

PLANNING COMMISSION MEETING

Wednesday, January 21, 2015

7:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins, Geoff Doyle, Chad Johnston, Bill Miners, Tom Mullen, (Alternate), Cliff Houston, and Jennifer Bakeoven.

ABSENT: Wyatt Wallace, Eric Sennstrom, Joyce Bowsbey (Ex-Officio).

MINUTES- Motion made by Mr. Johnston, seconded by Mr. Miners and unanimously carried to approve the Monday December 15, 2014, 7:00 p.m., minutes as mailed.

Mr. Houston announced that File # 3710 - Stewart and Ruth Wilson, had been withdrawn by the applicant.

REZONING:

FILE: 2015-01- APPLICANT: Richard Scott Biron.

REQUEST: Request to rezone 1.032 acres from Suburban Transition, (ST) to Business Local, (BL)

PROPERTY LOCATION: 1516 Singerly Road, Elkton, MD 21921, Election District: 3, Tax Map: 21, Parcel: 81.

PROPERTY OWNER: E-Retire LLC c/o Richard Scott Biron.

PRESENTLY ZONED: Suburban Transition, (ST).

Richard S. Biron appeared and gave an overview of the request. Mr. Biron stated that for several years prior to the 2011 Comprehensive Rezoning, this parcel was zoned Business Local, (BL). He believes that during the most recent rezoning, his parcel was mistakenly changed to a Suburban Transition, (ST). He requested that the zoning of his property be returned to Business Local, (BL).

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of rezoning. Property is mapped as S-3 and W-3 in the Master Water and Sewer Plan. Based on soil types and setbacks, there is limited development potential without public utilities.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommended approval, due to a mistake made in the 2011 Cecil County Comprehensive Rezoning.

ACTION: Motion made to recommend approval, due to a mistake, was made by Mr. Miners. Motion seconded by Mr. Wiggins.

VOTE: All members voted in favor of this application.

Motion for approval carried.

The next meeting for this application will be February 17, 2015 before the County Council.

SPECIAL EXCEPTION:

FILE: 3706 - APPLICANT: Timothy Patterson.

FOR: Special Exception to operate an in-home auto repair business.

PROPERTY LOCATION: 560 Blue Ball Road, Elkton, MD 21921, Election District: 3, Tax Map: 305, Parcel: 39 & 40.

PROPERTY OWNER: Timothy & Lori Patterson.

PRESENTLY ZONED: Urbanized Residential, (UR).

James Dellmyer, Esq. and Timothy Patterson, owner, appeared and presented an overview of the application. Mr. Dellmyer explained that Mr. Patterson would like to operate his auto repair business on his property with the office for the repair business being conducted in the home. He stated that Mr. Patterson has a large gated fence that blocks any view of the repair business. Letters of support for this business were received by a few adjoining property owners. The letters stated that this business does not cause any nuisances for the surrounding properties.

HEALTH DEPARTMENT: Submit plans for waste removal, oil, antifreeze, etc. (Parcel 39). Our records shows disapproved percolation test on March 30, 1981 for on-site sewage disposal for parcel 40. Any proposal for changing use of the property should be submitted to the Health Department for review.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommended approval, for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval with staff's conditions by Mr. Johnston. Motion seconded by Mr. Wiggins.

VOTE: All members voted in favor of this application.

Motion for approval carried.

The next meeting for this application will be January 27, 2015 before the Board of Appeals.

FILE: 3707 - APPLICANT: Cecilia Grapes.

FOR: Special Exception to operate an in-home hair salon.

PROPERTY LOCATION: 243 Porters Bridge Road, Colora, MD 21917, Election District: 6, Tax Map: 9, Parcel: 140.

PROPERTY OWNER: Cecilia & Matthew Grapes.

PRESENTLY ZONED: Rural Residential, (RR).

Cecilia Grapes, owner, appeared and presented an overview of the application. Ms. Grapes explained that she would like to run a hair salon out of an attached addition in her home. She expects to have approximately ten (10) – twelve (12) customers per day, depending on services being given and only one (1) customer at a time.

Hours of operation would be Monday – Friday 10:00 a.m. – 8:00 p.m. and Saturday 9:00 a.m. – 3:00 p.m. Ms. Grapes explained that her driveway can accommodate several cars and she believes her business would not negatively affect the area’s traffic.

HEALTH DEPARTMENT: Soil evaluations are required to define adequate sewage area for the proposal. If satisfactory sewage can be defined, additional drainfield and a BAT tank for reduction of nitrogen must be installed.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval with staff’s conditions by Mr. Miners. Motion seconded by Mr. Wiggins.

VOTE: All members voted in favor of this application.

Motion for approval carried.

The next meeting for this application will be January 27, 2015 before the Board of Appeals.

FILE: 3708 - APPLICANT: Haines & Kibblehouse, Inc.

FOR: Special Exception to operate a quarry.

PROPERTY LOCATION: Rock Springs Road, Conowingo, MD 21918, Election District: 8, Tax Map: 2, Parcel: 3.

PROPERTY OWNER: Red Hill, Ltd., c/o Charter Materials, Co.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Thomas G. Sprehe, KCI and Scott Drumboar and Evan Sowers, Haines & Kibblehouse, appeared and gave an overview the applications for File 3708 & 3709. Mr. Drumboar gave a presentation detailing the process of mining and reclamation as well as the history of the H&K operation in Pennsylvania. He explained that, should the operation cause any damage to surrounding properties, H&K will investigate. If the operation is the cause of any damage, the company is required to take care of the problem.

HEALTH DEPARTMENT: Maryland Department of the Environment Division of Mining must approve site for mineral extraction. Health Department has concerns regarding the potential impact of mining on the wells located on the adjoining properties.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: Mary Street, 75 Olsen Road, Rising Sun, appeared in opposition. Ms. Street believes that the current mining that is being conducted on the applicant’s Pennsylvania property is already causing her concrete to crack and her house to shake. She also claims to have a lot of dust that invades her home when mining is in progress. Ms. Street also has concerns about her septic being so close to the property in question. Ms. Street’s brother, Daniel Singleton, also spoke in opposition, with concerns of the affects on the septic on Ms. Street’s property.

Mr. Houston read aloud, a letter received from Frank Allen. Mr. Allen is also in opposition of this application. See file for letter.

RECOMMENDATIONS:

Staff recommended approval.

ACTION: Motion made to recommend approval by Mr. Johnston. Motion seconded by Mr. Miners.

VOTE: Members in favor of approval include: Johnston, Miners & Wiggins. Doyle had the sole opposing vote.

Motion for approval carried.

The next meeting for this application will be January 27, 2015 before the Board of Appeals.

FILE: 3709 - **APPLICANT:** Haines & Kibblehouse, Inc.

FOR: Special Exception to operate a quarry.

PROPERTY LOCATION: Rock Springs Road, Conowingo, MD 21918, Election District: 8,
Tax Map: 2, Parcel: 113.

PROPERTY OWNER: Haines & Kibblehouse, Inc..

