

**CECIL COUNTY PLANNING COMMISSION  
MEETING MINUTES  
WEDNESDAY JANUARY 22, 2014  
County Administration Building  
200 Chesapeake Blvd. Elk Room, Elkton, MD 21921**

Due to a lack of agenda items, there was not an afternoon meeting of the Planning Commission in January 2014.

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**February 19, 2014**

**12:00 p.m.**

**Present:** Pat Doordan, Chairman; Ken Wiggins, Vice Chairman, Bill Miners; Wyatt Wallace; Geoff Doyle; Chad Johnston; Diana Broomell; Randy Jackson, Esq.; Lloyd Harmon; Mark Woodhull; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Tom Mullen – Alternate; Kordell Wilen.

**Call to Order:** Chairman 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. Wallace. All approve. Motion carried.

**1. FY 2015-2019- Capital Improvements Program – Craig Whiteford.**

Craig Whiteford, Budget Manager, Scott Flanigan, Director – Public Works, Eric Sennstrom, Director – Planning & Zoning and Clyde VanDyke, Director – Parks & Recreation appeared. Mr. Whiteford gave an overview of the CIP. He explained that there are thirteen (13) projects that are seeking approval in the CIP; they are as follows: Rising Sun Elementary Roof Replacement (CCPS), Conowingo Elementary Roof Replacement (CCPS), Local Match for State Funded Project – State Security Initiative (CCPS), Instructional Technology (Cecil College), Mechanical Infrastructure (Cecil College), Replacement of Structure, XCE 3010 on Conowingo Lake Road (DPW), Calvert Regional Park – Development (P&R), Courthouse Roof Replacement (Facilities Management), Courthouse Sally Port (Facilities Management), Upgrade Two Existing Port Deposit Pump Stations (Wastewater), Construct CECO to Cherry Hill Connection (Wastewater), Construct Holloway Beach Sewer (Wastewater), Expand Meadowview Wastewater Treatment Plant (Wastewater) and Washington Street Pump Station Upgrades (Wastewater).

Mr. Whiteford explained that in the first year of the program (2015 Capital Budget), if all general fund requests proposed by the County are funded, it will require \$15,460,000.00 from County sources and \$5,920,000.00 of State funding. He stated that the County Executive fully supports the projects requested in the capital improvement budget and program. The projects have been reviewed by the County Executive, the Capital Improvement Program Committee and County staff.

(For a copy of the CIP, please contact the Office of Planning & Zoning or the Cecil County Finance Office.)

Mr. Di Giacomo, P&Z, had no comments.

Mr. Woodhull, DPW, had no comments.

Mr. Wiggins stated that the Health Department had no comments.

Mr. Wallace asked if State funding would be sought if the proposed Calvert Regional Park is later expanded. Mr. Whiteford said yes, they are projecting to receive State funding for this project.

Mr. Wiggins asked for more detail in regard to the 7 – 15 year repayment schedule on the Calvert Regional Park project. Mr. Whiteford stated that the County did have an Economic Impact study done for this project. Mr. VanDyke added that this time frame will depend on how much funding becomes available through the next few years. Harford County has contacted the P&R office showing interest in partnering with Cecil County once this park is in place. Cedar Lane in Harford County holds several tournaments but are finding that they are coming up short with space and fields due to the number of teams that are permitted in a tournament. They have shown interest in expanding their tournament venues by sending the additional teams to Cecil County. This could be a good source of revenue for the County. Mr. Whiteford stated that Cecil County residents and teams would have the first priority when it came to the use of the facilities.

Chairman Doordan asked if anyone would like to speak in favor or in opposition of the CIP as presented. Carl Walbeck, speaking for Councilwoman Broomell, stated that she feels that the citizens have not been provided adequate time to review this CIP. She recommends that a 30 day notice, before the Planning Commission meeting, be published in the county newspaper. Also, she feels that the CIP should be posted on the county's website, and that copies of the CIP be available in other areas of the county.

Mr. Doyle asked what role the Planning Commission plays in the CIP review at today's meeting. Mr. Sennstrom explained that per the Land Use Article of the Annotated Code of Maryland (Section 3-205), requires that the Planning Commission find the CIP to be consistent with the Comprehensive Plan. A recommendation will be forwarded to the County Council.

Mr. Doyle asked how the 13 projects were picked to be included in the CIP. Mr. Whiteford stated that there is a Capital Improvement Program Committee that is charged with compiling the information from the departments and agencies.

Mr. Wallace thanked the staff for using fiscal restraint while creating this CIP.

A motion for the approval of the FY 2015-2019 CIP was made by Mr. Wiggins. The motion was seconded by Mr. Wallace.

All approve. Motion carried. The Planning Commission finds the FY 2015-2019 to be consistent with the County's Comprehensive Plan. This recommendation will be forwarded to the County Council.

## **2. Bayhead Shore Estates, Preliminary Plat Extension, Carpenter's Point Road, Morris & Ritchie Associates, Inc., Fifth Election District.**

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

Tony Di Giacomo, P&Z, read the comments of the department:  
This project is in compliance with §3.8 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.

Original Zoning: MH, MB, SR & LDA

Current Zoning: MH, MB, LDR & LDA

Density: The MH zone permits a maximum density of up to 4/1 with community facilities.

The Concept Plat, proposing 91 lots, was approved on 7/19/04, conditioned on:

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed in conjunction with the Preliminary Plat for density calculation purposes;
- 3) The respective zoning acreages being resolved prior to the TAC's review of the Preliminary Plat;
- 4) A TIS being completed prior to the TAC's review of the Preliminary Plat;
- 5) The TIS including an assessment of the safety advisability of having lots directly accessing Carpenter Point Road;
- 6) The TIS including an assessment of the safety advisability of having the northern section of Carpenter's point Loop, from the intersection with the proposed Riverside Lane east to Carpenter's Point Road, function as a one-way street;
- 7) Having Carpenter Point Loop connecting with Carpenter Point Road;
- 8) Variances being obtained for any lots proposed on any private roads;<sup>1</sup> and
- 9) All legal arrangements for connecting the private roads to County roads being outlined at the Preliminary Plat's presentation to the TAC and Planning Commission.

Preliminary Plats were reviewed by the TAC on 9/1/04 and again on 11/3/04.<sup>2</sup> The Preliminary Plat, consistent with that reviewed on 11/3/04, proposing 74 dwelling units on 32.22 MH-zoned acres, for a proposed density of 2.3/1, was approved on 4/18/05,<sup>3</sup> conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Proposed Lot 75's acreages being included on the Final Plat;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 5) The Final and Record Plats' containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 6) The Final and Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 7) Written verification of water allocation and sewer capacity being received by OPZ prior to the Planning Commission's review of the Final Plat;
- 8) Documentation of all approvals for the water system and the operator required by the MDE and the Public Service Commission being received by OPZ submitted prior to Final Plat review;
- 9) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats; and
- 10) The reforestation areas must be shown on the Final and Record Plats.

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<sup>1</sup> In order for lots to be created on a private road, a Variance must first be obtained from the Board of Appeals. Since Carpenter Point Loop is a private road, proposed Lots 62-76 were affected.

<sup>2</sup> The plat modifications made between the 9/1/04 and 11/3/04 reviews were as follows: 1) the number of proposed residential lots was reduced to 74 (was 90), 2) the number of proposed Critical Area lots was reduced to 41 (was 59), 3) the resubdivision of lots 115-120 in the Riverside Recreational Resort, Inc., was excluded, the connectivity of Carpenter Point Loop with Carpenter Point Road was eliminated in favor of Vista Lane's connecting to Carpenter Point Road from the proposed Riverside Lane, and 4) the proposed Riverside Loop was given a smaller footprint – with a reduction in impervious cover.

<sup>3</sup> That approval remained valid until 4/18/07, per the former §4.1.17.

The former §4.1.17 of the Subdivision Regulations, provided that Preliminary Plats be valid for two years from date of approval. Therefore, per the former §4.1.18, 1-year extensions were granted on 3/19/07, 3/17/08 and 3/16/09.

A Final Plat for Lots 23-24, 47-75, Parcels A and B, and common open space was approved on 11/16/09, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Proposed Lot 75's MB and SR acreages being included on the Record Plat(s);
- 4) The Record Plat's containing a statement signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 5) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale;
- 6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 7) A Landscape Agreement being executed prior to recordation;
- 8) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 9) Permits (from the US Army CoE and MDE) being received for any non-tidal wetland and stream impacts prior to recordation;
- 10) The Record Plat's containing General Note # 7 and the Lot Coverage line items requested by the Critical Area Commission, unless and until the Critical Area Commission is satisfied that General Note # 7, alone, will suffice;
- 11) The Record Plat's containing the notes requested by the Critical Area Commission; and
- 12) The road name Riverside Lane being uninterrupted.

Thus, proposed Lots 1-22 and 25-46 still await possible Final approval. At issue are plat details to be resolved with the Critical Area Commission.

There has been no recordation of the plats for Lots 23-24, 47-75, Parcels A and B, and common open space.<sup>4</sup>

Subsequently, 2-year extensions of Preliminary approval were granted on 3/15/10 and 2/22/12.

Per the current §4.1.17, the most recent extension is set to expire on 2/28/14, unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is again extended today.

Prior to the 3/15/10 extension, another letter from the Maryland Critical Areas Commission was received on 3/11/10. Since the Planning Commission could then, and can now, extend only the Preliminary Plat that was actually were originally approved, all necessary Critical Area modifications and revisions must be reflected on any Final Plat, rather than retroactively on the valid Preliminary Plat.

Per the current §4.1.17, if another extension is granted, then the Preliminary Plat approval will be extended until 2/29/16.

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<sup>4</sup> Such recordation of an approved Final Plat would have automatically bestowed a two-year extension of the Preliminary Plat's approval.

The current §4.1.17 specifies, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which said extension is granted. In connection with such request, the Commission ... shall consider the following:

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

A comprehensive rezoning was effectuated in 2011 in conjunction with the previously-adopted 2010 Comprehensive Plan. There were no changes therein that would render this Preliminary Plat inconsistent with the Zoning Ordinance or Subdivision Regulations.

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

1. The Department has no objection to granting the extension requested however the Applicant is advised that no ESD waiver will be granted for this project. Therefore prior to submitting the final plat for recordation, they must redesign the Stormwater Management (SWM) plan to meet the requirements of the current SWM Ordinance. This will require that the concept, preliminary & final SWM plans be approved by the DPW and all other reviewing agencies before we will sign the final plat.
2. The Applicant's engineer must submit revised design plans for review due to the length of time passed (5 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.
3. 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 and SWM.
4. Otherwise any outstanding comments from those made by the Department at the November 16, 2009 Planning Commission meeting still apply.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to extension of preliminary play approval. The applicant is reminded that COMAR 26.04.03 limits Health Department approval of plats to 6 months. A written request may be granted for no more than 12 additional months.

Chairman 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 2/29/16, conditioned on:

- 1) Critical Area Commission concerns being satisfactorily addressed prior to Final Plat approval for the balance of the project; and
- 2) The applicant's directly forwarding a copy of any proposed Final Plat to the Maryland Critical Areas Commission in advance of the Planning Commission's Final Plat review so as to ensure that the Critical Area Commission's concerns have been satisfactorily addressed.

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

All approve. Motion carried.

**3. Reynolds Farm, Lots 1-34, Preliminary Plat Extension, Telegraph Road (MD Rte. 273), Northern Bay Land Planning, Fourth Election District.**

Faron Pyles, Northern Bay Land Planning, Paul Taylor & Edward VanArsdale, GW Stephens, and Lynn Widner, Owner, appeared and presented an overview of the project.

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

This project is in compliance with §3.8 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 Master 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 that 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 Plat<sup>5</sup> was approved on 9/18/06,<sup>6</sup> conditioned on:

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<sup>5</sup> It reflected the Preliminary Plat's changes that were reviewed by the TAC on 8/2/06, and it is set expire on 9/18/08.

<sup>6</sup> This approval came one day prior to the expiration of the one-year Concept Plat extension that was granted on 9/19/05.

- 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.

The former §4.1.17 provided that Preliminary Plats be valid for two years from date of approval. Therefore, 2-year Preliminary Plat extensions were granted 3/15/10 and 2/22/12, the latter of which remains valid until 2/28/14.<sup>7</sup>

Per the current §4.1.17, if this third requested extension is granted, then the Preliminary approval will be extended until 2/29/16.

The current §4.1.17 specifies, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which 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 since this Preliminary Plat was previously granted an extension on 2/22/12.<sup>8</sup>

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<sup>7</sup> Per the current §4.1.16, 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 2/28/14.

<sup>8</sup>As was pointed out at the 2/22/12 review, a comprehensive rezoning was effectuated in 2011 in conjunction with the previously-adopted 2010 Comprehensive Plan. There were no changes therein that would render the Preliminary Plat inconsistent with the Zoning Ordinance or Subdivision Regulations.



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

The Department has no objection to extending the preliminary plat. However the Applicant is advised that the Department of Public Works Wastewater Division will not be the "Controlling Authority" for the proposed shared sewerage facility. That position must be taken by MES or other agency deemed acceptable by the Maryland Department of the Environment and the Cecil County Health Department. The Department will not approve the sanitary sewer plan for this development until an acceptable controlling authority has been has accepted responsibility for the operation & maintenance of the shared facility.

Otherwise, the revised comments based on those made at the July 21, 2008 Planning Commission meeting apply. These comments will be made part of the minutes but not be read at is time.

1. 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.
2. The Department will not recommend final plat approval until such time as the MDE permit for the shared facility has been approved.
3. 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.
4. The Public Works Agreement for the shared sewerage facility will include adequate surety for the work proposed.
5. 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.
6. The fact that all lot owners are responsible for the maintenance/replacement costs associated with the shared sewerage facility must be made public to all potential purchasers.
7. What is the status of the groundwater appropriation permit?
8. 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.
9. 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).
10. 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.
11. The road design must address how traffic flow around the intermediate turnaround will be controlled.
12. 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.
13. The SWM plan must address the quantity control requirements for Lots 24-34?
14. 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.

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

16.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.

16.2 Requirements for Public Works Agreements.

16.3 Requirements for Stormwater Inspection and Maintenance Agreements.

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

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 may be granted for no more than 12 additional months.

Chairman 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 2/29/16.

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

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

#### **4. Chestnut Point Estates, 86 Sites, Concept Plat, Carpenter's Point Road, T & M Associates, Fifth Election District.**

Jim Copes, Owner, Doug Barry, T&M Associates and Ronnie Carpenter, Carpenter Engineering, appeared and presented an overview of the project. Mr. Barry explained that two waivers are also being sought today. The waivers are from the Cecil County Road Code and a TIS waiver. The Road Code waiver being requested is in regard to omitting the curb and gutter requirement for SWM purposes. The TIS waiver is in regard to not requiring a full TIS as this site has previously had one completed. At that time, the roads in question served a higher number of sites than this current plat.

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

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

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

Zoning: LDR, MH, MB & LDA

This project site is now situated within the 2010 Comprehensive Plan's Low Density Growth land use district, as well as the LDR, MH, MB & LDA - overlay zoning districts.

