

**CECIL COUNTY PLANNING COMMISSION**

**Meeting Minutes**

**March 16, 2015**

**12:00 p.m.**

**Present:** Pat Doordan, Chairman; Ken Wiggins, Vice Chairman, Wyatt Wallace; Chad Johnston; Joyce Bowlsbey, (Ex-Officio); Randy Jackson, Esq.; Lloyd Harmon; Mark Woodhull; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

**Absent:** Geoff Doyle; Bill Miners; Tom Mullen – Alternate; and 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 of the minutes. The motion was seconded by Mr. Wiggins. All approve. Motion carried.

**1. FY 2016-2020 – Capital Improvement Program – Craig Whiteford**

Craig Whiteford, Budget Manager, Cecil County Finance Office, appeared and gave an overview of the CIP for FY 2016-2020. Mr. Whiteford explained that the following projects are seeking support from the Planning Commission for inclusion for their first year of funding in the FY 2016 proposed Capital Improvement Program. They include; Cecilton Elementary School exterior envelope for Cecil County Public Schools; P25 Dispatch Migration – Dispatch/911 for Emergency Services; Replacement of Bohemia Church Road Culverts, Lums Road Street Improvements (Bouchelle Road to Little North East Creek) for DPW; Health Department parking lot and curbs, Detention Center and Work Release floors and walls and Historical Society Building renovations for Facilities Management and lastly, Mobile Package WWTP, Replace Harbour View WWTP and Replace CSX sewer line at Red Toad Road for DPW – Wastewater. A copy of the project descriptions and the CIP can be obtained from the Finance Office.

Mr. Whiteford added that any project that was previously adopted was not included in the provided list.

Mr. Sennstrom explained that pursuant to division one, title three, subtitle two, section 3-205b of the Land Use Article of the Annotated Code of Maryland, the Planning Commission's duty in this process is to recommend, if they feel it meets the conditions, that the proposed CIP is consistent with the County's Comprehensive Plan.

Staff recommends approval as the staff finds that the CIP is consistent with the County's Comprehensive Plan.

Mr. Wiggins stated that the Health Department has no comment.

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

Mr. Wallace asked what procedure this document will take after today's Planning Commission recommendation. Mr. Sennstrom stated that the CIP will appear on a future legislative agenda for

the County Council. Mr. Whiteford explained that the CIP will be included with the presentation of the operating budget to the County Council by April 1, 2015.

A motion for approval, stating the consistency of the plan with the County's Comprehensive Plan was made by Mr. Wiggins.

The motion was seconded by Mr. Johnston.

All approve. Motion carried.

## **2. Lands of Montgomery-Cecil Limited Partnership, Lots 1-148, Concept Plat Extension, Marley Road, Northern Bay Land Planning, 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 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>1</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, 3/18/13, and 3/17/14 – extending the Concept Plat's validity until 3/31/15.<sup>2</sup>

Should the Planning Commission grant another extension, it will be valid until 3/31/16.<sup>3</sup> At that time, if necessary, the applicant may again request a subsequent one-year extension of Concept Plat approval.

---

<sup>1</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>2</sup> The current Subdivision Regulations allow for extensions to run for 1 year 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.

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 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, 2010 Comprehensive Plan has been adopted, and this proposal’s density, therefore, does not exceed that envisioned in the 2010 Comprehensive Plan.<sup>4</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>5</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 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

---

<sup>3</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.

<sup>4</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>5</sup> While is proposal cannot be considered ‘high density’ residential, nevertheless, it remains permitted.

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.
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 Cecil County Health Department has no objection to extension of Concept 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 another one (1) year Extension of Concept Plat approval, to expire on 3/31/16.

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

The motion was seconded by Mr. Johnston.

All approve. Motion carried.

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

Robert Capalongo, CNA Engineers, appeared and presented an overview of the project.