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

HEALTH DEPARTMENT: Maryland Department of the Environment Division of Mining must approve site for mineral extraction. Health Department has concerns regarding the potential impact of mining on the wells located on the adjoining properties.

COMMENTS IN SUPPORT: None

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommended approval.

ACTION: Motion made to recommend approval by Mr. Johnston. Motion seconded by Mr. Miners.

VOTE: Members in favor of approval include: Johnston, Miners & Wiggins. Doyle had the sole opposing vote.

Motion for approval carried.

The next meeting for this application will be January 27, 2015 before the Board of Appeals.

FILE: 3710 - **APPLICANT:** Stewart C. & Ruth S. Wilson

FOR: Special Exception to operate a boarding house.

PROPERTY LOCATION: 215 Old Zion Road North East, MD 21901, Election District: 9,
Tax Map: 12, Parcel: 45.

PROPERTY OWNER: Stewart C. & Ruth S. Wilson.

PRESENTLY ZONED: Village Residential, (VR).

WITHDRAWN, by the applicant.

GENERAL DISCUSSION:

None.

The meeting adjourned at 8:10 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, February 18, 2015 at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING
Wednesday, February 18, 2015
7:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins, Geoff Doyle, Chad Johnston, Bill Miners, Tom Mullen, (Alternate), Joyce Bowsbey (Ex-Officio), Cliff Houston, and Jennifer Bakeoven.

ABSENT: Wyatt Wallace, Tom Mullen, (Alternate) and Eric Sennstrom.

MINUTES- Motion made by Mr. Miners, seconded by Mr. Wiggins and unanimously carried to approve the Wednesday, January 21, 2015, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTION:

FILE: 3712 - APPLICANT: Kara Sottnick.

FOR: Special Exception to operate an in-home hair salon.

PROPERTY LOCATION: 17 Hamer Road, Elkton, MD 21921, Election District: 4, Tax Map: 5, Parcel: 179, Lot 41.

PROPERTY OWNER: D. Gilbert & Deborah M. Gouge.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Kara Sottnick appeared and presented an overview of her application. Mrs. Sottnick explained that she would like to operate a hair salon in a portion of her attached garage. She has been a hairstylist for 18 years. She was previously approved for a Special Exception at her last home and operated with no issues for 15 years. Having an in-home business allows Mrs. Sottnick to be home with her children and have an income.

HEALTH DEPARTMENT: The additional flow of a salon and one chair added to the 600 gallon per day for the existing four bedroom dwelling would increase the flow to 850 gallons per day and trigger an upgrade of the existing septic system. The required additional trench length (drainfield) would be fifty-seven feet (57') and the existing septic tank replaced with an adequate BAT (Best Available Technology) tank. The septic upgrade would not be required if the number of bedrooms are decreased in the permit process.

COMMENTS IN SUPPORT: Kristopher Sottnick, 17 Hamer Road, Elkton, MD and Diane Pierce, 255 Chestnut Springs Road, Chesapeake City, MD spoke in favor of this application. Mr. Sottnick and Ms. Pierce stated that this business will bring no additional traffic as the applicant is only proposing to be open for a few days a week, providing services to only a few patrons per day. Ms. Pierce read a letter from Joe Riley, 105 Mendenhall Road, Elkton, MD, to the Commission. Mr. Riley had originally signed a petition against the applicant but has since changed his mind. This neighbor is now in favor of this application. Mr. Riley feels that this business will have no adverse affects on the neighborhood or areas surrounding.

COMMENTS IN OPPOSITION: Dwight Thomey, Esq. spoke for his clients in opposition to this application. A copy of a signed petition and the Declaration of Restrictions was provided to the Commission members. Richard Spencer, 16 Hamer Road, Elkton; Nancy Plesta, 16 Hamer Road, Elkton, MD; Walter McGwire, Realtor, 812 Chumley Road, Baltimore, MD; Michael Masters, 88 Mendenhall Road, Elkton, MD; Robert Behm, 96 Mendenhall Road, Elkton, MD; Cynthia Sasseman, 85 Mendenhall Road, Elkton, MD and Roberta

Collins, 61 Mendenhall Road, Elkton, MD all spoke in opposition of this application. The speakers all agreed that this in-home business would bring additional noise and traffic to the neighborhood. They also referenced the deed restrictions that are placed upon this neighborhood forbidding this business. All speakers had sent letters stating their concerns to the Office of Planning & Zoning prior to the meeting. Their comments at the meeting reflect those in the letters.

Mr. Johnston asked Mr. Houston for clarification on the County's ability to enforce deed restrictions. Mr. Houston stated that neither the Planning Commission nor the County has any legal standing to enforce deed restrictions; deed restrictions are a private matter between homeowners.

Mr. Houston acknowledged that the Office of Planning & Zoning received four (4) letters / emails from individuals in opposition to this application. All of those individuals spoke this evening.

Mr. Houston also reminded the Commission the legal standing for approving or disapproving a Special Exception is based on Schultz vs. Pritz which states that it must be proven that this Special Exception would be more harmful at this location rather than another location with the same zoning classification.

RECOMMENDATIONS:

Staff recommended approval, for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval for two (2) years by Mr. Doyle. Motion seconded by Mr. Miners.

VOTE: Doyle, Miners, and Johnston voted in favor of this application.
Wiggins voted in opposition.

Motion for approval for two (2) years carried.

The next meeting for this application will be February 24, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:40 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, March 16, 2015 at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

Monday, March 16, 2015

7:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins, Wyatt Wallace, Chad Johnston, Bill Miners, Joyce Bowsbey (Ex-Officio), Eric Sennstrom, Cliff Houston, and Jennifer Bakeoven.

ABSENT: Geoff Doyle and Tom Mullen, (Alternate).

MINUTES- Motion made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the Wednesday, February 18, 2015, 7:00 p.m., minutes as mailed.

AMENDMENT: ZONING ORDINANCE - FLOODPLAIN

SUMMARY: Article XI, Part III, Floodplain District- Text changes to various sections to comply with the State Model Ordinance and FEMA requirements.

Eric Sennstrom, Director, Planning & Zoning explained that in order for the County to participate in a national flood insurance program and for the citizens who are impacted by either tidal or non-tidal floodplains to obtain flood insurance, the County has to have a floodplain ordinance. The County's current ordinance is based upon the State's model ordinance. Periodically, the MDE and FEMA makes changes to the State model ordinance. MDE has notified the County that some changes need to be made to our ordinance in order to keep it consistent with the latest changes to the State's model ordinance. Those changes are reflected in the amendment that was provided to the Planning Commission; specifically sections 225, 228, 232 and 233 will have changes to the text.

HEALTH DEPARTMENT: No comments.

RECOMMENDATIONS:

Staff recommended approval.

ACTION: Motion made to recommend approval by Mr. Wallace. Motion seconded by Mr. Wiggins.

VOTE: All members voted in favor of this application.

Motion to recommend approval carried.

The next meeting for this application will be March 17, 2015 at 7:00 p.m. before the County Council.

REZONING:

FILE 2015-02 - APPLICANT: Anthony E. & Sharon K. Nonn

REQUEST: Request to rezone 38.1 acres from Low Density Residential (LDR) to Suburban Transition, (ST).

