots cited were those with direct access onto the mini-road. If approved, then the mini-road maintenance covenants must be revised to include proposed Lot 7A and recorded prior to recordation.

Consent by the other Walton Lane lot owners will be the sole responsibility of the applicant, and documentation thereof must be submitted prior to the Planning Commission's review of the Final Plat. Mr. Di Giacomo stated that the Office of Planning and Zoning has since received this documentation.

Contrariwise, if Walton Lane is proposed to be a County road, then documentation to the effect that the other Walton Lane lots owners actually agree to this must be submitted prior to the Planning Commission's review of the Final Plat.

What steps have been taken in regard to either of those possibilities?

Private mini-roads are limited to 5 lots, or 7 lots if two also front on a County Road.

From the perspective of road frontage, the Walton Lane mini-road now has 6 lots, not counting Lot 1A. If 1A is counted, then Walton Lane already has seven lots.

If proposed Lot 7A is approved, from the perspective of frontage, then Lot 7A would be the seventh and final lot on Walton Lane.

From the perspective of mini—road access, the Walton Lane mini-road now provides road access to 5 lots – only one of which also fronts on a County road.

If proposed Lot 7A is approved, from the perspective of access, then Lot 7A would be the sixth and final lot on Walton Lane.

The Walton Lane Mini-road Maintenance Association must include the owners of proposed Lot 7A, unless the Road is to be converted to a County road. Has the applicant contacted DPW with regard to that possibility?

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. The concept SWM plan has been approved by the Department.
2. The proposed lot is located on a private mini road and as such the deed language should reference the rights & responsibilities of the property owner in this regard.
3. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:

3.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note.

- 3.2 Compliance with Section 251-13 of the Cecil County Stormwater Management Ordinance.
- 3.3 Requirements for Stormwater Inspection and Maintenance Agreements

Notes and requirements identified for record:

- 1. The Final Plat must include the Lot Grading Plan standard note (a.) and the Lot Grading Plan must include the standard construction limits note (b.).
 - 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 plans will require a consistency review, of the SWM approval, with CCDPW."*
 - b. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown 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. 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.
- 3. An Inspection & Maintenance Agreement, covering any and/or all private SWM BMP's required for this project, must be executed prior to the Department signing the final plat.

Mr. Doordan read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption has been submitted to Maryland Department of the Environment. Concept Plat is satisfactory.

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

Discussion ensued regarding the possible upgrade of the mini- road to become a county road.

Mr. Emrey stated that the correct name for the maintenance association for this subdivision is Walton Lane Associates, Inc.

Mr. Whiteman asked that he be allowed to bring this project back to the Planning Commission as a Preliminary / Final Plat. Staff concurred.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) All DPW requirements being met; and
- 2) The common open space requirement being waived.

A motion for approval was made by Mr. Doordan.

The motion was seconded by Mr. Janusz.

All approve. Motion carried.

2. Benjamin's Landing, Remaining Lands, MD Rte. 222 & Ragan Road, Preliminary / Final Plat, McCrone, Inc., Eighth Election District.

Mike Burcham, McCrone, Inc., appeared and stated that the Department of Public Works has required a SWM plan be completed for this project. As this has not been completed or approved, Mr. Burcham asked that this project be tabled until a SWM plan is approved.

Mr. Whittie stated that DPW would allow the applicant to submit a combine Concept / Preliminary SWM plan for this project.

A motion for tabling was made by Mr. Wallace.
The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

3. Charlestown Crossing Garden Apartments, 332 Units, US Rte. 40, Revised Concept Plat, Taylor Wiseman & Taylor, Fifth Election District.

Bob McAnally, Taylor Wiseman & Taylor, Fred Sheckells, Clark Turner Communities and Drew Dolban, The Dolban Co., appeared and presented an overview of the project.

Discussion ensued regarding the proposed parking for this project.

Mr. Di Giacomo, P&Z, read the comments of the department:
This project is in compliance with §3.9 & §3.9.1 regarding public notification.