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

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

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

Zoning: NAR

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

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

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

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) and street trees be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats;
- 4) The FCP and Landscape Plan being approved prior to the Planning Commission's review of the Final Plat;
- 5) The Bufferyard C requirement being modified because of sight distance safety considerations; and
- 6) The 10' street tree planting easements being shown and noted on the Final and Record Plats.

§4.1.17 provided that Preliminary Plats were valid for two years from date of approval. Preliminary extensions were granted on 4/20/09, 4/18/11, and 4/15/13 with the latter set to expire on 4/30/15 unless either a Final Plat is approved and recorded or the requested the Preliminary extension is granted today.

If granted, then Preliminary Plat approval will be extended until 3/31/17.

§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 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.<sup>6</sup>

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

The Department has no objection to the extension as requested. However, due to missing the deadline for final SWM Plan approval prior to the May 4, 2013 date stipulated under the

---

<sup>6</sup> Though the Cecil County Zoning Ordinance was updated following the adoption of the 2010 Comprehensive Plan, the zoning remains NAR, and there were no changes made to the NAR designation that would affect the consideration of extensions of Preliminary Plats.

grandfathering agreement for projects designed under the previous (2000) SWM Ordinance, the SWM Plan for this project must be redesigned in accordance with the current SWM Ordinance. Our Ordinance requires that concept, preliminary & final SWM plans must be completed and approved prior to submitting the final plat to the Planning Commission for review. Beside the SWM plan issue the final Roads & Storm Drains plans must be re-submitted for review by the Department. Prior to submitting the final plat to the Planning Commission these plans must receive final approval from the Department.

Mr. Wiggins read the comments of the Health Department:

The Cecil County 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, to expire on 3/31/17.

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

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

#### **4. John A. & Bonnie L. Peoples, Lots 5, 6 & 7, Preliminary/Final Plat, Cissel Lane, McCrone, Inc., Ninth Election District.**

Don Sutton, McCrone, Inc., and John Peoples, owner, appeared and presented an overview of the project. Mr. Sutton requested a waiver from the Planning Commission for the ag buffer and street tree requirements for Lot 5.

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

This proposal was found to be in compliance with §3.8 of the Subdivision Regulations regarding public notification.

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

Zoning: NAR

Density: The NAR zone permits a maximum base density of 1 du/ 10 ac. This Concept Plat proposes 3 lots and remaining lands on 108.139 acres, for a proposed density of 1/27.035.<sup>7</sup>

No Concept Plat has been reviewed or approved for this proposal because §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. In addition, §2.0 allows for a combined Preliminary-Final Plat if there are from 1 to 5 lots.<sup>8</sup>

---

<sup>7</sup> The site of these proposed lots actually was proposed as Lot 44 in the Lands of John A. Peoples, Jr. subdivision's Concept Plat that was approved on 12/16/91. There were never any subsequent Preliminary or Final Plat reviews or approvals, and the expired Concept approval has no standing.

<sup>8</sup>This is a procedural expediency only. All Concept Plat requirements still must be satisfied.

The project location is situated within the 2010 Comprehensive Plan's Rural Conservation 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 III area. Since this proposal did not meet the 10/1/12 exemption deadline for Preliminary Plat approval, the Tier III reporting requirements are in effect.

The boundary line survey has been completed.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.<sup>9</sup>

Any slopes greater than 25% must be shown on the Preliminary Plat (none are shown).

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

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

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

This proposal satisfies the open space requirements of the NAR zone, cited in §22.2.b, if the remaining lands are considered the open space.

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

Pursuant to Notes 14 and 15, the staff recommends the granting of the requested waivers because this is an intrafamily transfer and because the granting would better preserve the rural character of the area.

Per Note # 18, this project is exempt under the provision of §3.2K.

The SWM Final Plan has been approved.

Any Landscape Agreement must be executed prior to recordation.

Proposed lots 6 and 7 exceed the 3:1 length to width ratio established in §7.4.2.