PROPERTY LOCATION: 2125 Barksdale Road, Elkton, MD 21921, Election District: 4
Tax Map: 14 & 21, Parcels: 47, 109 & 600

PROPERTY OWNERS: Anthony E. & Sharon K. Nonn.

PRESENTLY ZONED: Low Density Residential, (LDR).

Anthony Nonn appeared and presented an overview of his application. He explained that his property has land to the east and south that is zoned Heavy Manufacturing, (M2) and the property directly across the street from

this property is zoned Suburban Transition, (ST). The County has bought the easements to run the sewer line from the Meadowview Wastewater Treatment Plant through Mr. Nonn's property to the Highlands. This will allow for future development in the northeast corner of the county. The sewer line runs directly through the Nonn's property. He requests that his property be rezoned to Suburban Transition, (ST), to allow for future development. Mr. Nonn stated that the construction of the line is a substantial change in the character of the neighborhood since the last Comprehensive Rezoning.

Discussion ensued regarding the proposed zoning of the property at the last Comprehensive Rezoning.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of rezoning.

COMMENTS IN SUPPORT: Harlan Williams, 166 Little Egypt Road, Elkton, MD, Jay Milburn, 1497 Appleton Road, Elkton, MD and Sharon Nonn, 1604 Appleton Road, Elkton, MD, spoke in favor of this project. Mr. Williams and Mr. Milburn own properties adjacent to the subject property. They have no objection to the rezoning request and feel that this rezoning should be approved. Mrs. Nonn made comments regarding the current road conditions and elaborated on the reasons her family decided to seek the rezoning of this property.

COMMENTS IN OPPOSITION: Ed Cairns, 104 Jackson Hall School Road, Elkton, MD, George Kaplin, 35 Oak St., Colora, MD, Ron Hartman, 164 Little Egypt Road, Elkton, MD and Nancy Valentine, 135 Pine Cone Drive, North East, MD spoke in opposition of this rezoning. They feel that the applicant did not demonstrate a change in the character of the neighborhood as they feel that the knowledge of the proposed sewer lines has been known since the 2011 Comprehensive Rezoning. They expressed other concerns regarding the roads as well.

Discussion ensued regarding the Master Water & Sewer Plan designations for this property.

RECOMMENDATIONS:

Staff recommended approval, due to a substantial change in the character of the neighborhood since the last Comprehensive Rezoning.

ACTION: Motion made to recommend approval due to a substantial change in the character of the neighborhood since the last Comprehensive Rezoning by Mr. Johnston. Motion seconded by Mr. Miners.

VOTE: Doordan, Miners, and Johnston voted in favor of this application.
Wiggins and Wallace voted in opposition.

Motion for the recommendation of approval carried.

The next meeting for this application will be April 7, 2015 before the County Council.

Mr. Wallace explained that he feels that just because there is a possibility of water and sewer being made available, does not establish a change in the character of the neighborhood and a precedence could be set because of this application.

SPECIAL EXCEPTION:

FILE: 3713 - APPLICANT: Barbara Jean Baynes.

FOR: Special Exception to operate an in-home office.

PROPERTY LOCATION: 533 Goosemar Road, Rising Sun, MD 21911, Election District: 5,
Tax Map: 24, Parcel: 43.

PROPERTY OWNER: Barbara J. Baynes.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Barbara Baynes appeared and presented an overview of the application. She explained that she operates a dump truck business in Middle River, MD. She would like to have an office for her business on her property.

HEALTH DEPARTMENT: Contact the Cecil County Health Department to discuss water and sewage compliance in a detached structure.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

Discussion ensued regarding the proposed location of the office.

RECOMMENDATIONS:

Staff recommended approval, for two (2) years.

ACTION: Motion made to recommend approval for two (2) years by Mr. Wallace. Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously to recommend approval for two (2) years.

Motion for the recommendation of approval for two (2) years carried.

The next meeting for this application will be March 24, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:38 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, April 20, 2015 at 7:00 p.m. located in The Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

**CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
MONDAY, APRIL 20, 2015
County Administration Building
200 Chesapeake Blvd. Elk Room, Elkton, MD 21921**

Due to a lack of agenda items, there was not an evening meeting of the Planning Commission in April 2015.

PLANNING COMMISSION MEETING

Monday, May 18, 2015

7:00 p.m.

PRESENT: Pat Doordan, (Chairman), Wyatt Wallace, Bill Miners, Tom Mullen (Alternate), Joyce Bowsbey (Ex-Officio), Cliff Houston, and Jennifer Bakeoven.

ABSENT: Ken Wiggins, Geoff Doyle, Chad Johnston, and Eric Sennstrom.

MINUTES- Motion made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the Monday, March 16, 2015, 7:00 p.m., minutes as mailed.

SPECIAL EXCEPTION:

FILE: 3714 - APPLICANT: James W. & Suzanne Mann.

FOR: Special Exception to operate an in-home internet business.

PROPERTY LOCATION: 88 Orchard Hill Lane, Elkton, MD 21921, Election District: 4,

Tax Map: 21, Parcel: 197, Lot 1.

PROPERTY OWNER: James W. & Suzanne Mann.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

James Mann appeared and presented an overview of the application. Mr. Mann explained that there would be no customers or additional traffic to the home; all orders would be via the internet. The business will not alter the outside of the home and no signage would be used. Should the business outgrow the home, the Mann's will move the business to an appropriately zoned location.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of Special Exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Ann Lane, 164 Russell Road, Elkton, MD, asked if a legal description of what the applicant will be permitted to do within this business be available, should they get approved. Mr. Houston explained that the Board of Appeals attorney will draft a legal decision once the Board makes the decision on approval/disapproval.

RECOMMENDATIONS:

Mr. Houston stated that the Mann's had previously received a Special Exception to operate this business at their last address. During that time, Planning & Zoning received no complaints regarding the operation of the business. Therefore, staff recommended approval, for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval for as long as the applicant owns the property and operates the business by Mr. Miners. Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously.

Motion for the recommendation of approval for as long as the applicant owns the property and operates the business was carried.

The next meeting for this application will be May 26, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:08 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, June 15, 2015 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

Monday, June 15, 2015

6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Wyatt Wallace, Chad Johnston, Bill Miners, Tom Mullen (Alternate), Joyce Bowsbey (Ex-Officio), Lloyd Harmon (DEH), Mark Woodhull (DPW), Randy Jackson, Esq., Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z), Cliff Houston (P&Z), and Jennifer Bakeoven (P&Z).

ABSENT: Geoff Doyle and Ken Wiggins.

MINUTES- Motion made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the Monday, May 18, 2015, 12:00 & 7:00 p.m., minutes as mailed.

1. Charlestown Crossing, Phase 1C, Townhouses, Lots 1-37, Charlestown Crossing Blvd., Final Plat, Taylor Wiseman & Taylor, Fifth Election District.

Andrew Freeman, Klein Enterprises and Dwight Thomey, Esq., appeared and presented an overview of the project.