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier II area.

This Concept proposal was reviewed by the Technical Advisory Committee (TAC) on 12/4/13. Subsequently, the title block has been modified to omit the words "and marina."

86 manufactured home sites are proposed as a Manufactured Home Park in the MH & LDA<sup>9</sup> zones. No development is currently proposed in the LDR & MB portions of the site.

Manufactured Home Parks must adhere to the provisions of §'s 29 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations. Per §6.6, the review & approval process for manufactured home parks is the same as that for subdivisions, requiring the review and approval of Concept, Preliminary & Final Plats.

In addition, per §230-2 of the County Code, a manufactured home park license will need to be obtained.<sup>10</sup>

The Plat's title block no longer references a marina; however, at such time as a site plan for a marina<sup>11</sup> eventually may be submitted, any Traffic Impact Study (TIS) will need to be modified so as to take the impacts of the marina into account.

Density: The LDR zone's permitted density of 2 d.u./1 acre<sup>12</sup> is moot in this case, as no dwellings are proposed on the LDR-zoned "Tracts" – 1, 4 & 5.

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<sup>9</sup> Any proposed creation of new lots, or re-subdivision or lot reconfiguration, in the Critical Area mandates strict observance of §194.d (1), (2), (3), and (4).

<sup>10</sup> That can occur after the possible approval of the Final Plat(s).

<sup>11</sup> Any specific marina proposal shall, at a minimum, require strict adherence to the provisions of §37, §169, §198 and §200.

<sup>12</sup> With community facilities.

What is the planned, ultimate disposition of the LDR- and MB - zoned “Tracts”?<sup>13</sup> Mr. Barry stated that the tracts will be open space only.

The MH zone permits a density of 6/1 in a manufactured home park.<sup>14</sup> All 86 dwelling units are proposed in the MH-zoned “Tracts” – 2 & 3. Per the Density table on Sheet 3 of 3 and acreage data on Sheet 2 of 3, the aggregate MH-zoned acreage is 24.31<sup>15</sup>, yielding a proposed density of 3.54/1 (which is within the permitted 6/1).

All development in the LDA-zoned portion of the property shall, at a minimum, strictly adhere to the provisions set forth in §200 of the Zoning Ordinance.

The LDA overlay zone permits a maximum density of 3.99/1. Per the Density table on Sheet 3 of 3, the aggregate LDA-zoned acreage in “Tracts” 2 & 3 is 17.45, yielding a proposed density of 2.41/1 for the 42 proposed sites (which is within the permitted 3.99/1).

However, as was observed at the December TAC review, while still within permissible density limits,<sup>16</sup> the Density and Calculation table on Sheet 3 of 3 does not reflect the fact that sites 1, 28, and 37 are in the Critical Area. OPZ’s interpretation of §193.2 of the Zoning Ordinance has always consistently and uniformly been applied such that if any portion of a lot, or site, is within the Critical Area, than that lot, or site, must be included in the CA density calculation.

Thus, 45 (rather than 42) proposed sites in the 17.45 CA acres within “Tracts” 2 & 3 yields a proposed density of 2.58/1—assuming that the 17.45 CA acres does not include any MB-zoned acreage.

Per §4.0.13 (o) 7 the computation of the aggregate Critical Area acreage is found in Sheet 3 of 3 in the Density and Open Space Calculations table, which indicates it to be 29.53.<sup>17</sup> Based upon that acreage and 42 sites, the CA density would be the cited 1.42/1.

However, that density is not correct, and sites 1, 28, and 37 must be added and the LDA acreage in the LDR<sup>18</sup> and MB<sup>19</sup> zones must be subtracted from LDA total used in the CA density calculation – and that must include the 0.33 MB-zoned acres.

# of sites	Function	CA Acreage		CA Density
42	÷	29.53	=	1.42/1
42	÷	17.12	=	2.45/1
45	÷	17.12	=	<b>2.63/1</b>

That being done, 45 proposed sites in the eligible 17.12 CA acres within “Tracts” 2 & 3 yields a proposed density of 2.63/1.

The MB zone is not a residential zone, per §37 of the Zoning Ordinance.<sup>20</sup> The precise delineations of the MB-zoned portions of “Tracts” 1 and 3 have not been delineated (see §4.0.13(l)). Since no dwellings are proposed in “Tract” 1, that is not as important an issue as it is in “Tract” 3.

<sup>13</sup> A portion of “Tract 1” is zoned MB, although that has not been delineated on the plat.  
<sup>14</sup> As Chestnut Point Road is a private road, lots can be created on it only after a Variance has been granted.  
<sup>15</sup> The 0.33 MB-zoned acres must be deducted from the ‘Tract’ 3 total of 12.92 acres.  
<sup>16</sup> 45 sites on 17.45 acres yields an LDA density of 2.58/1.  
<sup>17</sup> In the previous Chestnut Point Marina submission, the Critical Area acreage was affirmed to be 28.6 acres.  
<sup>18</sup> No development is currently proposed in the LDR portion of the site.  
<sup>19</sup> The MB zone is not a residential zone, per §37, and no development is proposed in it.  
<sup>20</sup> This is one reason why the LDA acreage within the MB zone cannot be included in the CA residential density calculation.

Again, the MB area is not delineated on the plat,<sup>21</sup> and, precisely because that is not a residential zone, it must be determined that none of the sites are proposed in the MB zone.

As stated at the December 2013 TAC review, no MB-zoned acreage can (1) be used to satisfy any common open space or open space requirement of the MH zone, or (2) be used for the residential density calculation therein.

The graphics in the Legend on sheet 2 of 3 appear to confuse existing and future structures.

What is the proposed disposition of the existing structures? Mr. Barry stated that one of the structures will be utilized as a maintenance facility and the other will be a stand-alone manufactured home.

The 'Proposed Stormwater Management Areas' graphic in the Legend on sheet 2 of 3 is incorrect.

The Legend on sheet 2 of 3 depicts graphics for non-tidal wetlands inside and outside the Critical Area. Are there any tidal wetlands on site? Mr. Barry said no.

If so, then the Legend on sheet 2 of 3 must depict a graphic for tidal wetlands, as well.

Pursuant to §4.0.13 (b) & (f), a north arrow has been provided.

§4.0.13 (b) requires a vicinity map that indicates the location of the property and includes the tax map, block, and parcel numbers. Block information has been omitted.

The words "Manufactured Home Park" have been omitted from the title block. The word 'lot' must be changed to 'site' in the Property and Zoning Summary block on Sheet 1 of 3.

On Sheet 1 of 3, there are unnumbered notes in the Property and Zoning Summary block. The one entitled 'PER ARTICLE XI, PART 1 ("CRITICAL AREA DISTRICT") OF ZONING CODE' requires some comment. The Zoning Ordinance's Article XI, Part 1 actually contains twenty-nine (29) individual Sections, so the citation is rather broad.

The 50' bufferyard from water citation ostensibly is taken from §195.1(b) of the Zoning Ordinance, which pertains to Modified Buffer Areas<sup>22</sup> only. §195.1(e), clearly cites a 110' Buffer; therefore, the source of the reference to a 100' "Modified Bufferyard" is unclear.

Again, the applicant is cautioned the §195 is but one (1) of twenty-nine (29) individual Sections in Article XI, Part 1.<sup>23</sup>

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices

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<sup>21</sup> In Tracts 1 & 3.

<sup>22</sup> On page 7 of 15 of a memorandum of plat submission, the applicant wrote: "... there are no areas that qualify to be considered buffer-modified." As explained in §195.1(e), Modified Buffer Areas are mapped by the local jurisdiction (Cecil County) and approved by the Critical Area Commission, **not the applicant.**

<sup>23</sup> For example, the provisions of §196.1.a and §196.3.g (2) will likely come into play.

shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>24</sup>

Slopes greater than 25% must be shown on the Preliminary Plat. Per §4.0.13 (o) 3, areas of steep slopes, highly erodible soils, and other soils with development constraints must be shown on the Critical Area portion of Concept Plats. The applicant has indicated on page 11 of 15 in the accompanying submittal memorandum that there are no such areas on site to be delineated.

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 Critical Area maps show that a portion of this site is classified Buffer Modified. It must be verified that the buffer does not need to be expanded.

What is the purpose of the proposed paved roadway in the Buffer, and is it associated with access to the marina location? Mr. Barry stated that it is an existing trail network that will be maintained for the residents.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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.

15% open space is required (§78.4).

At a minimum, 15% of the required<sup>25</sup> 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 threshold must be calculated and included on the Preliminary Plat.

No MB-zoned acreage (including the marina) can be used to satisfy any common open space or open space requirement of the LDR or MH zones, respectively.

In addition, conformity with §176.2.a shall be required.

No more than 15% of the surface area can be impervious surface in the LDA.<sup>26</sup> In addition, the "lot coverage" provisions of §200.13.e must be taken into account.

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<sup>24</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

<sup>25</sup> Per §29.3.c, §26.3.a, & §176.2c & d.

<sup>26</sup> This must be demonstrated on any Preliminary Plat submitted.

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

15% landscaping is required.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter's Point Road.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads and Chestnut Point Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations must appear on the Final and Record Plat stating that such services shall be made available to all sites.

The FSD has been approved for the area outside the Critical Area. The Conceptual Environmental Assessment (EA) has been approved the area in the LDA zone<sup>27</sup>.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations), with a Preliminary EA being approved prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Environmental Assessment must be approved prior to the submittal of the Preliminary Plat for review and possible approval by the Planning Commission.

The Preliminary SWM Plan must be approved prior to the submittal of the Preliminary Plat for review and possible approval by the Planning Commission.

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).

The Final Environmental Assessment must be approved prior to the submittal of the Final Plat for review and possible approval by the Planning Commission.

The Final SWM Plan must be approved prior to the submittal of the Final Plat for review and possible approval by the Planning Commission.

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

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<sup>27</sup> Which is exempt from the Forest Conservation Regulations per §3.2.B.

A Traffic Impact Study (TIS) must be completed for proposals of 50 dwelling units or more (86 in this case) prior to the TAC's review of the Preliminary Plat.

Because this site previously contained a manufactured home park and marina, staff would not oppose the Planning Commission's waiving of the TIS requirement, in favor of the road condition inventory desired by DPW.

It is important to note that the marina details must be an important component of any possible TIS analysis. Therefore, at such time as a site plan for a marina<sup>28</sup> eventually may be submitted, any TIS will need to be modified so as to take the impacts of the marina into account.

As Chestnut Point Road is a private road, the marina and adjacent access could be achieved only via a private road. What legal mechanisms are proposed in that regard? Mr. Barry stated that there is a recorded cross access easement in place.

How will parcel 349 be accessed?

The Master Water & Sewer Plan includes this area as W1 and S2.

Verification of water allocation and sewer capacity must be received 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 Comprehensive Water and Sewer Plan.

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

Fire hydrant locations must be selected in consultation with DPW and the Charlestown Fire Company prior to the TAC's review of the Preliminary Plat.

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

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

1. The CCDPW assumes that the water supply for this development will be provided by Artesian Water Maryland. The water lines must be reflected on the sanitary sewer plans and as-builts
2. The Concept SWM plan must be approved by all reviewing agencies prior to submitting the concept plat to the Planning Commission for review.
3. The Department sees no value in requiring a traffic impact study, but does require that a road conditions survey be conducted for the entire length of Chestnut Point Drive to Carpenters Point Road & along Carpenters Point Road from Chestnut Point Drive to the intersection with Mountain Hill Road. We will provide the details of the survey requirements to the Applicant's Engineer.
4. The Road & Storm Drain plan, Sanitary Sewer plan, and Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
5. No SWM practices/facilities may be located within the 100-Year Flood Plain.

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<sup>28</sup> Any specific marina proposal shall, at a minimum, require strict adherence to the provisions of §37, §169, §198 and §200.



6. While the 100-Year Flood Plain line has been shown the Department has a concern about possible impact on the constructability of the bioretention area adjacent to Sites 71-73.
7. Identify all SWM conveyance easements on the preliminary & final plats.
8. The applicant must maintain access to Chestnut Point Road Extended (private) and the dwellings it serves.
9. The roads & storm drains must be designed to maintain access for emergency vehicles in the 100-Year Flood Plain.
10. The Developer is responsible to submit an engineer's preliminary layout for the subdivision public sewer, including any pumping stations, to the Department of Public Works at least thirty (30) days prior to TAC review of a preliminary plat. (Mr. Barry stated that no pump station is planned.)
11. If a sanitary sewer pump station (SPS) is required it must be located outside of the 100-Year Flood Plain and be on a fee simple lot dedicated to the Cecil County BOCC and so indicated on the final plat. Any required SPS must be constructed, as-built and accepted by the Department of Public Works prior to any building permits being issued for the proposed dwellings.
12. The sanitary sewer lines within this development must make maximum use of gravity flow.
13. A Benefit Assessment as well as Connection Fees will apply for these sites.
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:
  - 13.1 The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.
  - 13.2 Requirements for Utility relocations.
  - 13.3 Requirements for Public Works Agreements.
  - 13.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 13.5 Requirements for Sewer Service Cleanouts – Location.
  - 13.6 Requirements for Final Plat - Public Sewer Allocation.

***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. *Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein."*
2. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. A Public Works Agreement is required for the streets & storm drainage and public sewer system construction.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. 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.
6. 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.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit application sent directly to Maryland Department of the Environment by Artesian Maryland Water in November of 2013 was for 56 units. The Cecil County Health Department was requested to certify consistency with the County Master Water and Sewer Plan and Office of Planning and Zoning. Our office informed Artesian Maryland Water and MDE that the application was not consistent, as a concept plat had not been approved by the Planning Commission. This concept plat is for 86 sites. A revised Groundwater Appropriation Permit application must be submitted for the proper number of sites.

Maryland Department of the Environment permits to construct the public water supply and the Groundwater Appropriation Permit must be issued prior to final plat approval.

All existing wells must be shown on the preliminary plat.

All existing septic tanks must be filled prior to record plat approval. The existing well on site 85 must be abandoned and sealed by a license well driller prior to record plat approval.

Chairman Doordan asked if anyone would like to speak in favor or in opposition of this project. Carl Walbeck, speaking for Councilwoman Broomell, stated that she would like to know how many campsites existed at the campground before residential development was proposed. Mr. Copes stated that he believes it was between 150-200 sites.

Mr. Wiggins asked if the previous sites have been removed from the land. Mr. Copes said yes. Mr. Wiggins asked if the applicant was requesting the TIS waiver due to the fact that there are far less homes proposed on the site than that were previously there. Mr. Copes said yes. He added that the previous marina was a public marina but the future plans for a marina in this plan will include a private marina. Mr. Wiggins asked for clarification on the Road Code waiver. Mr. Barry stated that the Road Code requires curb and gutter for a Manufacture Home Park. For Stormwater purposes to meet environmental site design requirements, they need to eliminate the curb and gutters for road side swales.

Mr. Wallace asked for clarification of the previous development on this land. Mr. Copes obliged.

