

CECIL COUNTY PLANNING COMMISSION

Meeting Minutes

May 18, 2015

12:00 p.m.

Present: Pat Doordan, Chairman; Wyatt Wallace; Bill Miners; Tom Mullen – Alternate; Joyce Bowsbey, (Ex-Officio); Randy Jackson, Esq.; Lloyd Harmon; Mark Woodhull; Eric Sennstrom; Tony Di Giacomo and Jennifer Bakeoven.

Absent: Ken Wiggins, Vice Chairman; Geoff Doyle; Chad Johnston; and Kordell Wilen.

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

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

1. Annual Report – 2014

Eric Sennstrom appeared and gave an overview of the 2014 Annual Report. The Land Use Article of the Annotated Code of Maryland requires the Planning Commission to adopt an Annual Report and file it with the local legislative body by July 1st of each year. Mr. Sennstrom summarized the content of the report which includes various data concerning Major / Minor Subdivisions, Site Plans, Historic District applications, Rezoning, Agricultural Preservation, Special Exceptions, Variances, Appeals, Building Permits and Zoning Violations.

The 2014 Annual Report also contains the roster for the several commissions and boards that are associated with Planning & Zoning such as Planning Commission, Board of Appeals, Ag. Preservation Advisory Board, Historic District Commission, Ag. Reconciliation Committee and the staff of Planning & Zoning.

The next section contains the Appendixes 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 also included in the document.

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

Planning & Zoning, Department of Public Works and the Health Department offered no comments.

A motion for the adoption of the 2014 Annual Report was made by Mr. Wallace. The motion was seconded by Mr. Miners.

All approve. Motion carried.

2. Agricultural Land Preservation District Program – File CE-15-04 - Flying Plow Farm, 96 Charles Johnson Farm Lane, Rising Sun, MD 21911, Election District: 6, Tax Map: 10, Parcel: 256, 56 Acres, Present Owners: Sarah Rider & Tom Paduano, Presently Zoned: Northern Agricultural Residential, (NAR).

Steve O'Connor, MALPF Administrator, appeared and gave an overview of the application. The district is located outside of the Master Water & Sewer Plan areas. The property currently has the ability to be subdivided into nine (9) additional lots with the existing house counting as Lot 10. They currently run a community supported agriculture and provide opportunities for young farmers, interns and apprentices. The property has been identified by the Maryland Historic Trust.

Discussion ensued regarding the adjoining property known as the McCoy Farm.

Planning & Zoning, Dept. of Public Works and the Health Department offered no comments.

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

A motion to recommend approval was made by Mr. Wallace.
The motion was seconded by Mr. Mullen.

All approve. Motion carried.

3. Bayline Estates (f/k/a Butlers Crossing), Section 3, Lots 13-19, Preliminary Plat Extension, Joe Meltz Road, McCrone, Inc., First Election District.

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

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

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

Zoning: SAR

The original Butler's Crossing Concept Plat (Lots 4-11) was approved on 11/16/98, at a density of 1/21.2, conditioned on:

- 1) The limits of the County maintenance of Joe Meltz Road being verified prior to preliminary plat review by the Technical Advisory Committee;
- 2) A paved road provided by the developer being extended a sufficient distance to provide an entrance to Lot 10 eliminating the need for a panhandle lot; and
- 3) Elimination of the street tree requirement.

A Butler's Crossing Preliminary Plat for Lots 4-10 was approved on 12/20/99, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;

- 3) Bufferyard A being provided to separate residential use of the portion of Lot 8 in the vicinity of the proposed dwelling from the agricultural operation of the Peverly property to the west,
- 4) Landscape plan for any remaining bufferyards being approved prior to Planning Commission review of the final plat;
- 5) Landscape Agreement being executed prior to recordation;
- 6) Permit being obtained from the Maryland Department of the Environment and the Corps of Engineers for the stream crossing of Lot 8, prior to recordation;
- 7) Final Forest Conservation Plan being approved prior to final plat review by the Planning Commission;
- 8) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 9) A jurisdictional determination being received prior to final plat review by the Planning Commission; and
- 10) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided.

The Final Plat for Butler's Crossing Section 1, Lots 4-7 & 10, was approved on 3/20/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;
- 5) A 300-foot setback from agricultural operation being provided on Lot 10, otherwise a Bufferyard A being provided; and
- 6) Persistent misspellings being corrected.

The Section 1, Lots 4-7 & 10, Record Plat was signed on 5/19/00. That extended the 12/20/99 Preliminary Plat approval for 2 years.

The Final Plat for Section 2, Lots 8 and 9, was approved on 10/16/00, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) Any further development of the remaining lands resulting in ten or more lots will require 15% common open space and the establishment of a Homeowner's Association, and if partially in New Castle County, then New Castle County approving the subdivision plat prior to Cecil County recordation;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat;
- 5) The title block on sheet 2 being corrected; and
- 6) A copy of the stream crossing authorization being forwarded to the Office of planning and Zoning for inclusion in the file, prior to recordation.

The Section 2, Lots 8 and 9, Record Plat was signed 4/16/01. That extended the 12/20/99 Preliminary Plat approval for 2 years from that date.