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

This project is in compliance with §3.8 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:

As originally approved: SR, M1, BG, and RCA & LDA (Critical Area) – PUD Proposal

Current for Phase 1C: ST

Density: The SR zone permits a base density of 1 du/ 1 ac, 2/1 with community facilities, or 4/1 in a Planned Unit Development.

Per §256 of the Zoning Ordinance, the PUD "Sketch Plat/Special Exception Application" was granted a Special Exception on 9/28/04 by the Board of Appeals¹ – conditioned on the following issues being adequately addressed:

- 1) No lots are proposed in the M1 zone;
- 2) No lots are proposed in the nontidal floodplain;
- 3) The complete estimated staging of construction has been shown on the plat and narrative, as required in §6.1.1 (e);
- 4) The perennial stream buffers have been accurately depicted;
- 5) No dwellings are depicted in the perennial stream buffers;
- 6) The nature of the proposed uses in the "employment" area in the SR zone have been declared and they are, in fact, permitted in the BL zone;

¹ Because a PUD is permitted in the SR zone only by Special Exception.

- 7) The total number of off-street parking spaces and the space to unit ratio for the proposed townhouse condominiums has been provided on the plat, consistent with §4.0.13 (m);
- 8) The townhouse condominium lot boundaries are differentiated from the townhouse structure footprints, as required in §4.0.13 (m);
- 9) A note to the effect that the Critical Area portion of the property is exempt from the Forest Conservation Regulations, per §3.2B;
- 10) All contradictions between the plat and the narrative have been eliminated;
- 11) Reference to §29.5.a in Note # 7 has been corrected;
- 12) The elevations of each building type have been provided, per §256.1.a;
- 13) The Variance needed to create the townhouse lots on the proposed private roads has been cited on the plat, or the proposed private roads are eliminated;
- 14) The proposed density has been cited on the plat submitted for review by the Planning Commission and Board of Appeals;
- 15) A draft of the terms and provisions of the public works agreement being provided in the narrative, as required by §256.1.c;
- 16) Any townhouse units in excess of 20% are to be considered substituted for permitted semi-detached or duplex units, with the condition that the total number of townhouse units not exceed the proposed 176 units; and
- 17) A Traffic Impact Study (TIS) being completed prior to Preliminary Plat and/or Preliminary Plat/Site Plan reviews by the TAC. The TIS must account for the full impact of the full potential build-outs in all zoning classifications on the parcel, regardless of whether or not they are specifically part of the PUD proposal.

In accordance with §256.5, which stipulates, in part, that “Following approval of the PUD Special Exception by the Board of Appeals the PUD or section thereof shall be processed in accordance with the provisions of the Cecil County Subdivision Regulations,” the Preliminary Plat, proposing 592 lots^{2, 3} at a density of 2.63/1, was approved⁴ on 4/18/05, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The forest retention areas being depicted on the Final Plat;
- 4) The FCP and the Landscape Plan being approved prior to the Planning Commission’s review of the Final Plat;
- 5) Landscape Plan for this PUD proposal including the §187.2 zoning district-separating bufferyards details for that part of the M-1 area associated with the proposed water tank, filtration station, and wells;
- 6) A Site Plan being approved for the Community Center prior to the Planning Commission’s review of the Final Plat;
- 7) A Plans being approved by DPW for the water tower and the water filtration building prior to the Planning Commission’s review of the Final Plat;
- 8) No street trees being planted within 20 of sewer laterals and cleanouts;
- 9) Confirmation of sewer allocation being received from the Cecil County DPW prior to Final Plat review by the Planning Commission;
- 10) Confirmation of water allocation being received from the water provider prior to Final Plat review by the Planning Commission;
- 11) MDE verifying that the water provider has adequate capacity to serve these lots prior to Final Plat review by the Planning Commission;
- 12) MDE verifying that the GAP is adequate to serve these lots prior to Final Plat review by the Planning Commission;

² On 224.73 SR-zoned acres

³ The Special Exception that was granted allowed 176 townhouses, in excess of the 118 allowed per §250.2 at that time.

⁴ The Planning Commission has authority for the approval of the Preliminary Plat for PUD proposals.

- 13) Plans for water facilities demonstrating the ability to provide and maintain adequate quality and pressure, and being verified by MDE and the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission;
- 14) Fee simple access being provided to all stormwater management facilities;
- 15) The Landscape Plans for all BG- and M1-zoned site plan projects including the zone-separating bufferyards depicted on this PUD plat;
- 16) The details of the proposed E.M.S. building being reviewed by the County EMS Dept. and/or the Charlestown Fire Co. prior to Final Plat review;
- 17) The appropriate Charlestown Crossing Boulevard widening being shown on the Final Plat;
- 18) The zoning boundaries being corrected;
- 19) The proposed uses being made consistent with those permitted in the respective zones; and
- 20) Documentation confirming that the Charlestown Volunteer Fire Department deems the cul-de-sac radii and roadway width are acceptable being received prior to Final Plat review by the Planning Commission.

Per §4.1.18, 1-year Preliminary Plat extensions were granted 3/19/07, 1/23/08, & 12/15/08.⁵

The Phase 1 Final Plat, for 50 lots, was approved on 6/16/08, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) The 10' street tree planting easement being depicted and noted on the Record Plat;
- 5) Deed restrictions for the long-term protection of the street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) A Maintenance Association for the maintenance of the private mini-roads being established prior to recordation; and
- 11) No lots fronting on any of the private roads.

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

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

On 4/29/09, a Variance (File No. 3450) was granted to allow more than 4 units per townhouse building, as was reflected in lots 74-78. Variance No. 3450 must be cited on the Record Plat.

⁵ Unless either a Final Plat is approved and recorded or, as requested, the Preliminary Plat's validity is again extended in the interim, said validity will expire on 12/15/09.

Other design modifications included in the revised Phase 1A Final Plat were:

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

The revised Phase 1A Final Plat included 14 single family and 36 townhouse lots; it was approved on 6/15/09, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of the street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being established with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale; and
- 10) The lot numbers' being included in the respective Record Plat title blocks, per §4.2.12 (a) 2.

The Phase 1A recordation plats were signed on 12/11/09 and 3/29/10.⁶

The Special Exception that was granted allowed 176 townhouses.⁷

The Phase 1B (Lots 146-149 & 154-156) & 1C (Lots 141-145 & 157-160) Final Plat was approved on 11/15/10, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) The 10' Street Tree Planting Easement being labels on the Record Plat;
- 7) A Landscape Agreement's being executed prior to recordation;
- 8) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 9) The Record Plat's containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;

⁶ This extended Preliminary approval until 3/29/12.

⁷ In the SR zone, no more than 20% of the PUD dwelling units can be **townhouse** or apartment units.

- 10) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 11) The Record Plat's signature block for DPW indicating "Director of Chief Engineer" under the signature line;
- 12) The Record Plat's signature blocks for the Health should indicating "Approving Authority" under the signature lines; and
- 13) References to private roads being eliminated from the Record Plat.