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 completion of a road condition survey prior to the TAC's review of any Preliminary Plat;
- 3) The fire hydrant locations' being selected in consultation with DPW and the Charlestown Fire Company prior to the TAC's review of any Preliminary Plat;
- 4) The TIS requirement being waived in favor of a road condition survey's being completed prior to the TAC's review of any Preliminary Plat;
- 5) The title block's including the words "Manufactured Home Park" prior to the TAC's review of any Preliminary Plat;
- 6) The Vicinity Map's including the block, or grid number prior to the TAC's review of any Preliminary Plat;
- 7) The Preliminary SWM Plan's being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
- 8) The Preliminary Forest Conservation Plan's being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
- 9) The Preliminary Environmental Assessment's being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
- 10) The Boundary Line Survey's being completed prior to the TAC's review of any Preliminary Plat;
- 11) The residential densities' being corrected prior to the TAC's review of any Preliminary Plat;
- 12) The word 'lot' being changed to 'site' in the Property and Zoning Summary block on Sheet 1 of 3;

- 13) The Legend's graphics' being modified to eliminate any errors and/or confusion prior to the TAC's review of any Preliminary Plat.

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

Mr. Wallace stated that the conditions read did not specifically address the concerns of the Critical Areas Commission. Mr. Di Giacomo added a 14<sup>th</sup> condition to be read as follows:

**APPROVAL, conditioned on:**

- 1) All Health Department requirements being met;
- 2) All DPW requirements being met, including the completion of a road condition survey prior to the TAC's review of any Preliminary Plat;
- 3) The fire hydrant locations' being selected in consultation with DPW and the Charlestown Fire Company prior to the TAC's review of any Preliminary Plat;
- 4) The TIS requirement being waived in favor of a road condition survey being completed prior to the TAC's review of any Preliminary Plat;
- 5) The title block's including the words "Manufactured Home Park" prior to the TAC's review of any Preliminary Plat;
- 6) The Vicinity Map's including the block, or grid, number prior to the TAC's review of any Preliminary Plat;
- 7) The Preliminary SWM Plan's being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
- 8) The Preliminary Forest Conservation Plan's being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
- 9) The Preliminary Environmental Assessment's being approved prior to the submission of any Preliminary Plat for review by the Planning Commission;
- 10) The Boundary Line Survey's being completed prior to the TAC's review of any Preliminary Plat;
- 11) The residential densities' being corrected prior to the TAC's review of any Preliminary Plat;
- 12) The word 'lot' being changed to 'site' in the Property and Zoning Summary block on Sheet 1 of 3;
- 13) The Legend's graphics' being modified to eliminate any errors and/or confusion prior to the TAC's review of any Preliminary Plat; and
- 14) The concerns of the Critical Areas Commission being satisfactorily addressed.

An amended motion for approval with 14 conditions, was made by Mr. Wiggins.  
The motion was seconded by Mr. Johnston.

Mr. Doyle asked how many Concept Plat have this many conditions. Mr. Di Giacomo stated that due to the complexity of the Critical Area portion of the land and the possible future inclusion of a marina, this project warranted several conditions.

Members in favor of approval were Mr. Wiggins, Mr. Johnston and Mr. Miners.  
Members in opposition of approval were Mr. Wallace and Mr. Doyle.

Motion for approval with conditions carried.

**General Discussion:**

The February Planning Commission meeting adjourned at 1:29 p.m.

Respectfully Submitted

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**March 17, 2014**

**12:00 p.m.**

**Present:** Pat Doordan, Chairman; Ken Wiggins, Vice Chairman, Bill Miners; Geoff Doyle; Chad Johnston; Diana Broomell; Cameron Brown, Esq.; Fred von Staden; Mark Woodhull; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Wyatt Wallace; Tom Mullen – Alternate; Kordell Wilen.

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

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

**1. Montgomery Oaks, Section 2, Lots 69-126, Bay View Woods Lane & Crow's Feet Drive, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Barry Montgomery, Developer, 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 regarding public notification.

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

Zoning: DR<sup>1</sup> (at time of approval)  
ST<sup>2</sup> (today)

Density: The original Section 1 Concept Plat was approved 9/21/92.<sup>3</sup> The Section 1 Preliminary Plat was approved 10/19/92. Subsequently, a number of Section 1 Final Plats were incrementally approved, as Town of North East's water allocation became available.

The Section 2 Concept Plat, proposing 79 lots (62-140) on 40.8 acres for a proposed Section 2 density of 1.94/1,<sup>4</sup> was approved on 8/15/05,<sup>5</sup> conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 2) The JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A TIS being completed prior to the TAC's review of the Preliminary Plat; and
- 4) A sensitive species survey being completed prior to the Preliminary Plat review by the TAC.

The Section 2 Preliminary Plat, proposing 58 lots (69-126)<sup>6</sup> on 26.46 acres for a proposed Section 2 density of 2.19/1, was approved on 9/18/06, conditioned on:

- 1) Health Department requirements being met;

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<sup>1</sup> The DR zoning permitted a density of 1 du/ 1 ac., or 4/1 in locations with community facilities.

<sup>2</sup> The ST zoning permits a density of 1 du/ 1 ac., or 4/1 in locations with community facilities, or up to 6/1 with the use of Transferred Development Rights (and community facilities).

<sup>3</sup> This property, formerly known as Piney Ridge Estates (formerly known as Stoney Run Acres), was zoned R2 in 1992, which permitted a density of 1 du/ 1 ac., or 4/1 in locations with community facilities, which is consistent the current DR zone's permitted densities.

<sup>4</sup> Philips Acres (Lots 62-83) was also presented as "Section 2" when it was submitted for TAC review in January 2004.

<sup>5</sup> TAC review took place on 4/5/06.

<sup>6</sup> Proposed Lots 62-68 and 127-140 were shown as remaining lands.

- 2) DPW requirements being met;
- 3) Documentation of the completed JD being submitted if JDs are once again performed;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The Final and Record Plats containing a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and
- 6) The Final and Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale.

§4.1.17 of the Subdivision Regulations then provided that Preliminary Plats were valid for only two years from date of approval, unless any section of a Final Plat was approved and recorded in the interim. Therefore, per §4.1.18, the Planning Commission granted extensions on 9/15/08 and 8/17/09, the latter of which remained valid until 8/17/11.

The Revised Section 2, Lots 69-126, Preliminary Plat<sup>7</sup> was approved on 4/18/11, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) The 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;
- 5) 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;
- 6) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA must be shown on the Final and Record Plats; and
- 7) The requested setback modification's being granted.

Per the then-operative §4.1.17, the Preliminary Plat approval remains valid until 4/18/14,<sup>8</sup> unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is extended today.

Per the current §4.1.17, if an extension is granted today, then the Preliminary Plat approval will be extended until 3/31/16.

The current §4.1.17 specifies, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which 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."

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<sup>7</sup> The revised Preliminary Plat approved on 4/18/11 had the exact same density and layout as previously; only the proposed setbacks (BRLs) were changed – so as to be consistent with those granted the Final Plat of the adjacent Bay View Woods on 8/17/09.

<sup>8</sup> Today, per §4.1.16, the Preliminary Plat approval would remain valid until 4/30/14, though still a three-year approval time frame.

A comprehensive rezoning was effectuated in 2011 in conjunction with the previously-adopted 2010 Comprehensive Plan. There were no changes therein that would render this Rev. Preliminary Plat inconsistent with either the Zoning Ordinance or Subdivision Regulations.

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

The Department of Public Works has no objection to the Planning Commission granting the extension requested for this project. However the SWM plans for this project must be designed under the current SWM Ordinance. This will require approval from the Department of Public Works of the concept, preliminary & final SWM plans prior to any final plat submission to the Planning Commission for review. The remainder of the Department's comments consists of those presented at the April 18, 2011 Planning Commission meeting. They will be included in the minutes but will not be read at this time:

1. While a SWM plan was submitted April 15, 2010 ahead of the May 4, 2010 deadline for grandfathering under the previous SWM Ordinance (2000) it did not meet the technical level of completeness required to be considered for grandfathering. Therefore this project is not grandfathered and must be designed to meet the May 4, 2010 Ordinance & current Maryland Department of Environment regulations.
2. A 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. These plans must be designed to the current County Codes & Standards.
3. 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.
4. 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.
5. A line of sight easement will be necessary along the inner radius of the curve in Madison Paige Drive. Inner lane widening may also be necessary and must be addressed by the engineer.
6. Lot frontage dimensions dictate that closed section road is used. The pavement width must be 30' within the proposed 50' ROW not the 20' width called out on the plat. Modified curb and gutter may be used internally.
7. The 90 degree angle geometry proposed for the transition into Bay View Woods must be designed as a modified roundabout to promote safe smooth traffic flow between this subdivision and Old Bayview Road.
8. The Department's requires that Road Code Variances must be sought prior to applying for Preliminary Plat approval to the Planning commission. No Variances have been received to date therefore the Department expects that the proposed streets will meet all road code requirements.
9. A Protocol Three offsite Road Condition Survey is required for Bailiff Road, from proposed BayView Woods Lane to Pine Cone Drive and must be submitted to the Department of Public Works along with any Initial Road Improvements Proposal prior to submittal of any onsite engineering plans to the Department.
10. Sewer services for lots 95 through 103 to connect to a new gravity collection main in Madison Paige Drive. Given the proposed proximity of lot 95 through 103 house foundations to the existing gravity sewer, applicant must engage a professional soil foundation/structural engineer to address the potential for house foundation impact to the gravity sewer, as well as to identify any potential for future foundation stability issues when maintenance excavations are needed along this section of gravity sewer main.

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 Section 3.07.15 of the Cecil County Road Code.
- 11.3 Requirements for Utility relocations.
- 11.4 Requirements for Public Works Agreements.
- 11.5 Requirements for Stormwater Inspection and Maintenance Agreements.
- 11.6 Requirements for Driveways.
- 11.7 Requirements for Final Plat - Public Water and Sewer Allocation.
- 11.8 *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 here on. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown here on. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW.”*
  - b. *Final Plat: “Sidewalk maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.”*
  - c. *Grading Plan: “No clearing or grading is permitted beyond the limits of disturbance show here on. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.”*
2. Section 3.07.15 of the Road Code applies. The design engineer must address the requirement for minimum acceleration, deceleration, and bypass lanes. Any right-of-way acquisition necessary shall be performed by the applicant and at the applicant’s expense.
3. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
4. A Public Works Agreement is required for the streets & storm drainage, and public sewer system constructions.
5. An Inspection & Maintenance Agreement is required for the private SWM facilities.
6. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
7. 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.
8. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to 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 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 3/31/16.

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

The motion was seconded by Mr. Miners.

All approve. Motion carried.



## **2. Lands of 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.

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

This proposal is in compliance with §3.8 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 (old), RM (new)

Density: The RM zone permits a base density of 2 du/ 1 ac., or 6/1 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.

The former §4.0.9 of the Subdivision Regulations provided that Concept Plats shall be valid for two years from date of approval.<sup>9</sup>

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, 2/17/09, 2/16/10, 2/22/11, 3/19/12, and 3/18/13 – extending the Concept Plat's validity until 3/31/14.<sup>10</sup>

Should the Planning Commission grant another extension, it will be valid until 3/31/15.<sup>11</sup> At that time, if necessary, the applicant may again request a subsequent one-year extension of Concept Plat approval.

The current, revised §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

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<sup>9</sup> The current §4.0.9 of the Subdivision Regulations stipulates that "Approval of the density and layout of a Concept Plat shall be valid for three (3) years at the end of the month from the date in which the Planning Commission approval is granted."

<sup>10</sup> The current Subdivision Regulations allow for extension to run for 2 years at the end of the month from the date and month in which the extension is granted. As of 8/21/07, extensions ran for one year from the anniversary date of the original approval rather than one year from the date of the granting of the extension.

<sup>11</sup> The current §4.0.10 of the Subdivision Regulations stipulates that "... the Planning Commission may, at their regular monthly meeting, grant an extension of the approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year at the end of the month from the date and month in which said extension is granted." This would be the 9<sup>th</sup> extension of Concept approval.

for one (1) year at the end of the month from the date and month in which said extension is granted. In connection with such request, the Planning 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.”

As previously reported, the 2010 Comprehensive Plan has been adopted, and this proposal’s density, therefore, does not exceed that envisioned in the 2010 Comprehensive Plan.<sup>12</sup>

As was additionally previously reported, in conjunction with the adoption of the 2010 Comprehensive Plan, a new Zoning Ordinance and new Subdivision Regulations were subsequently adopted. The only salient change was the zoning classification of the property: from DR to RM.<sup>13</sup>

As an information item, subsequent to the 3/18/02 Concept approval, the County’s JD policy changed, in conjunction with that of the Corps of Engineers. Therefore, the 4<sup>th</sup> condition of Concept approval would be non-binding at such time as a Preliminary Plat might be brought forward, but that in no way affects the Planning Commission’s action today.

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

The Department of Public Works has no objection to the Planning Commission granting the extension requested for this project. However the SWM plans for this project must be designed under the current SWM Ordinance. This will require approval from the Department of Public Works of the concept & preliminary SWM plans prior to any preliminary plat submission to the Planning Commission for review. The applicant needs to coordinate the road design with the DPW, Engineering & Construction Division. The remainder of the Department’s comments consists of those presented at the February 22, 2011 Planning Commission meeting revised to address the current SWM Ordinance. They will be included in the minutes but will not be read at this time:

1. 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 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.
3. 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 significant added traffic on Marley Road and the Applicant’s Engineer must address it with a recommended solution.
4. We will require that a Traffic Impact Study be completed prior to review of the preliminary plat by the TAC.

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<sup>12</sup> The zoning classification has **changed** to **RM** (High Density Residential), the property is **not in** the Critical Area, **no changes** have been made to the Forest Conservation Regulations, and minor amendments to the Zoning Ordinance and the Subdivision Regulations have **no impact** upon the approved Concept Plat, and **no relevance** to its extension.

<sup>13</sup> While is proposal cannot be considered ‘high density’ residential, nevertheless, it remains permitted.

5. 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.
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. 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. If efforts fail to obtain all necessary ROW the Developer shall attempt to accomplish improvements to make the intersection function to acceptable levels within the ROW available.
8. The proposed cul-de-sacs are in non-compliance with Standard Detail R-14 of the Road Code (bulb diameter).
9. 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.
10. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.
11. The road design must comply with Minimum Road Design Standards as identified in Standard Detail R-35 of the County Road Code.
12. 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.
13. 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.
14. 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.
15. Lot 148 is denied access to the proposed unnamed street except for the northern 30' of frontage and is denied direct access onto Marley Road. Lot 72 is denied access along the curved portion of its frontage on the proposed unnamed street. Lot 17 is denied access to Meadow Hall Road.
16. 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.
17. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

18. Limits of fee simple ownership must be determined by the applicant for the two proposed entrances and dedication language must be added.
19. A school bus turnaround must be provided during the first phase of development.
20. 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.
21. 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.
22. All lots proposed to access the internal minor collector subdivision streets must have provisions for on lot driveway turn-around on the final lot grading plans. Minor Collector streets are not intended to serve as primary access to abutting lots.
23. A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval.
24. 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).
25. An Inspection and Maintenance Agreement will be required for the SWM facilities.
26. A PWA will be required for internal streets, stormdrains, sanitary sewers, and any private utility improvements.