---

<sup>9</sup>The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."



Has a copy of the PRMA been provided to DPW? Mr. Sutton said a copy has not been given to DPW.

Covenants prohibiting the subdivision of the large lot (open space) are moot because the remaining lands far exceed the 60% open space threshold and subdivision potential remains. However, staff recommends that a note be placed on the Record Plat to the effect that any subsequent subdivision abide by the §22.2.b open space requirement, with the calculation based on the 108.139 acres, excluding any possible, future common open space.

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

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

The final SWM plans have been technically approved therefore the Department has no objection to granting of final plat approval by the Planning Commission. The Department will not sign the plat until all outstanding administrative issues have been resolved to our satisfaction.

Mr. Wiggins read the comments of the Health Department:

Groundwater Appropriation Permit (GAP) Exemption received. Plat is satisfactory.

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) All Health Department requirements being met;
- 2) All DPW requirements being met;
- 3) A note's being placed on the Record Plat to the effect that any subsequent subdivision abide by the §22.2.b open space requirement, with the calculation based on the 108.139 acres, excluding any possible, future common open space; and
- 4) The details of the Tier III reporting requirements being submitted to the Office of Planning & Zoning prior to recordation.

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

The motion was seconded by Mr. Johnston.

All approve. Motion carried.

**5. Chestnut Point Estates Manufactured Home Park, Section 1, 54 Sites, Preliminary Plat, Carpenters Point Road, T&M Associates, Fifth Election District.**

Douglas Barry, T&M Associates and Jim Copes, Developer, appeared and presented an overview of the project.

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

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

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

Zoning: Overall: LDR, MH, MB & LDA<sup>10, 11</sup>  
Section 1: LDR (nothing proposed), MH, & LDA

The Chestnut Point Estates MHP Concept Plat<sup>12, 13</sup>, proposing 86 MHP sites on approximately 24½ MH-zoned acres<sup>14</sup>, was approved on 2/19/14, 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; and
- 14) The concerns of the Critical Area Commission being satisfactorily addressed.

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.

This Preliminary Plat has been submitted per the §6.6.2 requirement, consistent with §4.1.

This Preliminary Plat's 'Section 1' area is generally 1) west of the centrally-located stream, essentially consisting of the westerly cluster of 54 MHP sites<sup>15</sup> and 2) consistent with the approved Concept Plat.<sup>16</sup>

---

<sup>10</sup> This project site is situated within the 2010 Comprehensive Plan's **Low Density Growth** land use district, as well as the **LDR, MH, MB & LDA** - zoning districts, and, as established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's (SB 236) tier map, this site is located within a **Tier II** area.

<sup>11</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), & (4)**.

<sup>12</sup> The original Concept proposal, including the word 'marina' in the title, was reviewed by the TAC on 12/4/13. However, the word 'marina' was omitted from the subsequent submittal for Planning Commission approval. 86 manufactured home 'sites' were approved as a Manufactured Home Park in the **MH & LDA** zones, with no development approved in the **LDR & MB** portions of the site.

<sup>13</sup> 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.

<sup>14</sup> Assuming 24½ acres, the approved MH density is **3.43:1**.

Section 1's total acreage is cited as 17.416 acres.

The signed and sealed boundary line survey, completed by McCrone, Inc. and dated 4/16/14, certifies the entirety of the site to be 36.378 acres. (§4.1.20 (a) satisfied).

The Density and Open Space Calculations block on sheet 3 of 4, cites the Section 1 MH acreage and density to be 13.040 and 4.187:1, respectively. However, as yet, there is still no boundary line survey that certifies either the Section 1 or the entirety of the MH acreage.<sup>17</sup>

This plat has been signed and sealed by an engineer, not by a surveyor.

Sheet 3's Density and Open Space Calculations block cites a Critical Area Section 1 MH acreage and density of 5.087 and 2.556:1, respectively.<sup>18</sup>

All 54 of the proposed sites meets or exceeds §78.3's 4,000 ft<sup>2</sup> minimum area requirement.