The Phase 1B (Lots 146-149 & 154-156) & 1C (Lots 141-145 & 157-160) Record Plat was signed on 12/21/10.⁸

The separate Garden Apartment Concept Plat was approved on 12/20/10, conditioned on:

- 1) All DPW requirements being met;
- 2) The TIS and associated transportation issues being resolved to the satisfaction of SHA and DPW prior to the Planning Commission's review of the Preliminary Plat; and
- 3) The granting of the waiver for the parking to 1.8 spaces per dwelling unit, with the additional contingent, future spaces being located and noted on the plat.

The separate Garden Apartment Preliminary Plat was approved on 2/22/11, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The revised FCP and revised Landscape Plan being approved prior to the submission of the Final Plat;
- 4) The major site plan for the clubhouse being approved prior to Final Plat approval(s);
- 5) Documentation of water allocation being provided by the applicant prior to the submission of the Final Plat;
- 6) Documentation of sewer allocation/capacity being provided by the applicant prior to the submission of the Final Plat; and
- 7) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

The separate Garden Apartment Final Plat was approved on 8/15/11, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Landscape Agreement's being executed prior to recordation;
- 4) Deed restrictions for the long-term protection of the 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) Unless it is to be owned by the HOA, all open space being labeled and referenced as "open space," rather than as common open space;
- 6) The Record Plat's again 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 & Sewer Plan; and
- 7) The Record Plat's also again containing a statement, signed by the owner, to the effect that such facilities will be available to all apt. units offered for lease.

The Phase 1B (Lots 116-125 & 165-170) & 1C (Lots 126-140 & 161-164) Final Plat was approved on 5/21/12, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements⁹ being met;
- 3) The full balance of the common open space being provided in future phases and sections;

⁸ Its recordation extended the Preliminary approval until 12/21/12.

⁹ This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners' Association.

- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) References to private roads being eliminated from the Record Plat; and
- 11) The Record Plat's containing the current zoning of the property.

The Phase 1B (Lots 38-65 & Lots 102-105) Final Plat was approved on 9/17/12, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements¹⁰ being met;
- 3) The full balance of the common open space being provided in future phases and sections;
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Landscape Agreement's being executed prior to recordation;
- 7) A Homeowners' Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 8) The Record Plat's containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan; and
- 9) The Record Plat's containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

Per §4.1.16, the recordation of a Record Plat from any section of a Preliminary Plat "shall extend the Preliminary Plat approval for an additional two (2) year period from the date of said recordation."

The Phase 1B (Lots 38-65 & Lots 102-105) Record Plat was signed on 2/28/13 (extending the Preliminary Plat's validity until 2/28/15).

A Resubivision Plat was signed on 11/8/13 (extending the Preliminary Plat's validity until 11/8/15).

The applicant is reminded that unless there is another recordation¹¹ or Preliminary Plat extension granted prior to 11/8/15, the Preliminary Plat's approval will expire on that date.

Lots 38-65 (Ph. 1B), 66-101 (Ph. 1A), 102-105 (Ph. 1B), 106-115 (Ph. 1A), 116-140 (Ph. 1B & 1C), 141-149 (Ph. 1B & 1C), 150-153 (Ph. 1A), 154-160 (Ph. 1B & 1C), and 161-170 (Ph. 1B & 1C) are accounted for, leaving only proposed Lots 1-37.¹²

This Phase 1C (Lots 1-37) Final Plat is consistent with previous approvals.¹³

¹⁰ This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners' Association.

¹¹ The recordation of a Final Plat would extend the Preliminary Plat's approval for a period of two (2) years from the date of said recordation.

¹² See Appendix, page 11.

¹³ This was originally submitted for review and possible approval at the May, 2015 Planning Commission meeting, but it was withdrawn.

The submission of future phases or sections will necessitate an accounting of the dwelling type ratios per consistency with PUD requirements.¹⁴

Currently, per §250.2 recommends that PUDs in ST zone consist of maximums of 30%, 60%, and 40 % for detached, semi-detached/duplex, and townhouse or apartment dwellings, respectively. Since those percentages total 130%, those are obviously maximums, not minimums.

In the previous Zoning Ordinance, under which this PUD was approved, in the SR zone, there was no percentage limit on detached dwellings, 30% on semi-detached/duplex, and 20% on townhouses or apartments. The 16th condition of the 2004 Special Exception approval permitted the project to exceed the number of townhouses allowed, with no more than 176.

A total of 592 dwelling units were approved for this PUD,¹⁵ and that the 16th condition of the 2004 Special Exception approval allowed for no more than 176 townhomes.¹⁶

The proposed community center must be served by water & sewer systems approved by the Health Department. A major site plan submittal shall be required for the community center. Any major site plan must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

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

30% common open space is required, 47% was proposed, overall. The submission of future sections will necessitate an accounting of the balance due for open space.

An FSD and a conceptual Environmental Assessment for the portion within the Critical Area were approved on 9/17/04. The site contains FIDS habitat, but it is not home to any of rare, threatened, and endangered species.

The PFCP and Preliminary Environmental Assessment have been approved.

The FCP/ Landscape Plan for Phase 1 (north of the stream) was approved on 4/29/08. A revised FFCP was approved on 12/11/09, and the Final Forest Conservation Plan for this phase was approved on 7/18/11. A revised Landscape Plan was approved on 12/14/09.

A Landscape Agreement must be executed prior to recordation.

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

Note # 1 explains why a 10' Street Tree Planting Easement has not been labeled.

The Homeowners' Association, for maintenance of common open space, has already been established for improvements. \$50 per each recorded lot placed in this Phase must be placed in escrow prior to recordation.

Water allocation documentations has been received.

Sewer capacity for these 37 proposed lots has been verified by DPW.

¹⁴ The 2004 Special Exception approval allowed no more than 176 townhomes.

¹⁵ The 332 in the apartment component + the 170 towns and singles will have consumed 502 of the 592 approved.

¹⁶ If these 37 are approved, then there would be 102 of the 176. See Appendix, page 11.

The Record Plat shall contain a statement to be signed by the Health Department, “approving authority”, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan.¹⁷

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

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

The Department has no objection to the Planning Commission granting final plat approval. However, the applicant is advised that the Department cannot sign the final plat until all outstanding administrative items have been addressed.

Mr. Johnston read the comments of the Health Department:

A sewer allocation has been granted by Cecil County Department of Public Works for these lots. A water allocation has been granted by Artesian Water for these lots. Final plat is satisfactory.

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 requirements¹⁸ being met;
- 3) The full balance of the common open space being provided in future phases and sections, with any future phases or section requiring a full accounting of the balance due (combination of open space and/or common open space);
- 4) Any necessary revisions to the FFCP/Landscape Plan being approved prior to recordation;
- 5) Deed restrictions for the long-term protection of planted buffers, street trees & any Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plat;
- 6) A Landscape Agreement’s being executed prior to recordation;
- 7) A Homeowners’ Association for maintenance of common open space being modified to include these lots, with \$50 per recorded lot being placed in escrow for improvements prior to recordation;
- 8) The Record Plat’s containing a statement, signed by the Health Department approving authority, to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan;
- 9) The Record Plat’s containing a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale;
- 10) Variance No. 3450’s being cited on the Record Plat; and
- 11) The submission of future phases or sections including an accounting of the dwelling type ratios for consistency with overall project PUD recommendations.