Mr. Wiggins read the comments of the Health Department:

The Health Department has no objection to extension of Concept Plat. The applicant is reminded that COMAR 26.04.03 limits the Health Department approval of plats to 6 months. A written request for extension may be granted for no more than 12 additional months.

Chairman Doordan asked if anyone would like to speak in favor or in opposition of this project. Philip Muzik, DPW, Engineering & Construction Division stated that the County is in the process of designing a sewer extension up Route 40 that will provide sewer to the Route 40 / Marley Road location. That should be considered as the plans are further developed for this project. Discussion will continue regarding the point of connection to this system.

Mr. Di Giacomo read the recommendation of the staff:

The **granting** of a one (1) year Extension of Concept Plat approval, to expire on 3/31/15.

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

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

### **3. The Chesapeake Club Fairway Links, Area H-2 & H-3, Lots 188-343, Bay Club Parkway, Preliminary Plat Extension, McCrone, Inc., Fifth Election District.**

Don Sutton, McCrone, Inc., and Mike Palmisano, 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 regarding public notification.

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

Zoning = RM.

The original Concept Plat was approved 5/19/87<sup>14</sup> for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A series of revised Concept Plats have been approved subsequently. They have all adhered to the originally-approved density of 3.5/1, and they have reflected changes in only design, layout and structure types.

An Area H Preliminary Plat for proposed lots 110-216 was approved on 5/20/02.

A revised Concept Plat<sup>15</sup> was approved on 9/16/02, and an Area H-1 Final Plat for proposed lots 128-187 was approved on 1/22/04.

The Areas H-2 & H-3, Lots 188-343, Fairway Links, Preliminary Plat was approved on 4/19/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Sidewalks or walkways, in keeping with the designs of completed sections, being included;
- 5) Water allocation must be confirmed by the Town of North East prior to Final Plat approval;
- 6) Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat approval;
- 7) The approximate locations of the townhouse structures being show on the Final Plat; and
- 8) Note # 11 being revised to provide the correct number of overflow parking spaces.

An Area H-2 Final Plat for proposed Lots 188-203, 250-288, 311-313 & 332-343 was approved on 10/16/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The owners of these lots becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 5) A Landscape Agreement being executed prior to recordation;
- 6) Maintenance of the common overflow parking areas being the responsibility of the HOA, and a note to that effect appearing on the Record Plat;
- 7) The Record Plats containing a statement signed by the Health Dept., approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and
- 8) The Record Plats containing a statement, signed by the owner, to the effect that such facilities will be available to all homes and townhouses offered for sale.

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<sup>14</sup> Concept Plats approved prior to 7/25/89 remain valid.

<sup>15</sup> Keeping the density approval intact, revisions updating the layout only have been approved over time.

It would not be recorded until 4/11/12.

§4.1.17 of the old Subdivision Regulations provided that Preliminary Plats were valid for 2 years from approval date.

Therefore, pursuant to the old §4.1.18, Preliminary Plat extensions were granted on 3/20/06, 2/20/07, 7/21/08, and 7/20/09 – which remained valid until 7/20/11.

As relates to Preliminary extensions, the new §4.1.17 stipulated that Preliminary extensions ...shall run for two (2) years at the end of the month from the date and month in which said extension is granted.

Therefore, the fifth (5<sup>th</sup>) Preliminary extension, granted on 7/18/11, extended the validity until 7/31/13.

Subsequently, the Record Plat for H-2, proposed Lots 188-203, 250-288, 311-313 & 332-343, that received Final Plat approval on 10/16/06, was signed on 4/11/12 – thus extending Preliminary approval (4/19/04) validity until 4/11/14.<sup>16</sup>

Therefore, unless another extension is granted today, the validity of the 4/19/04 Preliminary Plat approval, as subsequently extended, will terminate on 4/11/14. If granted, today's extension will continue Preliminary approval until 3/31/16.

§4.1.17 stipulates that, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run for two (2) years at the end of the month in which 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, in conjunction with and subsequent to the adoption of the 2010 Comprehensive Plan, a new Zoning Ordinance and new Subdivision Regulations were recently adopted. However, there were no salient changes therein pertinent to this application.

Again, should another extension now be granted, it would expire on 3/31/16.

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

The Department has no objection to the extension requested. The SWM plan, Sanitary Sewer plan and the Road & Storm Drain plan are all approved. The Applicant is reminded that the final plat submitted for recordation must contain the Lot Grading Plan standard note or the Department will not sign it. The minutes will include the wording of this note.

*"A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW."*

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<sup>16</sup> Per §4.1.16, the two year extension garnered by recordation runs from the exact date of recordation, rather until the end of the 2-year anniversary month.

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.

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

Discussion ensued regarding the history of this project.

Mr. Di Giacomo read the recommendation of the staff:  
The **granting** of a two (2) year extension of Preliminary Plat approval, to expire on 3/31/16.

A motion for the granting of the two year extension was made by Mr. Johnston.  
The motion was seconded by Mr. Doyle.

All approve. Motion carried.

**General Discussion:**

None

The March Planning Commission meeting adjourned at 12:22 p.m.

Respectfully Submitted

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning





**CECIL COUNTY PLANNING COMMISSION  
MONDAY APRIL 21, 2014  
12:00 p.m.  
County Administration Building  
200 Chesapeake Blvd. Elk Room, Elkton, MD 21921**

Due to a lack of agenda items, there was not an afternoon (subdivisions) meeting of the Planning Commission in April 2014.

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**May 19, 2014**

**12:00 p.m.**

**Present:** Pat Doordan, Chairman; Wyatt Wallace; Geoff Doyle; Chad Johnston; Tom Mullen – Alternate; Diana Broomell; Randy Jackson, Esq.; Lloyd Harmon; Mark Woodhull; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Ken Wiggins, Vice Chairman; Bill Miners; Kordell Wilen.

**Call to Order:** Chairman 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. Doyle. All approve. Motion carried.

**1. ANNUAL REPORT – 2013**

Eric Sennstrom, Director, Planning & Zoning, appeared and gave an overview of the report. Mr. Sennstrom summarized the content of the report which includes various data concerning Major / Minor Subdivisions, Site Plans, Historic District applications, Rezonings, Agricultural Preservation, Special Exceptions, Variances, Appeals, Building Permits and Zoning Violations.

The 2013 Annual Report also contains the roster for the several commissions and boards that are associated with Planning & Zoning. They are as follows: Planning Commission, Board of Appeals, Ag. Preservation Advisory Board, Historic District Commission, Ag. Reconciliation Committee and the staff of Planning & Zoning.

Appendixes is the next section which includes, maps highlighting each Election District 1-9, and the development activity that occurred within those districts, greater specificity provided as far as Major / Minor subdivision activity, Land Preservation, building permit, Site Plan for Commercial/ Industrial/ Institutional, Zoning enforcement and complaint, Special Exception / Variance / Appeals activities that has occurred within the county.

Various maps are included in the document.

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

Mr. Doyle asked Mr. Sennstrom if he feels the population projections made by MDP for the most recent Comprehensive Plan are accurate. Mr. Sennstrom stated that he feels that the projections were not achievable. He also stated that after the adoption of the Comprehensive Plan, MDP, realized their miscalculation and projected there to be approximately 30,000 less people expected to be living in Cecil County by 2030.

A motion for the adoption of the 2013 Annual Report was made by Mr. Johnston. The motion was seconded by Mr. Wallace.

All approve. Motion carried.

No comments were given by the Department of Public Works or the Health Department.

*A copy of the 2013 Annual Report can be obtained by contacting the Office of Planning & Zoning or visiting <http://www.ccgov.org/uploads/PlanningAndZoning/General/2013AnnualReport.pdf>*

**2. The Villages at Herron Lake, Parcels 1, 3, 4, 6, 7, 8 & 9, Preliminary Plat Extension, Zeitler & Blue Ball Road, Taylor Wiseman & Taylor, Third Election District.**

Tom Ahearn, Cecil Bank, 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 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 3.92/1<sup>1</sup> was approved on 11/21/05, conditioned on:

- 1) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 2) All issues associated with the boundaries of the M2 area being satisfactorily resolved verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 3) Documentation of the completed JD being received prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 4) All road names being approved prior to the Planning Commission's review of the Preliminary Plat or Preliminary Plat/Site Plans;
- 5) Verification of the capability of the proposed water system to serve all proposed dwelling units being received from MDE prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 and 6;
- 6) Documentation of all approvals for the water and sewer system and the operator required by the Public Service Commission, and/or Health Department, and/or MDE being received prior to the Planning Commission's review of the Preliminary Plat/Site Plans for Phases 2 & 6;
- 7) The identity of the waste water treatment plant being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 8) The name of the water company providing the water being included on the Preliminary Plat/Site Plans for Phases 2 & 6;
- 9) The Preliminary Plat or Preliminary Plat/Site Plans documenting that all proposed structure locations are outside the fall zone of the Conowingo Power electric transmission lines and towers;
- 10) All required documents from Conowingo Power or successor entities granting permission or agreeing to utility corridor impacts being received prior to Preliminary Plat/Site Plan review for Phase 6;
- 11) The water and waste water plants and all associated facilities being approved as major site plans per §291, prior to Preliminary Plat/Site Plans review by the Planning Commission for Phases 2 and 6;
- 12) Note # 11 deleting reference to alleys;

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<sup>1</sup> The original RM zoning permitted a base density of 2/1, or 6/1 with community facilities; 12/1 for townhouses; 16/1 for apartments.

- 13) A Traffic Impact Study being completed prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 14) The “Land Use Summary” taking into account that the common overflow parking areas cannot be included in the open space total acreage;
- 15) The 100-year floodplain boundaries being labeled and verified prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 16) All data and information being reconciled between the plat and the “Land Use Summary;”
- 17) All proposed areas of common open space being shaded prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 18) Any Preliminary Plat/Site Plan review for Phases 2 & 6 clearly demonstrating consistency with §277;
- 19) Fire hydrant locations being selected in consultation with the Department of Public Works and the Singerly Fire Company prior to any Preliminary Plat or Preliminary Plat/Site Plan review;
- 20) A complete listing of and schedule for remediation efforts accompanying any Preliminary Plat submission; and
- 21) The Preliminary Plat reflecting strict compliance with §7.2.12.E.4.

The Preliminary Plat, proposing 680 units<sup>2</sup> in Parcels 1, 3, 6, 7, 8, & 9 (on approximately 375 acres for an approximate density of 3.885/1) was approved 11/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Any Final Plat or Preliminary Plat/site Plan being first submitted for TAC review prior to Planning Commission review;
- 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;

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<sup>2</sup> Consistent with the July & September ‘06 TAC submittals, 777 “future units” were also proposed, including 34 of the 202 in Parcel 3 and 3 of the 95 units in Parcel 9. Thus, the aggregate total of 1457 (680 + 777) was 8 fewer than proposed in the approved Concept Plat.

- 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 two (2) years. Although the 9/18/08 Preliminary approval had technically expired on 9/18/10, the Planning Commission granted a two-year extension<sup>3</sup> on 9/20/10, 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 needed to have been approved.);

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<sup>3</sup> Staff ordinarily recommends DISAPPROVAL of a requested extension for any expired Concept or Preliminary approval. However, staff could not recommend APPROVAL, but did not object to the granting of an extension, 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; ...

- 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.

Subsequently, a second extension was granted on 8/20/12, conditioned on:

- 1) 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
- 2) 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.<sup>4</sup>

That extension is set to expire on 8/31/14.

If this third extension request is granted, then it shall remain valid until 5/31/16.<sup>5</sup>

§4.1.17 stipulates, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which 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."

As was reported on 8/20/12, subsequent to the adoption of the 2010 Comprehensive Plan, in conjunction with the County's comprehensive rezoning, a new Zoning Ordinance and new Subdivision Regulations were adopted. Once more, we report that neither contains any changes pertinent<sup>6</sup> to the mandated considerations set forth in §4.1.17.

Again, if approved, then the requested extension would remain valid until 5/31/16.

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. The Applicant is further advised that the Environmentally Sensitive Design (ESD) approach of the current SWM Ordinance may require changes to the number and layout of lots proposed to meet the Ordinance's requirements. The SWM Basins shown on the preliminary plat are no longer the primary method used to meet these requirements. 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:

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<sup>4</sup> It was incumbent upon the applicant to determine whether the Planning Commission would require a new TIS, most logically via the mechanism of an information item presentation at a regularly scheduled Planning Commission meeting.

<sup>5</sup> Per §4.1.17.

<sup>6</sup> The current zoning is now **ST**, which allows a density of 4:1, or 6:1 in conjunction with TDRs. Thus the 3.92:1 density remains consistent even though the zoning has changed from **RM** to **ST**.

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 within the County R/W 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. Arron's Way, Seth's Way & Caleb Road will be private streets which the county will not own/maintain.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.



16. 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).
17. Identify all utility and/or drainage easements outside of County ROW by note on the final plat.
18. Identify all access and I&M easements for proposed SWM facilities by note on the final plat.
19. Public Storm drainage easements must be separated from private stormwater management and access easements.
20. 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.
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:
  - 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. Wallace 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. See comments of Planning Commission meeting of November 19, 2008.

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

Mr. Wallace stated that the previous owner was listed as Herron, LLC. He asked if Cecil Bank's authority to present the project is due to the foreclosure and court order that was mentioned previously by Mr. Ahearn. Mr. Di Giacomo said yes.

Mr. Di Giacomo read the recommendation of staff:

The GRANTING of an extension of the Preliminary approval until 5/31/16, again provided that:

- 1) It being understood that all sections and/or phases of the project must meet then-current stormwater management requirements, including a Final Stormwater Management Plan being approved prior to the Planning Commission's review of any Final Plat; and
- 2) 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.<sup>7</sup>

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

All approve. Motion carried.

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<sup>7</sup> Again, it is incumbent upon the applicant to determine whether the Planning Commission will require a new TIS, most logically via the mechanism of an information item presentation at a regularly scheduled Planning Commission meeting prior to the submission of any Final Plat.

**General Discussion:**

None

The May Planning Commission meeting adjourned at 12:20 p.m.

Respectfully Submitted

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*Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning*

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**June 16, 2014**

**12:00 p.m.**

**Present:** Pat Doordan, Chairman; Wyatt Wallace; Bill Miners; Geoff Doyle; Chad Johnston; Randy Jackson, Esq.; Lloyd Harmon; Mark Woodhull; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Ken Wiggins, Vice Chairman; Tom Mullen – Alternate; Diana Broomell; Kordell Wilen.

**Call to Order:** Chairman 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. Johnston. Messrs Wallace, Doyle, & Johnston voted to approve the May meeting minutes. Mr. Miners did not vote on the approval of the meeting minutes due to his absence at the May Planning Commission meeting. Motion carried.