In addition to §78 of the Zoning Ordinance, the applicant is reminded that MHP's must satisfy all the requirements of §6.6 of the Subdivision Regulations, as well.

§4.1.20 (a), in part, stipulates that "When more than one (1) sheet is required, an index sheet of the same size shall be submitted showing the entire subdivision drawn to scale." Sheet 3 of 4 serves that function.

Block, or grid, information has now been included in the Vicinity Map, as required by §4.1.20 (b).

The applicant again is hereby advised that, per §230-2 of the County Code, a manufactured home park license will need to be obtained.<sup>19</sup>

The 4<sup>th</sup> 'condition' of Concept approval was the TIS requirement's being waived in favor of a road condition survey's being completed prior to the TAC's review of any Preliminary Plat.<sup>20</sup> A road condition survey was received by DPW prior to TAC review.

It is again noted that any future marina details must be an important component of any required, future TIS analysis. Therefore, at such time as a site plan for a marina<sup>21</sup> may be submitted, any TIS will need to take into account the marina and the MHP sites.<sup>22</sup>

Pursuant to §4.1.20 (g) and (u), sheet 3 of 4 depicts the perimeter of the entire parcel, as required.

Per §4.1.20 (d), the name and address of the owner is provided in Property Information Notes 2 and 3 on sheet 1 of 4.

---

<sup>15</sup> For the record, it is noted that a Chestnut Point Estates MHP Preliminary Plat was previously reviewed at the May, 2014 TAC meeting, and the 'Phase 1' Preliminary Plat was reviewed at the July, 2014 TAC meeting.

<sup>16</sup> Per §4.0.9, Concept Plat approval establishes the proposal's density and layout. Because the Chestnut Point Estates MHP Concept Plat that was **approved for 86 dwelling units**, the Preliminary Plat reviewed at the May 2014 TAC meeting proposed **87** MHP sites. As then commented, the 87-site proposal could **not** proceed to the Planning Commission because it was inconsistent with the approved Concept Plat.

<sup>17</sup> §4.1.20 (r) requires that "The total number of lots, area of lots, the density, the total area of any open space, the total area of any common open space, any add-ons, total area and types of right-of-way dedicated, and total area of subdivision shall be indicated in table form. All acreage shall be accounted for, **per the boundary line survey**, and the Preliminary Plat density shall not exceed the approved Concept Plat density."

<sup>18</sup> That acreage has **not** been certified by a surveyor.

<sup>19</sup> That can occur **after** the possible approval of the Final Plat(s).

<sup>20</sup> Ordinarily, a Traffic Impact Study (TIS) must be completed for proposals of 50 dwelling units or more (**87 in this case**) prior to the TAC's review of the Preliminary Plat. Ordinarily, a Traffic Impact Study (TIS) must be completed for proposals of 50 dwelling units or more (**87 in this case**) prior to the TAC's review of the Preliminary Plat.

<sup>21</sup> Any specific marina proposal shall, at a minimum, require strict adherence to the provisions of §37, §169, §198 and §200.

<sup>22</sup> It is equally important to note that the TIS waiver was for 86 MHP sites, only.

Density: The LDR zone's permitted density of 2 d.u./1 acre<sup>23</sup> is moot in this case, as no dwellings are proposed on the LDR-zoned portion of Section 1.

The MH zone permits a density of 6/1 in a manufactured home park.<sup>24</sup> All 54 Section 1 dwelling units are proposed in the MH zone. Per the Density table on Sheet 3 of 4, the Section 1 MH-zoned acreage is 13.040, and the proposed density is 4.187/1 (which is within the permitted 6/1).

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

The LDA overlay zone permits a maximum density of 3.99/1. Per the Density table on Sheet 3 of 4, the Section 1 LDA overlay-zoned acreage is 5.087, and the proposed density is 2.556/1 (which is within the permitted 3.99/1).