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

Zoning: RM (previously part of the Charlestown Crossing PUD Proposal, zoned M1 and SR)

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 Appeals³ – conditioned on the following issues being adequately addressed:

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

³ Because a PUD is permitted in the SR zone only by Special Exception

- 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 lots⁴ at a density of 2.63/1, was approved⁵ on 4/18/05, conditioned on:

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

⁴ On 224.73 SR-zoned acres

⁵ The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

Per §4.1.18, 1-year Preliminary Plat extensions were granted 3/19/07, 1/23/08, & 12/15/08.⁶

The Phase 1 Final Plat, for 50 lots, 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 overview was presented to the Planning Commission. Again 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 was reflected in lots 74-78.

Other design modifications included in the revised Phase 1A Final Plat were:

- Single family lots had increased minimum width from 50' to 52'.
- Townhouse lots had increased in length from 80' to 82'.
- The proposed private Henrietta Lane was made 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 included street trees to be planted between the curb and sidewalk.

The revised Phase 1A Final Plat included 14 single family and 36 townhouse lots; it was approved on 6/15/09, 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

⁶ 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.

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; and
- 10) The lot numbers' being included in the respective Record Plat title blocks, per §4.2.12 (a) 2.

The Phase 1A recordation plats were signed on 12/11/09 and 3/29/10.

The Special Exception that was granted allowed 176 townhouses.⁷

The Phase 1B & 1C Final Plat was approved on 11/15/10, 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 planted buffers, 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) The 10' Street Tree Planting Easement being labels on the Record Plat;
- 7) A Landscape Agreement's being executed prior to recordation;
- 8) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 9) 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;
- 10) 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;
- 11) The Record Plat's signature block for DPW indicating "Director of Chief Engineer" under the signature line;
- 12) The Record Plat's signature blocks for the Health should indicating "Approving Authority" under the signature lines; and
- 13) References to private roads being eliminated from the Record Plat.

The re-zoning of the site of these proposed garden apartments, from M1 and SR to RM, was approved on 8/10/10.

The re-zoning of this garden apartment site removed it from the PUD review and approval process because PUDs are not permitted in the RM zone. Thus, the possible approval of this Concept Plat would, in effect, amend the originally-approved PUD Sketch Plat/Special Exception.

Density: The RM zone permits a density of up to 16 du/ 1 ac. for apartments. This submission proposes 332 dwelling units on 20.81 acres for a proposed density of 15.95 / 1.

⁷ In the SR zone, no more than 20% of the PUD dwelling units can be **townhouse** or apartment units.

Apartment projects must be consistent with §29 of the Zoning Ordinance and §6.3 of the Subdivision Regulations.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁸

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. In this case, given the proposed wetland impacts, it must be obtained prior to Final Forest Conservation Plan approval.⁹ 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. File records show that the JD has been completed.

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

20% open space is required in the RM zone; 45% 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. Striped bike lanes and back racks should be considered.

Per §29.5.a (2), a 25' Bufferyard standard C is required around the perimeter of the development tract. Since this proposal represents an internal, RM component within the Charlestown Crossing project, staff would be willing to consider alternative landscaping treatments.

Bufferyard Standard C is required, outside the right-of-way, along the US 40 frontage.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Charlestown Fire Company prior to the TAC's Preliminary Plat review.

⁸ 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 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

⁹ 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.

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.

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 9/17/04. It and the Conceptual Environmental Assessment were granted 5-year extensions on 12/6/10.

The Preliminary Forest Conservation Plan (PFCP)¹⁰ and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The final Forest Conservation Plan (FCP)/Landscape Plan¹¹ and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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 approved.

A revised Traffic Impact Study (TIS) will be required prior to the TAC's Preliminary Plat review. It is incumbent upon the applicant to empirically demonstrate that the number of trips generated by 332 would be no greater than those that would otherwise be generated by the previously-proposed uses.

The number and ratio of parking spaces to dwelling units have been provided and are consistent with the requirements of ARTICLE XIV.

The proposed clubhouse must be served by water & sewer systems approved by the Health Department. A major site plan submittal may be submitted for the clubhouse, or the Preliminary Plat may contain its details, per Appendix A of the Zoning Ordinance. 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.