**1. Chesapeake Club, Lots 344-876, Preliminary Plat Extension, Irishtown Road, 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 is in compliance with §3.8 regarding public notification.

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

Zoning = RM.

The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

Revised Concept Plats were approved 12/20/93, 6/20/94 (with no conditions), 3/16/98, and 9/16/02. These revised Concept Plats have all adhered to the originally-approved density of 3.5/1, and they have reflected only slight changes in design, layout, and structure types.

The Chesapeake Club Fairway Links Area H-2 and H-3, Lots 188-343, Preliminary Plat was approved on 4/27/04.

The original Preliminary Plat for proposed Lots 344-876 was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The FCP and Landscape Plan being approved prior to Final Plat review;
- 4) Sidewalks or walkways, in keeping with the designs of completed sections, being included;
- 5) Water allocation must be confirmed by the Town of North East prior to Final Plat approval;
- 6) Sewer allocation must be confirmed by the Department of Public Works prior to Final Plat approval;

- 7) A revised Preliminary Plat showing fire hydrant locations being submitted for North East Volunteer Fire Company, Emergency Services, and DPW review prior to Final Plat review;
- 8) A TIS being completed and reviewed, and a consensus being reached among DPW, OPZ, and SHA as to needed improvements, prior to Final Plat review;
- 9) The Final Plat's noting and showing both rear and side access easement for those townhouses that do not back up to common open space; and
- 10) The details of the cross easement agreement areas being shown on the Final and Record Plats.

§4.1.17 of the Subdivision Regulations provided that Preliminary Plats 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.

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 then approved on 9/15/08, conditioned on:

- 1) DPW concerns being addressed, to include a TIS.

As §4.1.17 provided that Preliminary Plats be valid for two years from date of approval, the revised Preliminary Plat was granted two-year extensions on 8/16/10 and 6/18/12. The latter remains valid until 6/30/14.

The current §4.1.17 now stipulates, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which 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.

If approved, then this extension would run until 6/30/16.

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.

The Department will require that the construction access for these lots be off of Irishtown Road not Maryland Route 272. In addition the Department's comments from the September 15, 2008 & the June 18, 2012 Planning Commission meetings 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 Departments policy is to have all major road issues resolved between the Developer & the Department prior to the Planning Commission's review of the preliminary plat.
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. If required 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 if one is required. The Department will not entertain any request to omit a bypass lane if one is warranted. If warranted 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 affect 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.

**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. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County’s SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Sections 251-13 and 251-15.D of the Cecil County SWM Ordinance.
3. An Inspection & Maintenance Agreement is required for the private SWM facilities.
4. A Public Works Agreement is required for the proposed road work and for the sewer work proposed.
5. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer’s expense.
6. All driveways accessing them must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the proposed road is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wallace 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 plat to 6 months. A written request for extension may be granted for not more than 12 additional months.

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

Discussion ensued regarding the scope of the TIS requirements.

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two year extension of Preliminary Plat approval, to expire on 6/30/16.

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

The motion was seconded by Mr. Johnston.

All approve. Motion carried.

**General Discussion:**

None.



The June Planning Commission meeting adjourned at 12:13 p.m.

Respectfully Submitted

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*Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning*

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**July 21, 2014**

**12:00 p.m.**

**Present:** Pat Doordan, Chairman; Ken Wiggins, Vice Chairman; Wyatt Wallace; Bill Miners; Geoff Doyle; Chad Johnston; Randy Jackson, Esq.; Diana Broomell; Lloyd Harmon; Mark Woodhull; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Tom Mullen – Alternate; Eric Sennstrom; Kordell Wilen.

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

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

**1. Coleridge, Section 2, Lots 19A & 25A, Elk Ranch Park Road, Preliminary/Final Plat, American Engineering & Surveying, Inc., Fifth Election District.**

Stan Granger, American Engineering & Surveying and William Denny, 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 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: LDR.

Density: The LDR zone permits a density of 1 du/1 ac. (or 2/1 with community facilities).

The original Coleridge Concept Plat was approved on 9/20/88 at a density of 1:1.298. Because it was approved prior to 7/25/89, Concept approval remains valid.<sup>1</sup>

This Preliminary Plat proposes no additional lots on an aggregate 20.2128 acres, leaving the density unchanged. This is a re-subdivision.

Moreover, the number of lots will remain the same, and the overall and Critical Area densities will remain the same.

The aggregate acreages of Lots 19A and 25A will remain the same 19 and 25, but the individual acreages would be different, as follows:

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<sup>1</sup> 7/25/89 was the effective date of an amendment to the Subdivision Regulations that for the first time established time limits on the validity of Concept Plat approvals.

Existing Lots	Existing Acres	Proposed Lots	Proposed Acres
19	18.1595±	19A	4.0821±
25	2.0532±	25A	15.3287±
		Road Dedication	0.8020±
<b>Total Acreage</b>	<b>20.2128±</b>	<b>Total Acreage</b>	<b>20.2128±</b>

The lot configurations will both change, and Lot 19A will be in a different location than the current Lot 19.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots or 25 or fewer acres.

Both the existing and proposed lots are the Critical Area’s LDA overlay zone; the CA density will not change. The Critical Area boundary and the floodplain boundary have been delineated on the plat, per §4.1.20 (v)13 and §4.1.20 (p), respectively.

Percolation data have been included, per §4.1.20 (q).<sup>2</sup>

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>3</sup>

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

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.

This proposal satisfies the general open space requirements of the LDR zone.

Except in the NAR and SAR zones, at a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, 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 (except in the NAR and SAR

<sup>2</sup> Existing Lot 25’s septic area will remain unchanged in its transformation to Lot 25A.

<sup>3</sup> The Cecil County Subdivision Regulations define steep slopes as “15 percent or greater incline.” The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as “areas with slopes greater than 25 percent slope.”

zones). The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

At least 15% landscaping of the development envelope is required in the LDR zone.

Sidewalks are not recommended.

Lot 19 now has an address of 44 Trent Road. If approved, proposed Lot 19A would be accessed from, and have an address on, Elk Ranch Park Road.

Bufferyard Standard C is not required, Elk Ranch Park Road being a local road rather than a collector.

The adjacent properties' zoning must be corrected; there is no longer an SR zone.

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

A row of street trees with a 10' planting easement may be required, outside the right-of-way, along the side of Elk Ranch Park 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.

This project's exemption under §3.2.N notwithstanding, the additional Lot Coverage in the CA will trigger at least a simplified Environmental Assessment. The required Landscape Plan has been approved.

The Landscape Plan and an Environmental Assessment have been approved.

General Note # 7 is not consistent with the plat information, which clearly shows a proposed house location and septic field. Either the plat or the note must be modified prior to the submission of the Final Plat.

If the current plat information prevails, then the resultant SWM Final Plan must be approved prior to the submission of the Final Plat.

A Landscape Agreement must be executed prior to recordation.

Deed restrictions for the long-term protection of the street trees and any 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 road names are not an issue.

Will the Homeowners' Association documents need to be modified in any way? Mr. Denny said the Declaration of Restrictions was modified and recorded. Mr. Di Giacomo asked the applicant to provide a copy of the recorded document to OPZ.

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

Mr. Woodhull, DPW, read the comments of the department:  
The Department has no objection to the granting of Preliminary / Final plat.

Mr. Wiggins read the comments for the Health Department:  
Locate diversion valve on Lot 25A. The Health Department has no objection to approval preliminary major re-subdivision plat.

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

Discussion ensued regarding the current traffic on Trent and Elk Ranch Park Roads and the acreage of the purposed lot.

Mr. Denny explained that there is a 25' strip of land that runs from the triangular portion of Lot 19 to Trent Road. The property owner to the north has offered to buy that land from Mr. Denny.

Discussion ensued regarding the plat being a Preliminary vs. a Preliminary/Final.

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 and 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;
- 4) The adjacent properties' zoning being corrected on the Record Plat;
- 5) The discrepancy between General Note # 7 and the plat information being resolved prior to Recordation;
- 6) A Landscape Agreement being executed prior to recordation;
- 7) The amended Declaration of Restrictions for the HOA being submitted to the Office of Planning & Zoning prior to recordation;
- 8) The transfer of Lot 19's access strip to Trent Road to the owners of Lot 18 being reflected on the Record Plat; and
- 9) The owners of Lot 18 also signing the Record Plat.

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

All approve. Motion carried.

## **2. Worsell Manor, Section 1, Lots 1-12, Worsell Manor Road, Preliminary Plat Extension, McCrone, Inc., First Election District.**

Don Sutton, McCrone, Inc., and William Jeanes, Jr., Owner, appeared and presented an overview of the project.

Mr. Wallace asked what progress has been made since the last two extension requests. Mr. Jeanes explained that he had purchased this land with the previous approvals already granted.

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

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

Zoning: SAR

Density: The Concept Plat, under the name "Nieve's Property," proposing 41 lots on 330.58 acres, was approved on 12/21/06 at a density of 1/8.06<sup>4</sup>, 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<sup>5</sup> 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;
- 5) The common open space proposed on all subsequent submissions totaling at least 15% of the gross acreage in the aggregate;
- 6) The FCP/Landscape Plan being approved prior to Final Plat review;
- 7) Deed restrictions for the long-term protection of the street trees & Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats;
- 8) The standard street tree and forest retention notes being included on the Final & Record Plats; and
- 9) The previous TIS requirement being waived.

§4.1.17 provided that Preliminary Plats be valid for two years from the date of approval. Therefore, the 9/15/08 Preliminary approval was granted an extension on 8/16/10, and again on 7/16/12. The latter of which is set to expire on 7/31/14, unless either a Final Plat is approved and recorded or, as requested, the revised<sup>6</sup> Preliminary Plat's validity is again extended.

The plat submitted with the 8/16/10 Preliminary approval extension request was the same as that actually approved on 9/15/08, as required, as was the case in 2012, the plat submitted for today's Preliminary approval extension request again is not the same as that actually approved on 9/15/08. Although dated "July 2008," the plat under review has a different job number (D3120061 vs.

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<sup>4</sup> The SAR zone then permitted a maximum base density of 1 du/8 ac. As of 1/107, the SAR permitted density changed to 1/20.

<sup>5</sup> The proposed Section 1 density was 1/2.116, based upon 25.386 acres.

<sup>6</sup> The Preliminary Plat that was reviewed by the TAC on 8/06/08 was for 41 lots, consistent with the approved Concept Plat. The Section 1 Preliminary Plat reviewed by the Planning Commission on 9/15/08 was 'revised' in the sense that, although it, too, was consistent with the approved Concept Plat, it consisted of proposed Lots 1-12, only.

D3060141) and was signed and sealed on 6/20/12. In addition the owner and developer citations are different.

The owner's address is given as "Cerry Grove Lane," although no such road exists in the County. Mr. Di Giacomo asked the applicant why the corrections have not yet been made. Mr. Sutton stated that the current owner is "Worsell Manor, LLC". The "Cerry Grove Lane" error was simply not caught.

Any subsequent extension submission must include a note to the effect that the owner and developer citations have changed, but that the plat is otherwise identical to that approved on 9/15/08. In addition, the owner's address must be corrected.

The current §4.1.17 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. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which 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."

Though the new Zoning Ordinance and Subdivision Regulations were adopted in 2011, there have been no such pertinent changes.

If the requested extension is granted, then the Preliminary approval for the proposed Section 1 will be extended until 7/31/16.

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. 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. The 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.

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.



Chairman 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 staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on 7/31/16, conditioned on:

- 1) Any subsequent extension submissions including a note to the effect that the owner and developer citations have changed but that the plat is otherwise identical; and
- 2) The owners address being corrected.

A motion for the granting of a two year extension, with conditions was made by Mr. Wiggins. The motion was seconded by Mr. Johnston.

All approve. Motion carried.

### **3. Blue Ball Investment Group, LLC, Lots 1-4, Blue Ball Road & MD Rte. 273, Preliminary Plat Extension, McCrone, Inc., Ninth Election District.**

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

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

This proposal is in compliance with §3.8 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.<sup>7,8,9,10</sup>

The Phase 1 Final Plat<sup>11</sup> was approved on 4/18/05, conditioned on:

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<sup>7</sup> The Concept Plat (31 plus 4 minor lots on 94.2 acres, for a proposed density of **1/3.039**) was approved on 7/21/03, conditioned on:

- 1) A **boundary line survey** being complete prior to the TAC's review of the Preliminary Plat;
- 2) A **JD** being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All proposed lots other than 34 & 35 having access off the internal roads;
- 4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
- 5) A **TIS** with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;
- 6) Lot **34's** Bufferyard **C** requirement along Blue Ball Road **and** the **street tree** requirement along Blackborne Drive **being waived** in favor of a rear Bufferyard **B** and a **row of pines** along the side lot lines;
- 7) A setback modification being granted for the existing building on proposed Lot 34;
- 8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the **BG** zone and the **NAR** zone; and
- 9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

<sup>8</sup> The Concept Plat approval 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.

<sup>9</sup> The Mendenhall Square Phase 1 Preliminary Plat's approval was conditioned on a pedestrian access being designed into the plat from the residential to the commercial portion of the property.

<sup>10</sup> The Phase 1 Preliminary Plat was approved on 6/21/04, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The **TIS recommendations** being **agreed to** by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The inclusion of a 30,000 gallon drafting tank in the final design; and
- 7) **Pedestrian access being designed into the plat from the residential to the commercial portion of the property.**

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 5) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
- 6) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 7) The contiguous operating farms notice being included on the Record Plat;
- 8) The Record Plat showing the location of the 30,000 gallon drafting tank; and
- 9) The connecting pedestrian path being shown on the Record Plat.

The Concept Plat was re-approved<sup>12</sup> on 10/17/05, conditioned on:

- 1) All previous and now-pertinent conditions of approval remaining in full effect.

The Phase 2 Preliminary Plat was approved on 2/21/06, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review;
- 5) The FRAs being depicted on the Final Plat, and the details of the FCP, Landscape Plan, and Final Plat matching up;
- 6) The contiguous operating farms notice being included on the Final and Record Plats; and
- 7) Owner, deed reference, and tax map & parcel information being updated on the Final and Record Plats.

The Phase 2 Final Plat was approved on 4/17/06 conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) The TIS recommendations being agreed to by the County and SHA;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees being recorded and again noted on the plat prior to recordation;
- 6) The Record Plat depicting and noting the 10' street tree planting easement;
- 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.

This commercial subdivision's Preliminary Plat<sup>13</sup> 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;

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<sup>11</sup> For Lots 1-16, 21-31 & 33-35.

<sup>12</sup> When the Phase 2 Preliminary Plat, consisting of proposed Lots 17-20, 29, & 32, was reviewed by the TAC on 10/0/05, it was discovered that the Concept Plat approval had lapsed.

<sup>13</sup> §4.0.1 allows for the elimination of a Concept Plat for subdivisions of fewer than 10 lots and fewer than 25 acres.