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

The motion was seconded by Mr. Mullen.

All approve. Motion carried.

¹⁷ The Master Water & Sewer Plan identifies this site as W2 and S2.

¹⁸ This should include the maintenance of the street trees in the right-of-way by adjacent homeowners or the Homeowners’ Association.

TEXT AMENDMENT – CECIL COUNTY SUBDIVISION REGULATIONS:

Sections 3.3 – Appeal – Planning Commission, 4.0.10, 4.0.11, 4.0.17 & 4.1.18 – Extension of Concept & Preliminary Major Subdivision Plats.

Eric Sennstrom, Director – Planning & Zoning, presented an overview of the amendments. Mr. Sennstrom explained that all submittals seeking extensions of Concept and Preliminary approvals will be reviewed by the Director of Planning & Zoning. The current regulations state that only the initial submittal for an extension request is reviewed by the Director. (§’s 4.0.10, 4.0.11, 4.0.17 & 4.0.18). In regard to § 3.3 – Appeal, Mr. Sennstrom explained that, should the applicant wish to appeal the decision of the Director of Planning & Zoning, the appeal will be heard by the Planning Commission.

Mr. Johnston stated that the Health Department had no comment.

Chairman Doordan asked if anyone would like to speak in favor or in opposition of this amendment. Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD, stated that he was neither speaking in favor or in opposition as he only wanted to ask how the general public would be notified that an extension of an approval was submitted for review under the proposed amendment. Mr. Sennstrom explained that process of notification that is followed when any major subdivision plat is submitted.

RECOMMENDATIONS:

Staff’s recommendation is for approval.

A motion to recommend approval of this text amendment of the Subdivision Regulations was made by Mr. Miners.

The motion as seconded by Mr. Johnston.

All approve. Motion carried.

REZONING:

FILE: 2015-03- APPLICANT: Charlestown Crossing, LLC & Charlestown Crossing Apt., LLC.

REQUEST: Request to rezone 6.706 acres from Light Industrial, (M-1) to High Density Residential, (RM).

PROPERTY LOCATION: U.S. Route 40, North East, MD, 21901, Election District: 5, Tax Map: 30, Parcels: 141 and part of 142.

PROPERTY OWNER: Charlestown Crossing, LLC & Charlestown Crossing Apt., LLC.

PRESENTLY ZONED: Light Industrial, (M-1).

Dwight Thomey, Esq., Andrew Freeman, Klein Enterprises, and Sean Davis and Amy DiPietro, Morris & Ritchie Associates, appeared and presented an overview of the rezoning request. Mr. Davis explained through a series of questions, that the applicant believes the zoning of this property was a mistake due to the surrounding parcel’s zonings. He also believes that the wetlands on the property will make it a difficult sell for an M-1 zoning prospect due to the limited visibility to Rte. 40 because of the un-removable wetlands on the property.

Discussion ensued regarding the original intention of the PUD when first reviewed by the Planning Commission.

Mr. Johnston read the comments of the Health Department: The Cecil County Health Department has no objection to this request of rezoning.

Mr. Thomey explained that the applicant had received a letter of support from Lisa Webb, Director – Office of Economic Development for Cecil County.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Rupert Rossetti, 215 Dr. Jack Road, Port Deposit, MD, feels that the current plan for this property has strayed from its original intent.

RECOMMENDATIONS:

The staff recommended approval due to a mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to recommend approval due to a mistake in the 2011 Comprehensive Rezoning by Mr. Miners. Motion seconded by Mr. Mullen.

VOTE: Mr. Wallace was the sole opposing vote.

Motion for the recommendation of approval carried.

The next meeting for this application will be July 7, 2015 before the County Council.

SPECIAL EXCEPTION:

FILE: 3718 - APPLICANT: Charles D. Blanford.

FOR: Special Exception to operate an in-home business.

PROPERTY LOCATION: 107 Love Run Road, Colora, MD 21917, Election District: 6,

Tax Map: 16, Parcel: 52, Lot: 4.

PROPERTY OWNER: Marcia D. Eldreth.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Joseph Mahoney, Esq., Marcia Eldreth, property owner and Charles Blanford, applicant, appeared and presented and overview of the application. Mr. Mahoney explained that a portion of the said property will soon be deeded to the applicant. He is requesting to operate a landscaping and tree business from the property. He explained that there will be no advertisement of the business on the property and the daily operation of the business will not alter the appearance of the property or neighborhood. He further explained that no goods would be for sale or rent on the property and no noise, glare, fumes or other nuisances will be caused by the business. Ms. Eldreth stated that Mr. Blanford has already made several improvements to the property.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: Mr. Houston stated that OPZ received a letter from Richard Hall, neighbor to the property, stating that he has no issues with Mr. Blanford operating his business.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval for two (2) years.

ACTION: Motion made to recommend approval for two (2) years by Mr. Johnston Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously.

Motion for the recommendation of approval for two (2) years was carried.

The next meeting for this application will be June 23, 2015 before the Board of Appeals.

FILE: 3720 - APPLICANT: Eric Polansky.

FOR: Special Exception to place mobile home on property for agricultural purposes.

PROPERTY LOCATION: 352 Old Elm Road, North East, MD 21901, Election District: 9,
Tax Map: 12, Parcel: 19, Lot: 9A.

PROPERTY OWNER: 352 Old Elm Road, LLC - Eric Polansky, Managing Member.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Eric Polansky, appeared and gave an overview of the application. He stated his request for this Special Exception is due to the need for help on his farm. It will also help with security issues. Mr. Polansky explained that the placement of the mobile home will not be visible from the road.

HEALTH DEPARTMENT: Submit to the Cecil County Health Department square footage and number of bedroom for the proposed mobile home indicating water supply and sewage disposal for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommended approval for two (2) years.

ACTION: Motion made to recommend approval for two (2) years by Mr. Johnston. Motion seconded by Mr. Miners.

VOTE: Members voted unanimously.

Motion for the recommendation of approval for two (2) years carried.

The next meeting for this application will be June 23, 2015 before the Board of Appeals.

FILE: 3722 - APPLICANT: The Boat Warehouse - Paul Tripani

FOR: Special Exception Renewal to allow carry-out sales.

PROPERTY LOCATION: 111 River Road, Chesapeake City, MD 21915, Election District: 2,
Tax Map: 42, Parcel: 77.

PROPERTY OWNER: The Boat Warehouse c/o Paul Tripani

PRESENTLY ZONED: Maritime Business, (MB).

Paul Tripani, appeared and presented an overview of the application. Mr. Tripani stated that in the two (2) years since he received the Special Exception, he has had no liquor violations, police activity and only serves a small group of individuals at the marina.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to the proposed carry-out sales renewal.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommended approval for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval for as long as the applicant owns the property and operates the business by Mr. Wallace. Motion seconded by Mr. Miners.

VOTE: Members voted unanimously.

Motion for the recommendation of approval for as long as the applicant owns the property and operates the business carried.