¹⁰ A PFCP was approved on 2/14/05.

¹¹ An FCP and Landscape Plan were approved on 4/29/08. A revised Fop and Landscape Plan were approved on 12/11/09 and 12/14/09, respectively.

The Master Water and Sewer Plan classifies this site as W2 and S2.

Documentation of water allocation and sewer allocation/capacity must be provided by the applicant prior to the Planning Commission's review of the Final Plat.

The Record Plat shall contain 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.

The Record Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all units offered for lease.

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

1. The Department understands that the water supply for this development will be a private system. The water distribution system must be designed to meet or exceed the County's standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.
2. The Department is currently reviewing a revised TIS reflecting the 332 apartments' impact on the road network. We will require a scoping meeting be held prior to the preparation of the revised TIS.
3. A SWM plan, Road & Storm Drain plan, Water System plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for final plat Approval. Mr. Woodhull explained that this project's SWM plan is grandfathered under the old ordinance. Mr. Whittie further explained that the applicant will need to bring a Final SWM plan in for review and approval.
4. The revised SWM plans reflecting the proposed townhouse layout for Phase 1 A, B & C are required. The Department will not approve this final plat until this plan has been approved
5. It is understood that the internal streets & associated parking will be privately owned and maintained. This also applies to West Claiborne Road in the area designated on the plat. The exact location of this point of transition and the similar point at the southern access onto Charlestown Crossing Boulevard must be identified on the plat referenced by the road station number.
6. The transition point for West Claiborne Road must be moved to a line parallel to the traffic island face on the existing round about. The southern access transition point will be at a line running to the edge of the travel way of Charlestown Crossing Boulevard at that proposed entrance.
7. What rights and responsibilities will Parcel 124 B enjoy as to ingress/egress onto the private portion of West Claiborne Road?
8. The sewer lines within the proposed apartment complex will be privately owned and maintained. This private sewer line will connect to the existing public sewer main at SMH 46.
9. Design of the three ponds proposed must address constructability issues involving the close proximity of stream buffers & 100-year flood plain. The same concerns apply to the construction of buildings 107, 108, & 200-202.
10. The three ponds should be fenced due to their proximity to the apartment buildings.
11. We have concern about access being provided to two of the three ponds proposed. Provide a minimum of 12' wide access point in the parking lot between buildings 200/201 (i.e. no parking)
12. The requirement to provide additional analysis of the 100-year flood plain has been satisfied based upon the detailed flood study previously provided by MRA and noted on the Concept Plat.
13. An I&M Agreement is required for all SWM facilities.

14. Any proposed active recreation will require a list of equipment submitted to the Department of Parks and Recreation as well as a PWA to cover the same.
15. Public Works Agreements will be required for all infrastructure shown.
16. The Final Plat must include the Lot Grading Plan standard note. 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 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."

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."

Mr. Whittie said the upgrades to the pump station will need to be complete prior to getting building permits.

Mr. Doordan read the comments of the Health Department:

Verification of the water allocation for this concept must be received from Artesian Water Company prior to final plat approval. Verification of the sewer allocation for this concept must be received from the Department of Public Works 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 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's signature).

Written details for the use of the clubhouse must be submitted to the Cecil County Health Department to determine if any regulated activities are proposed. Plans for the swimming pool must be approved by the Department of Health and Mental Hygiene prior to site plan or building permit approval.

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

Discussion ensued regarding the changes of commercial space to apartments. Mr. Sheckells explained.

Discussion then ensued regarding the parking requirements and proposed waiver of parking requirements.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) All DPW requirements being met;
- 2) The TIS and associated transportation issues being resolved to the satisfaction of SHA and DPW prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The granting of the waiver for parking to 1.8 spaces, with the additional, contingent future spaces being located and denoted on the plat.

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

The motion was seconded by Mr. Taylor.

Mr. Wiggins had the sole opposing vote. Motion for approval carried.

At this time, Mr. Wallace left the meeting.

4. Bedrock, Phase 2, Lots 62-67, Bethel Church Road, Final Plat, 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 provided that Concept Plats were valid for 2 years, and that Preliminary approval extended the Concept Plat approval for 1 year from the date of Preliminary Plat approval.