- 5) The FCP being approved prior to Final Plat review;
- 6) All Landscape Plans being approved prior to future site plan approvals;
- 7) All details between the Final Plat and the FCP and future Landscape Plans matching up;
- 8) Per the Mendenhall Square Phase 1 Preliminary Plat's condition of approval, the Final Plat and all future site plans showing pedestrian access from the residential portion of the project; and
- 9) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded & noted on the plat prior to recordation, with the metes & bounds description of the FRA being shown on the Final & Record Plats.

§4.1.17 provided that Preliminary Plats be valid for 2 years from date of approval. Thus, the 7/21/08 Preliminary approval, set to expire on 7/21/10, was extended on 7/19/10 for 2 years. A second extension was granted on 7/16/12 and unless either a Final Plat is approved and recorded, or, as requested, the Preliminary Plat's validity is again extended, approval shall expire on 7/31/14.

The plat submitted for today's Preliminary approval extension request is substantially the same as that actually approved on 7/21/08. Although dated "July 2008," the plat under review was signed and sealed on 6/19/12.

OPZ comments on 7/16/12 included "any subsequent extension submission must include a note to the effect that the signature and seal date differs, but, otherwise, the plat is identical to that approved on 7/21/08". Why hasn't this been done?

The current §4.1.17 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. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which 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."

Though the new Zoning Ordinance and Subdivision Regulations were adopted in 2011, there have been no such pertinent changes.

If the requested extension is granted, then the Preliminary Plat approval will be extended until 7/31/16.

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. Therefore 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. The Department's comments from the July 21, 2008 Planning Commission meeting that remain outstanding still apply. These comments will not be read at this time but will be included in the minutes of this meeting:

1. The 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.

Discussion ensued regarding traffic concerns of the department.

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.

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

Discussion ensued regarding the proposed round-about for MD Rte. 273 and Blue Ball Road.

Councilwoman Broomell asked if the well on the Mendenhall Garage property was contaminated and if so, will it affect this project. Mr. Harmon stated that nothing showed in the reports from MDE but he would look into it.

Mr. Di Giacomo read the recommendation of staff:

The **GRANTING** of a two (2) year extension of Preliminary Plat approval, to expire on **7/31/16**, conditioned on:

- 1) Any subsequent extension submissions including a note, to the effect, that the signature and seal date differs but otherwise the plat is identical to that approved on 7/21/08.

A motion for the granting of a two (2) year extension, with one (1) condition was made by Mr. Miners.

The motion was seconded by Mr. Wallace.

All approve. Motion carried.

### **General Discussion:**

Mr. Wallace stated that he was looking for input from the other commission members about how they felt about possibly lengthening the extension approval period for Preliminary Plat extension requests and/or limiting the number of extensions granted per project. He explained that he was not looking to make a change at this time; he was solely looking for the commission's thought on the subject. Mr. Di Giacomo stated that this subject had been discussed years ago. The Subdivision Regulations are silent on this matter. Years before the current recession, the Planning Commission agendas were much lengthier. He feels that as the economy improves, the requests for extensions will lessen.

Mr. Johnston asked if the Planning Commission has the authority to make changes to length of granted extensions. Mr. Di Giacomo explained that the commission can direct the staff to draft a text change to the Subdivision Regulations and act on it. Subsequently, the amendment would go before the County Council for approval/disapproval.

Councilwoman Broomell stated that she feels that the Planning Commission should be familiar with all the proposed subdivision going through the approval process. In addition, she remarked that once the economy does improve, there may be many lengthy agendas. Mr. Di Giacomo stated that the Planning Commission has dealt with lengthy agendas in the past that they were able to manage.

Mr. Wiggins asked if the projects that are receiving several extensions are grandfathered in, as far as, regulations. Mr. Di Giacomo said that they would have to comply with the new regulations. Mr. Woodhull concurred.

The July Planning Commission meeting adjourned at 12:46 p.m.

Respectfully Submitted

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*Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning*

**CECIL COUNTY PLANNING COMMISSION  
MONDAY, AUGUST 18, 2014  
12:00 p.m.  
County Administration Building  
200 Chesapeake Blvd. Elk Room, Elkton, MD 21921**

Due to a lack of agenda items, there was not an afternoon (subdivisions) meeting of the Planning Commission in August 2014.

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes  
September 15, 2014  
12:00 p.m.**

**Present:** Pat Doordan, Chairman; Ken Wiggins, Vice Chairman; Bill Miners; Chad Johnston; Tom Mullen – Alternate; Randy Jackson, Esq.; Lloyd Harmon; Aaron Harding; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Wyatt Wallace; Geoff Doyle; Kordell Wilen and Diana Broomell.

**Call to Order:** Chairman 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. Johnston. All approve. Motion carried.

**1. Sun Valley Estates, Lots 1-26, Concept Plat Extension, Valley Road, McCrone, Inc., Fourth Election District.**

Don Sutton, McCrone, Inc., and James Barczewski, Representative for the owners, appeared and presented an overview of the project.

Mr. Di Giacomo, P&Z, read the comments of the department:  
This proposal is in compliance with §3.8 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: Now ST (was SR)

Density: The SR zone permitted a maximum density of 2/1 with community facilities. The ST zone now permits a density of 4/1 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.

This project location is now situated within the 2010 Comprehensive Plan's Medium Density Growth Area land use district.

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's tier map, this site is located within a Tier II area.

§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, 9/15/09, 9/21/10, 9/19/11, 9/17/12 and again on 10/21/13. The approval of this request would extend Concept Plat validity until 9/30/15.



§4.0.10 of the Subdivision Regulations stipulates, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the approval of a Concept Plat for one (1) year upon application of the developer. If granted, said extension shall run for one (1) year at the end of the month from the date and month in which said extension is granted. 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 salient changes subsequent to the granting of the 10/21/13 extension.<sup>1</sup>

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

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. This requires 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, September 17, 2011 & October 21, 2013 Planning Commission meetings have been revised to reflect code changes now in effect and all still apply. These comments will not be read at this time but, will appear in the minutes of this meeting:

1. The SWM plan must meet the requirements of the current SWM Ordinance.
2. The Road & Storm Drain plan, Sanitary Sewer System plan, Water Distribution System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
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, applicant must obtain an allocation for public sewer and water prior to final plat.
4. No 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.
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 the Highlands WWTP?

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<sup>1</sup> Staff previously reported that the then-new, 2010 Comprehensive Plan had been adopted, and that the 2010 Comprehensive Plan showed 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's approved density of **1.97/1** was just below the lower end of 2010 Plan's density range, so the project did not exceed the density envisioned for this area by the Comprehensive Plan. In addition, staff reported that the Zoning Ordinance and Subdivision Regulations had been updated, subsequent to and in conjunction with the Comprehensive Plan update. It was reported that no substantive changes therein resulted in any consistency issue for this project.

7. 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.
8. What is the proposed disposition of the existing structures on site?
9. The applicant must provide a Protocol 2 Road Condition Survey & Road Improvements Plan for Valley Road. The extent of this survey will be Valley Road from Kirkaldy Road 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 the condition survey & improvements plan submitted. The extent & nature of the improvements must be approved by the Department prior to submitting the preliminary plat for Planning Commission approval.
10. The design engineer must address the requirements of Sections 3.07 of the Road Code for acceleration & deceleration lanes, and if warranted construct a bypass lane.
11. 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.
12. 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.
13. The proposed adjoining subdivision (Barksdale Village) connecting via Arianna Avenue to Sun Valley Estates is proposing this road as open section with a 28' pave width and 3" shoulders on each side. Arianna Avenue must be designed to blend the roads plans between the two subdivisions
14. 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). However you may want to consider the impact of the current SWM Ordinance on your site and investigate whether or not a modified open section road system is worth seeking a waiver for.
15. 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.
16. Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.
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 and Lot Grading Plan Construction Limits Notes.
  - 17.2 Requirements for Utility relocations.
  - 17.3 Requirements for Public Works Agreements.
  - 17.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 17.5 Requirements for County Roads.
  - 17.6 Requirements for Driveways.
  - 17.7 Requirements for Final Plat - Public Water & Sewer Allocation.
  - 17.8 Requirements for Sewer Service Cleanouts – Location

***Notes and requirements identified for record:***

1. The Lot Grading Plan must include the standard construction limits note.  
*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show 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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.

3. A Public Works Agreement is required for the streets & storm drainage, and public sewer systems proposed.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.
6. Developer must request and obtain a public sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
7. All sewer service cleanouts must be designed to be outside of all paved or concrete areas on each lot and this must be shown on the utility plans.

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

The Health Department has no objection to extension of concept plat approval. The applicant is reminded that COMAR 26.04.03 limits Health Department of plats to six (6) months. A written request may be granted for not more than 12 additional months.

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

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a one (1) year extension, to expire on 9/30/15.

A motion for the granting of a one (1) year extension was made by Mr. Johnston.

The motion was seconded by Mr. Mullen.

All approve. Motion carried.

#### **General Discussion:**

- **WIPAdcom Representation – Van Funk, DPW.**

Van Funk, DPW, explained that for the past two (2) years, Wyatt Wallace has represented the Planning Commission at the WIP meetings. Mr. Funk asked if the Planning Commission wanted to continue having representation at the WIP meetings and if so, who would be the representative.

A motion was made by Mr. Wiggins to re-appoint Wyatt Wallace to represent the Planning Commission at the WIP meetings.

The motion was seconded by Mr. Johnston.

Chairman Doordan remarked that, should Mr. Wallace not care to continue on the committee, another member shall be appointed.

All approve. Motion carried.

The September Planning Commission meeting was adjourned at 12:10 p.m.

Respectfully Submitted

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Jennifer Bakeoven

*Administrative Assistant  
Office of Planning & Zoning*

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**October 20, 2014**

**12:00 p.m.**

**Present:** Pat Doordan, Chairman; Ken Wiggins, Vice Chairman; Wyatt Wallace; Geoff Doyle; Bill Miners; Chad Johnston; Cameron Brown, Esq.; Lloyd Harmon; Mark Woodhull; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Tom Mullen – Alternate; Diana Broomell; Randy Jackson, Esq.; Eric Sennstrom; Kordell Wilen.

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

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

**1. Dorado Meadows, Lots 1-41, Revision after Approval, Final Plat, Wilson & Calvert Roads, McCrone, Inc., Ninth Election District.**

David Strouss, McCrone, Inc., and Rafael Gonzales, Development Manager, appeared and presented an overview of the request to remove the drafting tank.

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

This submission is a request to revise the Dorado Meadows Final Plat prior to its recordation. Such revisions are countenanced by the Subdivision Regulations, as evidenced in Appendix A, which cites a \$250 fee for such reviews.

Specifically, pursuant to §172, the applicant requests to discuss the possible removal of the fire suppression drafting tank, which the Planning Commission established as a condition of Concept Plat approval on 8/16/04. Subsequently, a fire suppression drafting tank in the common open space near Wilson Road was depicted on both the Preliminary and Final Plats, as approved.

Background

Zoning: NAR

Density: The Concept Plat proposing 50 lots on 152.8 acres, for a proposed bonus density of 1/3.06,<sup>1</sup> was approved on 8/16/04, conditioned on:

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed (or a signed and sealed copy being provided to OPZ) in conjunction with the preparation of the Preliminary Plat for density calculation purposes;
- 3) The internal road names being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 4) A 30,000 gallon drafting tank being included in the common open space near to Wilson Road.

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<sup>1</sup> As of 1/1/07, bonus density was eliminated, and the NAR base density was lowered from 1/5 to 1/10.

The Preliminary Plat, illustrating the fire suppression draft tank in the common open space near Wilson Road and proposing only 41<sup>2</sup> lots on 152.788 acres, for a proposed bonus density of 1/3.73 was approved on 4/20/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The GAP being issued prior to Final Plat review by the Planning Commission;
- 4) The FCP and Landscape Plan being approved prior to Final Plat review by the Planning Commission;
- 5) The details of the Final Plat and the FCP matching up;
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the record plat;
- 7) Covenants prohibiting the further subdivision of the proposed large lot (Lot 41) being noted on the Final and Record Plats and recorded prior to recordation; and
- 8) Reduce the size of the cul-de-sac island by 10' (5' on each side) to improve the paved area for access of emergency apparatus.

On 1/1/07, the NAR zone's permitted density became one (1) dwelling unit per ten (10) acres, with no provision for bonus density, but requiring sixty (60) percent open space, nonetheless. The Dorado Meadows bonus density was preserved because the Concept Plat's approval<sup>3</sup> predated the NAR density change.

On 3/19/07, a one-year Preliminary Plat extension was granted by the Planning Commission.

The Final Plat, which was consistent with the approved Concept and Preliminary Plats, and again illustrated the fire suppression drafting tank in the common open space near Wilson Road was approved on 9/17/07, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A permit being issued for the proposed stream crossing prior to recordation;
- 4) The 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) Covenants prohibiting the further subdivision of the proposed large lot (Lot 41) being noted on the Record Plat and recorded prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 8) Sheets 1 & 3 on the Record Plat containing a legend explaining the easement shadings; and
- 9) The 10' street tree planting easement's being noted and explicitly labeled as such on the Record Plat.

Although the Final Plat was thus approved, Dorado Meadows Recordation Plats have never been submitted for signatures.

At Issue

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<sup>2</sup> The Preliminary Plat reviewed by the TAC had proposed only 43 lots.

<sup>3</sup> The Concept Plat's approval establishes the density and the layout of a subdivision.

Subsequent to the adoption of a new Comprehensive Plan in 2010, the new Zoning Ordinance was adopted in 2011, and its §172 deals with the issue of providing drafting tanks and dry hydrants, as follows:

“All developments of ten (10) building lots or more that receive final approval after the adoption of this Ordinance that are not served by a community water supply which is capable of supplying fire fighting operations with 400 gallons per minute for a time period of 30 minutes shall provide a water source within 2,000 feet of the development that consists of:

1. A pond or stream that meets the above criteria;
2. A cistern;
3. An underground fiberglass tank; or
4. A dry standpipe served by a water source meeting the above criteria; [sic]

The homeowners [sic] association shall be responsible for the repair and replacement of the tank as well as filling the tank.”

§172 does not pertain to the Dorado Meadows Final Plat, inasmuch as the Dorado Meadows Final Plat was approved well prior to, not “after the adoption of this Ordinance ... ”

Nevertheless, the Subdivision Regulations, in Appendix A thereof, countenance revisions to Final Plats prior to recordation. In addition, §3.5<sup>4</sup> of the Subdivision Regulations empower the Planning Commission to grant modifications, provided that “ ... no such modification shall be granted which will have the effect of nullifying the intent and purpose of the Comprehensive Plan, Zoning Ordinance, these regulations or any other pertinent rules, regulations or laws, of the County.”

The applicant seeks to have the fire suppression drafting tank in the common open space near Wilson Road removed from the Final Plat because of a dry hydrant on the Calvert Road Bridge, within 2,000’ of most of the proposed Dorado Meadows lots, pursuant to §172. “As an additional fire protection measure, the owner has agreed to install a dry hydrant at the proposed SWM Pond #3 at the cul-de-sac of proposed Galliac Drive.”