A Concept Plat for Section 3, lots 11-18, was approved on 5/20/02 at a density of 1/8.42, conditioned on:

- 1) The proposed mini-road's name being approved by the County's Emergency Management Agency prior to Planning Commission review of the preliminary plat.

A Section 3 Preliminary-Final Plat, for lots 11 and 12, was approved on 12/16/02, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) The owners of these lots becoming members of the Homeowners' Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation ;
- 4) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas being recorded and noted on the plat prior to recordation and the metes and bounds description of the forest retention areas being shown on the record plat; and
- 5) The standard forest retention note being placed on the record plat.

The Butler's Crossing Section 3, lots 11 and 12, Record Plat was signed on 7/29/03. That, in turn, extended the 12/20/99 Preliminary Plat approval for 2 years from that date.

A new Concept Plat, proposing 7 lots, roadway rights-of-way, and common open space on 61.08 acres, for a proposed density of 1/8.73, was approved on 7/18/05, conditioned on:

- 1) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots;
- 2) A Jurisdictional Determination (JD) being completed, and submitted to the Office of Planning & Zoning, prior to preliminary plat review by the Planning Commission; and
- 3) The FSD being revised to show the wetlands on proposed Lots 14 and 15.

The Preliminary Plat was approved on 8/15/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Section 3, Lots 11 & 12 Record Plat being revised to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of these proposed lots; and
- 4) The forest conservation plan and landscape plan being approved prior to final plat review.

§4.1.17 of the old Subdivision Regulations provided that Preliminary Plats were valid for 2 years from approval date. Therefore, the 8/15/05 Preliminary approval was granted 1-year extensions on 7/16/07 & 7/21/08, and 2-year extensions on 6/15/09 (valid until 6/15/11) and 5/16/11 (valid until 5/31/13).

The 'Bayline Estates' Section 4, Lots 13-17 & Resubdivision of Lot 12, Final Plat was approved on 7/21/08 (at the same Planning Commission meeting as when the last 1-year Preliminary extension was granted), conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being;
- 3) Modifications to lot lines being made to a revised FFCP/Landscape Plan prior to recordation;
- 4) A Landscape Agreement being executed prior to recordation;

- 5) Any possible MDE/Corps of Engineers permits being obtained prior to recordation;
- 6) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat; and
- 7) The owners of all Butler's Crossing/Bayline Estates lot owners becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

The Bayline Estates' Section 4, Lot 13, Record Plat was recorded on 5/22/13.¹

The Bayline Estates' Lots 14 – 17 Revised Final Plat was approved on 9/16/13, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being;
- 3) Modifications to lot lines being made to a revised FFCP/Landscape Plan prior to recordation, including the Section 3, Lots 11 & 12 Record Plat being revised and recorded to convert the 3.802 acres of proposed common open space to actual common open space prior to the recordation of any of these proposed lots;
- 4) A Landscape Agreement being executed prior to recordation;
- 5) Any possible MDE/Corps of Engineers permits being obtained prior to recordation;
- 6) Deed restrictions for the long-term protection of the street trees and Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 7) A mini-road maintenance association's being set up, with all lots owners accessing the mini-road becoming members; and
- 8) The owners of all Butler's Crossing/Bayline Estates lot owners becoming members of the Homeowners' Association, established for maintenance of common open space, with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

§4.1.17 of the old Subdivision Regulations provided that Preliminary Plats were valid for 2 years from approval date. Therefore, the 8/15/05 Preliminary approval was granted 1-year extensions on 7/16/07 & 7/21/08, and 2-year extensions, on 6/15/09 and 5/16/11.

Because of the recordation on 5/22/13, the Preliminary Plat remains valid until 5/22/15, and it will expire on that date unless another extension is granted today.

The new §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 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."

In conjunction with and subsequent to the adoption of the 2010 Comprehensive Plan, a new Zoning Ordinance and new Subdivision Regulations were adopted in 2011. However, there were no salient changes therein pertinent to this application.

¹ Thus, the 8/15/05 Preliminary Plat was technically extended for 2 years, per §4.1.16, until 5/22/15. However, a revised Record Plat for Section 3, Lots 11 & 12, has never been submitted for signatures and subsequent recordation.

Should another extension now be granted, it would expire on 5/31/17.

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

The Department has no objection to the extension requested. However the applicant is advised that the SWM plan for this project must be redesigned in accordance with the current SWM Ordinance. As such, before submitting the final plat to the Planning Commission the concept, preliminary & final SWM plans must be approved by all reviewing agencies. Also the Department will need to review the Roads & Storm Drain plans and prepare the Public Works Agreement.

Mr. Miners 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 report. No one spoke.

Mr. Di Giacomo read the recommendation of the staff:

The GRANTING of a two (2) year extension of Preliminary Plat approval, to expire on 5/31/17.

A motion for the granting of an extension of Preliminary Plat approval was made by Mr. Miners. The motion was seconded by Mr. Wallace.

All approve. Motion carried.

General Discussion:

None.

Next Planning Commission meeting will be held on Monday, June 15, 2015 at 6:00 p.m.

The May Planning Commission meeting adjourned at 12:18 p.m.

Respectfully Submitted

Jennifer Bakeoven
Administrative Assistant
Office of Planning & Zoning