The original Bedrock Preliminary Plat was approved on 10/21/02, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Homeowners' Association being established for maintenance of common open space with \$50 per recorded lot being placed in escrow for improvements prior to recordation and all lot owners becoming members;
- 4) The Master Water & Sewer Plan being amended for sewer, showing this property as S-1, prior to Final Plat review;
- 5) The title block being amended to included only those lots actually being reviewed, prior to review of the Final Plat;
- 6) The FCP and Landscape Plan being complete prior to review of the Final Plat;
- 7) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;

- 8) The common open space recreational improvements being included in the Public Works Agreement; and
- 9) Sidewalks being provided on one side of all internal roads.

Per §4.1.17, the Preliminary Plat approval expired on 10/21/04, as no Final Plat was approved beforehand. As a result, the Concept Plat had 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 9/19/05¹², 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 & noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the Final & 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 8/15/07.¹³

Per §4.1.18, extensions of Preliminary approval were granted on 7/21/08 and 7/20/09.

Should this Final Plat be approved and recorded prior to 7/20/11, Preliminary approval shall remain valid for two (2) years from that date of recordation. Otherwise, Preliminary approval is set to expire on 7/20/11.

What is now proposed for the balance of Phase 2, as depicted on the Preliminary Plat? Mr. Montgomery said he plans to proceed on with the remainder of the plat as proposed.

The Master Water and Sewer Plan now includes this parcel as W2 and S2.

The JD has been completed.

15% common open space is required, 42.4 % was proposed overall.

¹² Per §4.1.17, its approval would remain valid until 9/19/07.

¹³ The recordation, per §4.1.17, extended the Preliminary Plat's validity until 8/15/09.

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

The 10' wide street tree planting easements are depicted on the plat. 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 5/17/02.¹⁴ The PFCP was approved on 10/17/02. The FCP/ Landscape Plan for lots 5-40 was approved on 5/16/06.

The Phase 2 FCP/ Landscape Plan was approved On 11/17/10.

A Landscape Agreement must be executed prior to recordation.

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

The road names were previously approved.

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

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

Sewer allocation has been verified by DPW.

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

Only administrative issue remain outstanding therefore the Department has no objection to the Planning Commission granting approval of the final plat. The Department will not sign the final plat until all outstanding administrative issues have been addressed to our satisfaction.

Mr. Doordan read the comments of the Health Department:

The Groundwater Appropriation Permit CE2004G025 (02) has been issued by Maryland Department of the Environment to include these lots.

A sewer allocation has been granted by the Department of Public Works. Final Plat is satisfactory.

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:

APPROVAL, 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 that was established for maintenance of common open space, with \$50 per recorded, lot being placed in escrow for improvements prior to recordation;

¹⁴ The site contains FIDS habitat, and Natural Heritage's database indicated that 5 endangered or threatened species (Swamp Pink, Darlington's Spurge, Canada Burnet, Rough-leaved Aster, and Climbing Fern) are known to occur within the vicinity. A survey for these species was conducted in which 2 other rare species were found on site in the proposed FRA: Appalachian quillwort and sharp leaved goldenrod.

- 4) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 5) The Landscape Agreement's 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:

David Meiskin, developer, appeared to present an overview of the proposed changes to The Villages at North East. Mr. Meiskin explained that there are two (2) land owners for this project, North East 400 and D. R. Horton. Originally, this project was proposed as an age restricted community. Due to the current economic conditions, the developers feel that they would like to do away with the age restriction on this proposed development. Mr. Meiskin stated that what they would like to do now is to go forward where they would have age targeted, which means they will have a number of layouts that might have master bedroom down, but they would have the community be for families, with regular single family houses. With that, there will be no need to change the layout or lot sizes of the already approved plan. The changes from an age restricted to a family development would remove some of the amenities that were originally proposed, i.e. pool, clubhouse, fitness center, etc.