It is apparent that the proposal to install a dry hydrant at the proposed SWM Pond #3 is in recognition that some proposed lots are more than 2,000’ from the existing dry hydrant, as the crow flies, and even farther as the interior roads would run.<sup>5</sup>

To date, OPZ has not received any documentation that the local responding fire company (Community Fire Company of Rising Sun) supports the proposed revision.

While the drafting tank requirement was imposed by the Planning Commission as a condition of Concept Plat approval, any approved revision of the Final Plat to exclude it, and, rather, to include a dry hydrant at SWM Pond #3 would effectively expunge the drafting tank requirement.<sup>6</sup>

## Considerations

It is clear that the Planning Commission does have the power to grant the requested revision.

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<sup>4</sup> More specific modification powers are granted to the Planning Commission in §170 of the Zoning Ordinance.

<sup>5</sup> It is obvious that the underground drafting tank’s utility would remain unaffected by droughts, while that of the existing and proposed dry hydrants would be, adversely so.

<sup>6</sup> In the opinion of OPZ staff, if the request were approved by the Planning Commission, and although such an approval would, in effect, be a re-visitation of the Concept Plat decision, since the density and layout would remain unaffected, therefore, the grandfathered bonus density would not be adversely affected or nullified.

OPZ staff notes that the proposal, if the project were currently in the subdivision review and approval process, would be consistent with the current §172.

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

The Department has no Ordinance/Code requiring the drafting tank the Applicant seeks to remove therefore we have no objection to the revision requested.

The Department will require that the proposed plans for this project be revised to indicate the dry hydrant location, detail(s) and its position in the sequence of construction.

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit has been issued by Maryland Department of the Environment for this subdivision.

The Final Plat is satisfactory.

Mr. Wallace asked that applicant about the progress that has been made on the project. Mr. Strouss said that construction has started and one (1) SWM pond is complete. Discussion ensued regarding the water supply, should there be a fire and maintenance of the dry hydrants that are proposed.

Mr. Wiggins asked if anyone had been in contact with the Rising Sun Fire Company regarding the proposed dry hydrants. Mr. Strouss stated that he has spoken with the chief at the RS Fire Co. and he would prefer to see a suppression tank because routine maintenance of the dry hydrants are usually not done.

Discussion ensued regarding the HOA's requirement of maintaining the dry hydrants.

Chairman 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:

To REVISE the Final Plat, removing the drafting tank, conditioned on:

- 1) All other conditions of the prior Concept, Preliminary, and Final Plat approvals remaining in force;
- 2) The owner's installing a dry hydrant at the proposed SWM Pond #3 at the cul-de-sac of the proposed Galliac Drive;
- 3) The revised Final- and Record-Plats' depicting, noting, and referencing a dry hydrant location at the proposed SWM Pond #3 at the cul-de-sac of Galliac Drive; and
- 4) The Homeowners' Association's being responsible for the maintenance and any repair of the dry hydrant.

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

The motion was seconded by Mr. Miners.

Members in favor of the motion for approval include: Mr. Johnston, Mr. Miners, Mr. Wallace and Mr. Doyle.

The sole member in opposition of approval was Mr. Wiggins.



Motion for approval with conditions carried.

**General Discussion:**

The October Planning Commission meeting was adjourned at 12:31 p.m.

Respectfully Submitted

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*Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning*

**CECIL COUNTY PLANNING COMMISSION  
SUBDIVISION MEETING AGENDA  
Monday, November 17, 2014, 12:00 p.m. (noon)  
Alternate date: Wednesday, November 19, 2014  
County Administration Building  
200 Chesapeake Blvd., Elk Room, Elkton, Maryland**

Due to a lack of agenda items, there was not a November meeting (subdivisions) of the Planning Commission in 2014.

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes  
December 15, 2014  
12:00 p.m.**

**Present:** Pat Doordan, Chairman; Ken Wiggins, Vice Chairman; Geoff Doyle; Bill Miners; Cameron Brown, Esq.; Fred von Staden; Mark Woodhull; Kordell Wilen; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Chad Johnston; Wyatt Wallace; Tom Mullen – Alternate; Randy Jackson, Esq., Joyce Bowlsbey.

**Call to Order:** Chairman 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. Miners. All approve. Motion carried.

**1. Hillwood Manor, (fka Lands of Johnson & Merriman), Lots 2-11, Preliminary Plat Extension, Waibel and Rock Run Roads, Northern Bay Land Planning, Seventh Election District.**

Faron Pyles, Northern Bay Land Planning and Carolyn Diane Merriman, 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 regarding public notification.

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

Zoning: NAR

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 2 minor & 9 major subdivision lots on 47.49 acres, for a proposed density of 1/5.28<sup>1</sup>, was approved on 11/20/06, conditioned on:

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

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

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

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

A Lot 11 Preliminary-Final Plat was approved on 8/18/08<sup>2</sup>, 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.

The Lots 2-11 Preliminary Plat was approved on 1/21/10, 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.

§4.1.16 provides that Preliminary Plats be valid for 3 years at the end of the month from date of approval; therefore, the 1/21/10 Preliminary approval was set expire on 1/31/13.

The Planning Commission on 12/17/12 granted a 2-year extension of the Preliminary Plat approval, and Final Plat approval for Lot 11 only, 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 placed in escrow for improvements prior to recordation;
- 4) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 5) The Landscape Agreement's being executed prior to recordation.

No Lot 11 Record Plat has yet been submitted for signatures and subsequent recordation.<sup>3</sup>

The Preliminary Plat extension granted on 12/17/12 is set to expire on 12/31/14.

The current §4.1.17 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. If granted, said extension shall run for two (2) years at the end of the month from the date and month in which 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.

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

<sup>3</sup> Per §4.1.16: "The recordation of any section of a Final plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation."

If the requested extension is granted, then, per §4.1.17, the Preliminary Plat approval will be extended until 12/31/16.

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

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. This requires that the concept, preliminary and final SWM plans must be approved prior to submitting the final plat to the Planning Commission for review. The outstanding comments from the January 18, 2010 Planning Commission meeting have been revised to reflect code changes now in effect and all still apply. These comments will not be read at this time but, will appear in the minutes of this meeting:

1. The SWM plan must meet the requirements of the current SWM Ordinance.
2. The Road & Storm Drain plan, Sanitary Sewer System plan, Water Distribution System plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
3. The proposed entrance improvements shown on the plat meet the requirements of Section 3.07.15 of the Road Code.
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:
  - 17.1 The Final Plat Lot Grading and Lot Grading Plan Construction Limits Notes.
  - 17.2 Requirements for Utility relocations.
  - 17.3 Requirements for Public Works Agreements.
  - 17.4 Requirements for Stormwater Inspection and Maintenance Agreements.
  - 17.5 Requirements for County Roads.
  - 17.6 Requirements for Driveways.
  - 17.7 Requirements for Final Plat - Public Water & Sewer Allocation.
  - 17.8 Requirements for Sewer Service Cleanouts – Location

*Notes and requirements identified for record:*

1. The Lot Grading Plan must include the standard construction limits note.  
*Grading Plan: "No clearing or grading is permitted beyond the limits of disturbance show 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. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the Developer's expense.
3. A Public Works Agreement is required for the streets & storm drainage proposed.
4. An Inspection & Maintenance Agreement is required for the private SWM facilities.
5. All driveways must be paved at least to the right of way. The driveway paving must be complete for all lots at the time when the surface course for the internal roads is installed. This requirement includes any vacant but platted lots. Any driveway exceeding 5% up-gradient-slope from the roadway must be paved to the crest. If the development is phased these requirements will apply to each phase when 80% of the lots are built-out. All of these requirements must be reflected on the Lot Grading Plan.

Mr. Wiggins read the comments from the Health Department:

Delegation of most major subdivision approval to Cecil County Health Department has been rescinded by Maryland Department of the Environment (MDE). Information for this project was forwarded to MDE for comment. MDE responded that the project meets the grandfathering provision of Environment Title 9-206 until October 1, 2016. If not recorded by October 1, 2016, the plats would no longer be grandfathered and must comply with Senate Bill 236.

Chairman 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 another two year extension of Preliminary Plat approval, to expire on 12/31/16.

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

The motion was seconded by Mr. Doyle.

All approve. Motion carried.

## **2. Persimmon Creek, Section 4, Lots 188-214, Preliminary Plat Extension, Fletchwood Road, KCI Technologies, Inc., Fourth Election District.**

Jeff Seemans, representative for Persimmon Partners, appeared and presented an overview of the project.

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

This project is in compliance with §3.8 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: (old) RM<sup>4</sup> (New: UR)<sup>5</sup>

Density: The Section 4 – Section 5 Concept Plat<sup>6</sup> was approved at a density of 2.32/1 on 4/20/05, conditioned on:

- 1) The JD Being completed prior to Preliminary Plat review by the Planning Commission;
- 2) The boundary line survey being complete prior to Preliminary Plat review by the TAC;
- 3) A sidewalk along the Fletchwood Road frontage being included in the final design;
- 4) All stream buffers being depicted on the Preliminary Plat prior to TAC review;

From the combined, Section 4 – Section 5 Concept Plat, the project's sections then were procedurally split by the applicant to pursue separate review and approval paths.

The Section 5 Preliminary Plat was submitted first<sup>7</sup> and approved on 9/19/05, conditioned on:

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

Per §4.1.18, Section 5 Preliminary Plat extensions were granted on 8/20/07, 7/21/08, 4/20/09, and 3/21/11.

Subsequently, a Section 5 Final Plat was approved on 9/17/07, conditioned on:

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<sup>4</sup> The RM zone permits a base density of 2 du/ 1 ac., or 6/1 with community facilities, or 12/1 for townhouses.

<sup>5</sup> The UR (Urbanized Residential) zone permits a density of up to 6:1 for duplex and semi-detached dwellings and up to 8:1 for townhouses. The approved 2.32:1 Concept density is well within the UR density parameters.

<sup>6</sup> The first Persimmon Creek Concept Plat was approved on 12/18/90. The last Record Plat from previous sections was signed on 5/6/99. Therefore, the original Concept Plat had expired.

<sup>7</sup> The Section 4 Preliminary Plat was subsequently submitted and approved on 5/15/06.

- 1) That Health Department requirements being met;
- 2) That DPW requirements being met;
- 3) The owners of these lots becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded being lot placed in the HOA escrow for improvements prior to recordation;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) The Record Plats' containing a statement, signed by the Health Department, approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 7) The Record Plats' containing a statement, signed by the owner, to the effect that such facilities will be available to the buyers of all lots offered for sale;
- 8) The Record Plat's reflecting the sidewalk along Fletchwood Road; and
- 9) The Record Plat's referencing Minor Subdivision #2337 and Rezoning File # 04-21.

The 7/21/08, 4/20/09, and 3/21/11 Section 5 Preliminary extensions were necessary even after the Section 5 Final approval on 9/17/07 because §4.1.17 provided (currently §4.1.16) that "The recordation of any section of a Final Plat shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation."

§4.1.17 (now §4.1.16) additionally stated: "If a Final Plat is not recorded during the period, then the developer may request an extension in accordance with Section 4.1.18."<sup>8</sup> Thus, need for the 7/21/08, 4/20/09, and 3/21/11 Section 5 Preliminary Plat extensions.

The Section 5 recordation plats were signed on 11/10/11. However, the recordation of the Section 5 Final Plat did not automatically extend the approval of the Section 4 Preliminary Plat because the Section 4 and Section 5 Preliminary Plats were separate and distinct, and neither Preliminary Plat was included with the other, as was required by §4.1.17 (now §4.1.16) for the automatic extension upon recordation. Sections 4 & 5 were combined only at the Concept Plat phase of the subdivision process.

The Section 4 Preliminary Plat was approved on 5/15/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A copy of the signed and sealed survey being provided to OPZ prior to the submission of a Final Plat; and
- 4) The FCP and Landscape Plan being approved prior to Planning Commission review of the Final Plat.

§4.1.17 of the Subdivision Regulations provided that Preliminary Plats be valid for two years from date of approval. Therefore, Section 4 Preliminary Plat extensions were granted on 4/21/08, 4/20/09, 3/21/11, and 2/21/13 – the last of which remains valid until 2/28/15.

The applicant has again requested an (2-year) extension for Section 4. If the requested extension granted, then the Preliminary Plat approval, with conditions, will be extended until 12/31/16.

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<sup>8</sup> Now §4.1.17.

§4.1.17 now stipulates, "... the Planning Commission may, at their regular monthly meeting, grant an extension of the Preliminary approval for two (2) years. If granted, said extension shall run two (2) years at the end of the month from the date and month in which said extension is granted. In connection with such request, the Commission ... shall consider the following:

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

We report that there have been no such pertinent changes.

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

The Department has no objection to the extension as requested. The proposed roads 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. This requires that the concept, preliminary and final SWM plans must be approved prior to submitting the final plat to the Planning Commission for review. The Applicant must request an extension of the previously approved sanitary sewer allocation for Section 4 as the original allocation has expired. Otherwise the previous comments from the May 15, 2006 Planning Commission meeting still apply and will be entered into the record but will not be read at this time.

1. The proposed overflow parking has been reviewed by the Department and is acceptable.
2. A SWM plan, Road & Storm Drain plan, Water distribution and sewer collection system plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The fees for design review of this project must be provided at the time of first design submittals.
3. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal. Sewer service laterals for all new town homes proposed must connect to a new sewer main in the proposed subdivision street. The Developer must upgrade SPS controller panel as part of the sanitary sewer improvements for Sections 4 and 5; contact the DPW Water & Wastewater Division for details. The Developer must repair I&I problem at gravity sewer input to SPS wet well as a condition of sewer allocation.
4. ~~The water main must be located in the street north of the stream crossing.~~
5. Pre-design geotechnical evaluation and borings along the proposed road perennial stream and wetlands crossings is required, along with specific remedial recommendations for subsurface drainage and street sub grade placement. Additionally, the stream crossing structure must be approved as part of the road system approval, which must meet County Road Code criteria, passing the 25 year storm without overtopping. A re-mapping of the 100- year flood plain onsite and a hydraulic analysis of the new stream crossing must be submitted by the applicant's engineer as part of the crossing design.
6. ~~The ability of the existing water distribution system, together with the proposed service extensions, to provide adequate fire flow and pressure must be demonstrated through an update to the Engineering Report of Meadow View Highlands Water System Analysis prepared by George, Miles, & Buhr, LLC and dated October 2004. The Developer must engage a Maryland licensed professional engineer, at the Developer's cost, to upgrade the water system model. The Department recommends that the applicant approach the developer of the adjacent Westcreek Village property in pursuing a joint effort in upgrading the water system model.~~
7. An extension of the Sanitary Sewer allocation for 48 Equivalent Living units granted on September 23, 2005 must be submitted. Public utility connection fees and a benefit assessment



for the Meadowview system upgrades will be applicable to each building permit sought, and on an ELU basis.