There is no MB-zoned acreage within Section 1.

The §4.1.20 (r) requirements are generally satisfied on sheet 3 of 4.

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

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

The absence of slopes greater than 25% was previously established.

§4.1.20 (v) 2 requires the delineation of any slopes 15% or greater in the Critical Area.

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. That must be reflected on any Section 2 Preliminary Plat.

A 25' buffer is required around all non-tidal wetlands present.

§4.1.20 (v) 13 mandates the inclusion of the delineation of the landward edge of any tidal wetlands. Are there any tidal wetlands on site? Mr. Barry said no.

Permits are required from the (US Army) Corps of Engineers and MDE for any 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. None appears required for this proposal.

---

<sup>23</sup> With community facilities.

<sup>24</sup> As Chestnut Point Road is a private road, lots can be created on it only after a Variance has been granted.

<sup>25</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."

1.934 acres (15%) open space is required (§78.4); 2.597 acres is proposed in Section 1.<sup>26, 27</sup>

At a minimum, 15% of the required<sup>28</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.

This requirement is addressed in a boxed note on sheet 3 of 4, which states that 15% of 1.934 acres = 0.29, and that the Artesian open space easement, alone, is 0.436 which is > 0.29.

However, the other requirement, that no more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands, is left unaddressed. All previous reviews have cited the need for the required calculations for both to be included on the Preliminary Plat.

Is any of the open space proposed to include active recreational amenities? (If so, then where are the details provided?) Mr. Barry stated that only the existing trails would be utilized.

The Critical Area impervious calculations are included on sheet 3 of 4.<sup>29</sup>

§4.1.20 (v) 5 requires the delineation of all open space in the Critical area.

No more than 20% of the forest or developed woodland may be removed in the Critical Area. 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 by §29.3.c; §6.6 sets forth the soil & ground cover requirements.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter's Point and Chestnut Point Roads. A 15' Bufferyard is depicted, but not labeled on sheet 3 of 4. Is that intended to meet the §78.8 Bufferyard D requirement? Mr. Barry said yes.

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

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

The FSD and Conceptual SWM Plan were approved (for the area outside the Critical Area for the FSD) prior to the review and Concept approval by the Planning Commission. Likewise, the Conceptual Environmental Assessment (EA) was approved for the area inside the LDA zone<sup>30</sup> prior to review and approval of the Concept Plat by the Planning Commission.

The Preliminary Forest Conservation Plan (PFCP), Preliminary Environmental Assessment, and Preliminary SWM Plan have been approved.

---

<sup>26</sup> No MB-zoned acreage (including the marina) or LDR-zoned acreage can be used to satisfy any open space requirement in the MH zone.

<sup>27</sup> In addition, conformity with §176.2.a shall be required.

<sup>28</sup> Per §29.3.c, §26.3.a, & §176.2c & d.

<sup>29</sup> No more than 15% of the surface area can be impervious surface ('lot coverage') in the LDA.<sup>29</sup> In addition, the "lot coverage" provisions of §200.13.e must be taken into account.

<sup>30</sup> Which is exempt from the Forest Conservation Regulations per §3.2.B.

The Final Forest Conservation Plan (FCP), Landscape Plan, Final Environmental Assessment, and Final SWM Plan must be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Forest Conservation Regulations).

A Landscape Agreement must be executed prior to recordation.

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

The road name 'Black Oak Drive' was disapproved by the County 911 Emergency Center. In its stead, the name 'Sawtooth Oak Drive' was approved a/o 4/24/14.

The approved road name, 'Sawtooth Oak Drive,' must be reflected on the plat prior to the Planning Commission's review of any Preliminary Plat.

As Chestnut Point Road is a private road, marina and adjacent access can be achieved only via a private road. Are there any notes that address what legal mechanisms are proposed, or in place, in that regard or how parcel 349 will be accessed?