The next meeting for this application will be June 23, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 7:26 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, July 20, 2015 at 6:00 p.m. located in the Senior Center Dining Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

PLANNING COMMISSION MEETING

Monday, July 20, 2015

6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins, Wyatt Wallace, Chad Johnston, Bill Miners, Joyce Bowlsbey (Ex-Officio), Cliff Houston (P&Z), and Jennifer Bakeoven (P&Z).

ABSENT: Geoff Doyle, Tom Mullen (Alternate), Lloyd Harmon (DEH), Mark Woodhull (DPW), Randy Jackson, Esq., Eric Sennstrom (P&Z) and Tony Di Giacomo (P&Z),

MINUTES- Motion made by Mr. Wallace seconded by Mr. Miners and unanimously carried to approve the Monday, June 15, 2015, 6:00 p.m., minutes as mailed.

SPECIAL EXCEPTION:

FILE: 3723 - APPLICANT: Gregory Jester.

FOR: Special Exception Renewal to operate an in-home business.

PROPERTY LOCATION: 182 Pearce Creek Drive, Earleville, MD 21919, Election District: 1,
Tax Map: 56, Parcel: 115, Lot 15.

PROPERTY OWNER: Mark & Karen Spears.

PRESENTLY ZONED: Rural Residential, (RR).

Gregory Jester appeared and explained that he would like to continue his screen printing business being operated out of his home.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval for as long as the homeowners own the property and the applicant operates the business.

ACTION: Motion made to recommend approval with staff's recommendation by Mr. Miners. Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously.

Motion for the recommendation of approval for as long as the homeowners own the property and the applicant operates the business, carried.

The next meeting for this application will be July 28, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:03 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, August 15, 2015 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, August 17, 2015
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins, Bill Miners, Geoff Doyle, Tom Mullen (Alternate), Joyce Bowsbey (Ex-Officio), Jason Allison, Esq., Lloyd Harmon (DEH), Mark Woodhull (DPW), Cliff Houston (P&Z), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z), and Jennifer Bakeoven (P&Z).

ABSENT: Wyatt Wallace, Chad Johnston and Randy Jackson, Esq.

MINUTES- Motion made by Mr. Miners seconded by Mr. Wiggins and unanimously carried to approve the Monday, July 20, 2015, 6:00 p.m., minutes as mailed.

SUBDIVISIONS:

1. Warwick Orchards, Sites 1-74, Preliminary Plat Extension, Camp Meeting Ground Road, McCrone, Inc., Seventh 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.

Current Zoning: BG, MH and NAR.

Density: The MH, or Manufactured Home District, permitted a maximum density of 2/1, or up to 6/1 in a Mobile Home Park, per §'s 30 & 78 of the Cecil County Zoning Ordinance.

The Concept Plat was approved on 10/21/02 for 74 sites on 24.89 acres, yielding a density of 3.13/1, conditioned on:

- 1) All references to "bufferyard open space" being deleted;
- 2) The details of the privately owned community water and sewer systems being depicted on the Preliminary Plat submitted for TAC review;
- 3) The adjacent agricultural use notice being provided on the Preliminary Plat submitted for TAC review;
- 4) Density calculations being clarified on the Preliminary Plat submitted for TAC review; and
- 5) All zoning violations on the property being corrected prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Plat was approved on 10/20/03, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The sewer capacity to serve these proposed sites being verified by the Department of Public Works prior to Final Plat review;
- 4) Water supply and sewer service notes, consistent with Sections 4.2.13 (t) & (u) of the Subdivision Regulations, appearing on the Final Plat stating that such services shall be made available to all sites;

- 5) The final Forest Conservation Plan (FCP) and Landscape Plan being approved prior to Planning Commission review of the Final Plat;
- 6) Receiving verification from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites;
- 7) Deed restrictions for the long-term protection of the on-site and off-site Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat;
- 8) The title block indicating that this is a manufactured home park prior to Final Plat review by the Planning Commission; and
- 9) All zoning violations on the property being corrected prior to the Planning Commission's review of the Final Plat.

§4.1.17 previously provided that Preliminary Plats were valid for two years from date of approval. Therefore, per §4.1.18, 1-year extensions were granted on 9/19/05, 8/21/06, 8/20/07 and 8/18/08, and 2-year extensions were granted on 8/17/09, 8/15/11, and 8/19/13. Unless another extension is granted today to extend Preliminary approval to 8/31/17, it will expire at the end of the month, on 8/31/15.

§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."

Staff reports that there were no salient changes therein pertinent to this application.

Mr. Woodhull, DPW, read the comments of the department:
The Department has no objection to the extension requested.

The "Woodlawn Self Storage" SWM design, while technically complete did not receive final approval by May 4, 2013 therefore its grandfathering has expired. It as well as the Warwick Orchards Sites 1-74 must be designed in accordance with the current SWM Ordinance. This requires that concept, preliminary & final SWM plans must be approved prior to submitting the final plat to the Planning Commission for review.

It has been five years since we agreed upon a scope of work addressing offsite road improvements for Camp Meeting Ground Road. As such we request that the Planning Commission condition any approval of this extension with the requirement that the applicant resubmit the proposed improvements to the Department for review and approval prior to the final plat review by the Planning Commission. (Item 2 of the September 19, 2005 Planning Commission meeting minutes addressing offsite road improvements is revised to reflect the agreed upon scope of work identified in the July 5, 2010 memorandum from McCrone, Inc. as modified by this Department's August 11, 2010 e-mail to Mr. Fox at McCrone, Inc.)

Other than that all other outstanding comments from the September 19, 2005 Planning Commission meeting still apply. They will be included in the minutes but not read at this time:

1. A street and storm drain plan; sanitary sewer & water plan; and a Mass and Final Grading plan must be approved by the Department prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. ("A final lot grading plan has been approved by the Cecil County Department of Public Works for residential construction on the lots shown here on. A site

construction as-built, where required, shall be submitted to the Cecil County Department of Public Works prior to use and /or occupancy of any of the sites shown here on.”)

- ~~2. The developer shall upgrade Camp Meeting Ground Road for a distance of 100’ either side of the point of intersection between the proposed entrance and Camp Meeting Ground Road. The developer must make a legitimate good faith effort to obtain all ROW required to accomplish these improvements. This effort must conform to Section 3.07.15 of the Road Code. The applicant may seek a variance to these requirements if after these efforts the applicant is unable to obtain the necessary ROW.~~
- ~~3. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county’s SWM Ordinance. If it is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.~~
- ~~4. Careful analysis of the proposed SWM area between Lots 9 & 10 will be required due the routing of pond discharge over the properties of James M. & Marcia Dickerson, Ernest J. & Thelma G. Dickerson, and Robert N. & Margaret Hollowell. This analysis must address the impact on the existing culvert under Camp Meeting Ground Road.~~
- ~~5. A similar analysis is required for the SWM area adjacent to Lots 19-24 and its impact on the property of Barry Montgomery as well as the existing culvert under Principio Road to which it will drain.~~
6. The potential for inclusion of “dry Hydrants” should be discussed with the serving fire company. This is all predicated on whether the SWM facilities are designed as wet ponds of sufficient volume to support dry hydrants.
7. Water and sewer facilities will require permits from MDE.
8. Due to the remote possibility of Cecil County having to take over the operation of these private utilities the Department requires that the wastewater treatment plant and the water plant designs be submitted for review.
- ~~9. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the entrance should be marked on Camp Meeting Ground Road to facilitate review and verification of the sight distances provided.~~
10. Adequate off street parking must be provided for the clubhouse.
11. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner’s expense.
12. An Inspection and Maintenance Agreement will be required for the SWM facilities.
13. A PWA will be required for internal streets and storm drains.