Mr. Meiskin stated that this project has already received Final approval on the first two hundred and four (204) lots and Preliminary approval on the remaining five hundred and five (505) lots. A water plant that has been approved by MDE is still valid and has since been extended. The Del La Plaine pump station is under construction which they will ultimately flow into. Mr. Meiskin stated that the developers of this project are waiting for the market to turn around to begin construction.

Mr. Mortimer stated that he does not see this as being a significant change although he does believe this will change the projected traffic expectations. Mr. Di Giacomo said the TIS will have to be revisited if the proposed changes are sought. The existing traffic study is dated and the number of trips generated may change, that will have to be revisited. This will need to be resolved prior to Final Plat approval on subsequent sections. Mr. Meiskin said he believes the internal parking will not be an issue with the proposed changes.

Mr. von Staden explained that in the past MDE, in regard to water appropriations, were talking about using a lower withdraw appropriation loading for senior dedicated housing. He asked the applicant if that had been done for this project. Mr. Meiskin said that they have extended the permits that they had and they had a larger than need withdraw permit. Mr. von Staden stated that before his office will sign the Record plats, they will check with MDE to see if there was a concession for the age restriction housing on a GAP and make sure it is still adequate for the revised proposal.

Mr. Mortimer asked how this will continue procedurally. Mr. Whittie said off site road improvements would have to be revisited. Mr. Di Giacomo stated that once the TIS is revisited, the results of that may included changes to what was already agreed upon for the age restricted plan. With a private water source, there would have to be approval by MDE and also by the Board of County Commissioners. The applicant would have to bring Sections 1, 2 & 3 back with a revised Final Plat that would reflect the changes. That would subsequently need to be approved by the Planning Commission because the circumstances under which the Final Plat was previously

approved no longer obtain. Mr. Sennstrom said that the applicant will also need, if there will be a shared facility for water on the site, the Health Department and MDE to approve the controlling authority, which is the operator, by designation of the Board of County Commissioners. That would have to be done before recording the first three (3) Phases and the remaining sections as well. Mr. von Staden asked the applicant if they were proposing a shared facility of water supply or a private water company. Mr. Meiskin answered, a private water company, as he recalls Sections 1, 2 & 3 being approved as such.

Mr. Di Giacomo asked the commission if their desire is that when the revised Final Plat for Sections 1, 2 and 3 come in, that a revised TIS be completed. Mr. Mortimer said yes. Mr. Sennstrom reminded the commission that not only has the traffic situation changed but the water supplier has also changed. When Sections 1, 2 and 3 received Final approval, the water supplier was the Town of North East. Mr. Meiskin said the developers had abandon North East a long time ago; they went to their own system before they got Final approval.

Mr. Sennstrom asked that Mr. Di Giacomo and DPW generate a report for the commission in regard to the changes that have been discussed today. This project will be placed on next months agenda as a "General Discussion" item.

Comprehensive Rezoning Process:

Mr. Sennstrom provide the members of the Planning Commission a disc containing the draft of the proposed Comprehensive Rezoning as well as a copy of the ad that will be placed in the Cecil Whig for advertising purposes and a schedule of the public hearings that will be held. The Office of Planning and Zoning will have the draft available on the county website as well as providing each of the seven (7) county library branches a copy for the public to peruse. There will be a thirty (30) day time period for the public to review the draft which will be the entire month of January 2011. The Planning and Zoning Office will have change request forms posted in the office, at each of the library branches and on-line. The Planning Commission will meet on February 2nd, 9th and 16th. (See schedule in OPZ for which districts will be heard on which day) At the February Planning Commission meeting, the commission will be making their recommendation to the Board of County Commissioners on the documents. The Board of County Commissioners will be having their public hearings in the month of March 2011. The decision will be made at their April 19th agenda. A summary of the document has been included in the ad as publishing all 600 plus pages in the newspaper would not be plausible, due to cost and space. Discussion ensued regarding the reasoning behind why this process has to take place.

Discussion ensued regarding pervious / impervious surfaces and parking location material.

A motion for adjournment was made by Mr. Doordan and seconded by Mr. Janusz.
All approve. Motion carried.

The December Planning Commission meeting adjourned at 1:59 p.m.

Respectfully Submitted:

Jennifer Bakeoven