Per §6.6.7(d)(1), all MHP roads are to be private, not County, roads.

The Master Water & Sewer Plan includes this area as W1 and S2, per General Note # 13. 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, to be signed by the Health Department, approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. General Note # 17 will not suffice.

The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all sites offered for lease. General Note # 18 will not suffice.

Fire hydrant locations have been selected in consultation with DPW and the Charlestown Fire Company.

The contiguous operating farms notice is provided in General Note # 14 on sheet 1 of 4. Unless it is determined that there is a contiguous operating farm, that note is unnecessary.

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

1. While the water supply for this development will be provided by a Artesian Water Maryland, the water lines must be reflected on the sanitary sewer plans and as-builts
2. The preliminary SWM plan has been approved by all reviewing agencies.
3. 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.
4. ~~No SWM practices/facilities may be located within the 100-Year Flood Plain.~~
5. ~~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.~~
6. Identify all SWM conveyance easements on the preliminary & final plats.
7. The applicant must maintain access to Chestnut Point Road Extended (private) and the dwellings it serves.

8. The roads & storm drains must be designed to maintain access for emergency vehicles in the 100-Year Flood Plain.
9. ~~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.~~
10. ~~If a sanitary sewer pump station 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.~~
11. The sanitary sewer lines within this development must make maximum use of gravity flow.
12. A Benefit Assessment as well as Connection Fees will apply for these lots.
13. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
  - 13.1 The Final Plat Lot Grading, 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:

Water and sewer allocations must be obtained from the appropriate utility provider prior to final plat approval. The allocation letter must contain the following information.

1. The amount of flow allocated. If allocation is in phases, identify the phase of the project the current allocation is for.
2. Identify if the allocation expires if it is not put into use by given date.
3. Identify if any water or sewer upgrades are needed to provide this allocation (pump stations, new mains, additional treatment) and if any Maryland Department of the Environment permits are required for these upgrades.

The water supply program requires public wells to be 50' from sewer main. Artesian identified 2 wells, to be retained. The well closest to Carpenters Point Road is too close to the existing sewer force main. The second well is too close to proposed sewerlines and under a proposed road. Neither well can be used as a public supply wells. See comments that will need to be addressed

to complete Water Appropriation and use Permit Application No. CE1968G010/04 in letter dated February 13, 2015.

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

Discussion ensued regarding the ongoing clean-up of the property.

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;
- 3) All of the Critical Area Commission's concerns being satisfactorily addressed;
- 4) The Section 1 Final SWM Plan's being approved prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
- 5) The Section 1 Final Forest Conservation Plan's being approved prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
- 6) The Section 1 Final Environmental Assessment's being approved prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
- 7) The MH Boundary Line Survey's being completed and submitted prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
- 8) All open space sensitive areas thresholds being calculated prior to the submission of any Section 1 Final Plat for review by the Planning Commission;
- 9) The contiguous operating farms notice being deleted unless it is determined that there is a contiguous operating farm, that note is unnecessary;
- 10) The Final and Record Plats' containing a statement, to be signed by the Health Department, approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan;
- 11) The Final and Record Plats' containing a statement, to be signed by the owner, to the effect that such facilities will be available to all sites offered for lease or sale; and
- 12) The Section 1 Landscape Plan being approved prior to submission of any Section 1 Final Plat for review by the Planning Commission.

Mr. Wallace made a motion for approval with the staff's conditions as well as the addition of a thirteenth condition:

- 13) All demolition debris should be removed from the property prior to the submission for any Final Plat review by the Planning Commission.

The motion was seconded by Mr. Johnston.

All approve. Motion carried.



**General Discussion:** None.

The March Planning Commission meeting adjourned at 12:58 p.m.

Respectfully Submitted

---

*Jennifer Bakeoven  
Administrative Assistant  
Office of Planning & Zoning*