8. ~~The Persimmon Lane geometry appears to meet the intent of the Department's 9-23-05 response to Road Code Variances sought by the applicant in the 9-12-05 request.~~
9. Show the private stormwater management and stormwater management outfall easements across the common open space on the final plat(s). Utility Easements less than 20' in width are typically not acceptable to the Department for new subdivision work.
10. ~~The C.O.S. stormdrain system shown is for private stormwater management purposes and shall be shown in a private stormwater drainage easement outside of the public water easement.~~
11. Public Stormdrainage easements must be separated from private stormwater management and access easements.
12. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 12.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
  - 12.2 Compliance with Sections 251-9.A (5), 251-13, and 251-15.D. of the Cecil County Stormwater Management Ordinance.
  - 12.3 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.
  - 12.8 Requirements for Final Plat - Public Water and Sewer Allocation.
  - 12.9 Townhome Parking Areas & H.O.A. Maintenance Easement Notes.
  - 12.10 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. 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 grade leaving Persimmon Lane 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. Developer must request and obtain a public water and sewer allocation from the Department of Public Works before submitting a final plat to the Cecil County Planning Commission for approval.
9. 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.

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

Mr. Wiggins read the comments of the Health Department:

The Cecil County Health Department has no objection to extension of Preliminary Plat approval. The application 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 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 of the Section 4 Preliminary approval, to expire on 12/31/16.

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

All approve. Motion carried.

### **3. Kirks Mill Manor, Resubdivision, Phase III, 2 Lots, Concept Plat, Joseph Biggs Hwy (MD Rte 274), Fair Hill Engineering, LLC, Ninth Election District.**

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 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, conditioned on:

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

Phase 1 was recorded on 11/12/08 – thus extending Preliminary approval until 11/12/10.

The Phase 2, Lots 1-3, Final Plat was approved on 2/16/08, 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 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 have 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.

Phase 2 (Lots 1-3) was recorded on 11/19/10 – as a result, extending Preliminary Plat approval until 11/19/12.

Thus, the 7/19/06 Concept Plat approval and the 11/20/06 Preliminary Plat approval have now both expired.

Therefore, because of the down-zoning in the NAR zone, which became effective on 1/1/07, based upon the approved (but no longer valid) Concept Plat's 96.36 acres, a maximum potential of nine (9) lots now exists, given the NAR zone's current permitted density of 1/10. Thus, after subtracting the

five (5) lots already recorded,<sup>9</sup> the remaining potential from the Kirk's Mill Manor proposal is four (4) lots.

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's<sup>10</sup> tier map, this site is located within a Tier III area. Since this proposal does not meet the 10/1/12 exemption deadline for Preliminary Plat approval, the Tier III reporting requirements are in effect, including a mandatory cost/benefit analysis and an environmental assessment.

The 2010 Comprehensive Plan designates this area as a Rural Conservation District.

This proposal combines the re-subdivision of Lots 3, 5, and 15 with the previously remaining lands, and the creation of 2 new lots: proposed Lots 4 and 6. This Concept Plat was reviewed by the TAC on 3/5/14.

It is essentially the same as that previously reviewed by the TAC, except that the 1.124 ac. that were then 'Add-on C' are no longer proposed to be added on to the Lands of Jourdan; and the two-acre 'Add-on D' is now relabeled as the new 'Add-on C'.

§4.0.1 of the Subdivision Regulations allows for the elimination of a Concept Plat for projects with fewer than 10 lots or 25 or fewer 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>11</sup>

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

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

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

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

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<sup>9</sup> 1-3, 5, and 15.

<sup>10</sup> SB 236.

<sup>11</sup> The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

Per §22.2.b requires sixty (60) percent open space in the NAR zone. Since the possible approval of these proposed lots would result in fewer than ten (10) in the entirety of Kirks Mill Manor, the common open space provisions of §22.3 do not apply.

Proposed Lot 6 would be 46.221 acres (was 45.097:  $46.221 - 1.124 = 45.097$ ), or 71.96%<sup>12</sup> of Parcel 170, remaining lands; therefore, the provisions of §22.2.b have been satisfied.

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

Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of MD 274 (Biggs Highway).

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another.

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) and SWM Concept Plan have been approved.

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 preliminary-Final or 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.

Proposed Lot 6 approached the 3:1 length to width ratio limitation established in §7.4.2.

There are no internal road names that will need to be approved by the County 911 Emergency Center.

What agreements are either in place or proposed to effectuate the joint access to MD 274 by proposed Lots 4 and 5A? Mr. Mascari stated that there will be a joint access agreement drafted for recordation for a 25' wide private drive across Lot 5A allowing access for Lot 4.

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

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<sup>12</sup> 60% is the qualifying threshold.

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

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

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

The contiguous agricultural operations note has been provided on the plat as General Note # 12.

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

1. 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. This requires that the preliminary SWM plans must be approved prior to submitting the preliminary plat to the Planning Commission for review.
2. A Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval.
3. The fees for design review of this project must be provided at the time of first design submittals.
4. SWM BMPs cannot be located within the 100-Year Flood Plain, stream buffers, and/or wetland buffers.
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:

10.1 The Final Plat Lot Grading Note and the Lot Grading Plan Construction Limits Note

10.2 Requirements for Utility relocations

10.3 Requirements for Stormwater Inspection and Maintenance Agreements

***Notes and requirements identified for record:***

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

Mr. Wiggins read the comments of the Health Department:

A Groundwater Appropriation Permit Exemption must be filed with MDE prior to Final Plat approval. The Health Department has no objection to the Concept Plat.

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

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Department requirements being met;

- 2) DPW requirements being met; and
- 3) The Tier III reporting requirements, including a mandatory cost/benefit analysis and an environmental assessment, being presented at the TAC's review of the Preliminary Plat.

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

All approve. Motion carried.

**4. West Creek Village Apartments & Townhouses, 190 Lots, 480 Apartment Units, Final Plat, Fletchwood Road, McBride & Zeigler, Inc., Fourth Election District.**

Andrea Finerosky, Pettinaro, appeared and presented an overview of the project.

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

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

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

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

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) The Traffic Impact Study's scope of work including a needs assessment of, and possible feasibility study for, an alternative additional point of access;
- 3) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;
- 4) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;
- 5) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat; and
- 6) Waiver of the stream buffer expansion in the Development District contingent upon satisfactory quantitative demonstration of water protection equivalent to the requirements of the Zoning Ordinance.

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

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;
- 3) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;
- 4) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat;
- 5) Waiver of the stream buffer expansion in the Development District;

- 6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 7) The depicted R-1 zoning being corrected on the Preliminary Plat;
- 8) A boundary line survey for density calculation purposes being complete prior to Preliminary Plat review;
- 9) All proposed Phase III structures being labeled or numbered on the preliminary Plat, for easier reference; and
- 10) If not done already, the elevations from the West Branch flood study being included on the Preliminary Plat.

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

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

A revised Preliminary Plat proposed a total of 904 dwelling units (714 apartments - 234 already existing – and 190 townhouse units) on 83.82 acres, consistent with the Concept and Preliminary Plats. The proposed apartment density was 13/1, and the proposed townhouse density was 6.5/1. It was approved on 3/20/06, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Determination that water quality improvement associated with the previous approval of the waiver of the stream buffer expansion in the Development District remains valid;
- 4) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 5) The requested §'s 29.4.d, 29.4.h, and 29.4.j design modifications being granted;
- 6) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission's review its respective Final Plat;
- 7) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables; and
- 8) Applicant meet with staff to provide additional active recreation amenities such as basketball courts and walking trails.

Final Plats/revised Record Plats were subsequently signed on 4/16/07 and on 6/4/08 (see above).

Each recordation of Final Plat from an approved Preliminary Plat extended that Preliminary Plat's approval for 2 years from the date of recordation (§4.1.16). Thus, the revised Preliminary Plat was valid until 6/4/10.



The recordation of re-subdivision plats relating to Parcels 175 and 316 took place on 11/15/10 and 6/21/11.

The 6/21/11 recordation extended the Preliminary Plat that was approved on 3/16/09 until 6/21/13.

Another revised Preliminary Plat was approved 9/17/12, which, per §4.1.16, remains valid until 9/30/15. It was approved, conditioned on:

- 1) All previous conditions of Preliminary Plat approval remaining in effect;

Thus, in effect, the conditions were:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Determination that water quality improvement associated with the previous approval of the waiver of the stream buffer expansion in the Development District remains valid;
- 4) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 5) The requested §'s 29.4.d, 29.4.h, and 29.4.j design modifications being granted;
- 6) Verification of water and sewer allocation being received for each phase and/or section prior to the Planning Commission's review its respective Final Plat;
- 7) The Final Plat(s) for Section II being drawn precisely to scale and including detailed area tables; and
- 8) Applicant meet with staff to provide additional active recreation amenities such as basketball courts and walking trails.

All of those issues, carried forward from 2006, have, in the interim, been satisfactorily addressed.

Although this Final Plat neither depicts nor references sidewalks along Fletchwood Road, a sidewalk is depicted on the conditionally-approved Landscape Plan. The record plat must include a note referencing the sidewalk along Fletchwood Road.

The Landscape Plan has been conditionally approved. It must be modified to be consistent with the Final Plat with respect to the depiction of a peripheral vegetative buffer prior to recordation. 25% landscaping of the development envelope is required in the RM zone.

A Landscape Agreement must be executed prior to recordation.

This Final Plat is generally consistent with the approved Preliminary Plat approved on 9/17/12. However, there are two discrepancies.

- Building 8A and 8B are now incorrectly depicted as one building. (This must be corrected on the plat prior to recordation.)
- Building 12A was depicted as 12B on the Preliminary Plat. However, this 'discrepancy' actually corrects an error on the Preliminary Plat – on which there were two (2) 12B's.

The portion of the site south of the existing stream crossing and west of West Creek Village Drive will be deeded to Cecil County – eliminating 73 townhomes. A revised Record Plat will need to be recorded accordingly.

The approved Traffic Impact Study (TIS) indicated that all intersections in the study area will operate at level-of-service D, which was an acceptable level-of-service in the Development District. A possible traffic signal at the Fletchwood Rd./Peach Drive/West Creek Village Road will need to be re-examined, given the reduction in dwelling units and the additional entrance point from Willow Drive.

A JD has been done.

Common open space has been labeled on the plat.

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

Deed Restrictions for the long term protection of the street trees, landscaping, and afforestation/ reforestation, or forest retention areas (FRAs) must be recorded and depicted on the plat prior to recordation.

The FSD, which expired on 3/25/14, has been extended.

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

Sewer allocation has been granted for 222 Apartments and 190 townhouse units agreed to between the Applicant and the County as being the remainder of the units to be developed on this site. With that, the Department has no objection to the granting to final plat approval conditioned on the recommendations of the Office of Planning & Zoning.

Mr. Wiggins read the comments of the Health Department:

The Health Department has received commitments for water and sewer for the proposed project and has no objection to final plat approval.

Chairman 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 details of the conditionally-approved Landscape Plan being made consistent with the Final Plat prior to recordation;
- 4) A Landscape Agreement's being executed prior to recordation;
- 5) Deed Restrictions for the long term protection of the street trees, landscaping, and afforestation/reforestation areas being recorded and depicted on the plat prior to recordation;
- 6) 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;
- 7) The sidewalk along Fletchwood Road being depicted and/or noted on the plat prior to recordation;
- 8) Buildings 8A and 8B being shown correctly prior to recordation;

- 9) A statement's being included on the plat, prior to recordation, that the maximum number of apartment units for this site cannot exceed the 714 approved without the approval of a new Concept Plat<sup>13</sup>; and
- 10) The sewer easement's being clearly labeled prior to recordation.

A motion for approval with conditions was made by Mr. Wiggins.  
The motion as seconded by Mr. Miners.

All approve. Motion carried.

### **General Discussion:**

#### **Knight's Court Subdivision – Don Sutton, McCrone, Inc.**

Don Sutton, McCrone, Inc. explained that the purpose of his appearance was to ask for the proper procedure for a possible revision to an approved Final Plat. He stated that the final plat for Knight's Court includes a lake on the property. The developers would like to convey the entire lake portion of the subdivision to the adjoining property owners. They feel that the lake could potentially be a maintenance and liability issue for the lot owners that have portions of the lake on their lots.

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

Density: The Concept Plat, invoking the density provisions of §2.4.1 to propose 8 minor & 37 major subdivision lots<sup>14</sup> on 298.86 acres, for a proposed density of 1/8.077<sup>15,16</sup>, was approved on 11/27/06, conditioned on:

- 5) The boundary line survey being completed prior to the TAC's review of the Preliminary Plat;
- 6) Documentation of the completion of the JD being submitted prior to the Planning Commission's review of the Preliminary Plat;
- 7) The PFCP being approved prior to the Planning Commission's review of the Preliminary Plat;
- 8) A fire suppression tank being shown on the Preliminary Plat; and
- 9) Indication that the existing land to Lot 23 is used for farm use being placed on all subsequent plats.

35.58 acres are located in the Critical Area RCA overlay zone, which permits a density of 1/20. Only one proposed lot can be in the Critical Area on each original parcel of record: for 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.

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<sup>13</sup> Approved, subsequent Preliminary and Final Plats would necessarily follow.

<sup>14</sup> For two parcels of record.

<sup>15</sup> The SAR zone then permitted a base density of 1 du/ 8 ac. (now 1 du/ 20 ac.). Bonus density was not an issue.

<sup>16</sup> The subsequently revised total acreage of 297.945 yields a density 1:8.053, per the provisions of §2.4.1.

The 7/21/08 Preliminary approval, set to expire on 7/21/10, was extended on 6/21/10 and remained valid until 6/21/12.

The Final Plat was approved on 5/21/12, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) and street trees being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats;
- 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) The requested Bufferyard A waiver's being granted on Lots 23 and 25;
- 6) The Landscape Agreement's being executed prior to recordation;
- 7) The contiguous operating farm notice's being included on the Record Plat; and
- 8) The Record Plat's correcting the median lot size information.

Record Plats have never been submitted for signatures and subsequent recordation.

Any possible modification that resulted in the loss of acreage that would increase the density above the 1:8 previously permitted in the SAR zone would invalidate the original Concept Plat's approval.

Currently, the maximum density permitted in the SAR zone is 1:20.

In addition, as established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's<sup>17</sup> tier map, this site is located within a Tier III area. Since any new proposal would not meet the 10/1/12 exemption deadline for Preliminary Plat approval, therefore, the Tier III reporting requirements would be in effect, including a mandatory cost/benefit analysis and an environmental assessment.

Mr. Sutton asked how he should procedurally continue with this project.

Mr. Di Giacomo suggested that the subdivision be recorded. Once all lots in the subdivision are recorded, the applicant can submit a revised record plat to remove the lake portion of the property.

Mr. Di Giacomo also reminded Mr. Sutton that if the plats are not recorded by October 1, 2016, then the plats would no longer be grandfathered and must comply with Senate Bill 236.

The December Planning Commission meeting was adjourned at 1:15 p.m.

Respectfully Submitted

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Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning

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<sup>17</sup> SB 236.