Mr. Wiggins read the comments of the Health Department:

The 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 another two-year extension of Preliminary Plat approval, to expire on 8/31/17 conditioned on:

1. The re-submission of an off-site road condition report.

Motion for the granting of a two year extension with staff condition was made by Mr. Wiggins.

Motion seconded by Mr. Mullen.

All approve. Motion carried.

2. The Chesapeake Club, Lots 1-23, Revised Concept Plat, Range Road, McCrone, Inc., Fifth Election District.

David Strouss, McCrone, Inc., and Andrew Barbin, Developer, appeared and gave an overview of the project. Mr. Strouss explained that the revision consists of reconfiguring the 17th hole of the Chesapeake Bay Golf Course while maintaining the 100.99 acres of golf course land and showing the location of the 23 proposed lots.

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 RM zone allowed for a density of 6/1 with community facilities, and the original Concept Plat was approved on 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1.¹

Revised Concept Plats were approved on 12/20/93, 6/20/94, 3/16/98, and 9/16/02.²

Those revised Concept Plats have all adhered to the originally-approved golf course community layout and density of 3.5/1; and they have reflected only slight changes in design and structure types around the golf course.

A revised Concept Plat, proposing 329 dwellings on 93.906 acres, for a proposed density of 3.504/1, was reviewed by the Technical Advisory Committee on 3/02/05.

Subsequently, on 3/19/12, a 'Presentation Plan' was presented to the Planning Commission. It was not an action item; rather, it was an "information only" item. That 'Presentation Plan' was different than the Concept Plat submittal reviewed by the TAC in 2005.

The Concept Plat submitted for review today was previously reviewed by the TAC on 12/4/13, and it is different from both the 2005 and 2012 submissions³, and it now⁴ apparently is no longer intended to supplant⁵ the 5/19/87 Concept Plat, merely to revise it.

¹ The **RM** zone, with community facilities, currently allows densities if **6:1** for single family units, **10:1** for duplex and semi-detached dwelling units, **12:1** for townhouses, and **14:1** for apartment units.

² Concept Plats approved prior to 7/25/89 do not have a specified validity endpoint.

³ OPZ consistently commented at those respective reviews that previous approvals were predicated upon a layout that was comprised of residential development surrounding a golf course on Parcel 2. In addition, on the Record Plat signed on 3/5/96 (**C-73**), Parcel 2 was clearly delineated as "recreational."

In 2005, OPZ then commented: "This proposal is not consistent with the previously approved Concept, Preliminary, and Final Plats. As previously stated, Parcel 2 was intended to remain a recreational parcel, and, therefore, has no density. Accordingly, this plat cannot be reviewed by the Planning Commission since all of the lots contemplated on the previously approved Concept, Preliminary, and Final Plats are on other Parcels, not Parcel 2. If this is submitted for Planning Commission review, then it will be returned to the applicant."

Subsequently, on 4/20/05 the Director of Planning and Zoning wrote a letter to the Chesapeake Bay Golf Club, L.P., in which the Director found that Parcel 2 of the Chesapeake Club was intended to remain recreational, has no permitted density, and could not be developed.

The Chesapeake Bay Golf Club, L.P. appealed to the Cecil County Board of Appeals the decision of the Director's 4/20/05 letter, and, on 7/26/05, the Cecil County Board of Appeals **AFFIRMED**, by unanimous vote, the decision of the Director of Planning and Zoning in this matter.

The Chesapeake Bay Golf Club, L.P. then appealed the 7/26/05 decision of the Cecil County Board of Appeals to the Circuit Court for Cecil County, and, in turn, on 8/17/06, the Circuit Court for Cecil County **AFFIRMED** the decision of the Board of Appeals.

On 3/19/12, OPZ reiterated the fact that previous Concept, Preliminary, and Final Plat approvals were predicated upon a layout that was comprised of residential development surrounding a golf course on Parcel 2 – which, itself, had no density.

⁴ Per Note # 2 in the Plan Purpose box on Sheet 1 of 2.

⁵ Note # 7 on the plat reviewed by the TAC on 12/4/13 stated that a new density of **3.6/1** was sought, rather than a continuation of the **3.5/1** that has heretofore been carried forward from the 5/19/87 approval.

Therefore, the comment made at the 12/4/13 TAC review, regarding §4.0.9, with respect to the duration of a Concept Plat's validity, has been rendered moot.

Again, this submission is different from those of 2005 and 2012 in two important ways. First, this Concept Plat has kept the golf course as an integral feature of the Chesapeake Club. Second, this submission seeks to maintain the Chesapeake Bay Golf Club property's acreage at the original 100.99 acres.⁶

This project location is now situated within the 2010 Comprehensive Plan's High Density Growth land use district, but it still remains in the RM zoning district.

The RM zone, with community facilities, currently allows densities of 6:1 for single family units (as cited in Note #6), 10:1 for duplex and semi-detached dwelling units, 12:1 for townhouses, and 14:1 for apartment units.

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

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 I area.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁷

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.

Depending on the proposed dwelling type, either 15% or 20% open space is required in the RM zone. For single family homes, 15% common open space is needed.

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

⁶ Per the Area Table for Add-On % Golf Course on Sheet 1 of 2.

⁷ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

In keeping with previous approvals, none of the Chesapeake Bay Golf Club property's 100.99 acres can be counted toward satisfying the open space requirement.

As commented at the 12/4/13 TAC review:

- 1) It will be a condition of any recommendation for approval that all subsequent Preliminary Plats provide a full accounting, in tabular form, of the aggregate open space requirement and the deficit or surplus thereto created by said Preliminary Plat; and
- 2) It will also be a condition of any recommendation of approval that any subsequent Preliminary Plat's TAC review be preceded by a completed and reviewed, updated Transportation Impact Study (TIS).⁸

What is the intended disposition of the existing golf course maintenance building? Mr. Strouss stated that the maintenance building will remain.

Is the Barbin Way proposed to be a public road? Mr. Strouss stated that Barbin Way will be a public road.

15% landscaping of the development envelope is required in the RM zone.

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

A Bufferyard Standard C is required, outside the right-of-way, along the road frontages of the roads. A minimum 25' Bufferyard Standard C is required around the perimeter of the development tract.⁹

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. The adjacent properties' zoning has not been shown, as is required by §4.0.13 (l).

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 must have been approved (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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

A Landscape Agreement must be executed prior to recordation.

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

The internal road name "Barbin Way" has been approved by the County 911 Emergency Center.¹⁰

⁸ The last TIS for the Chesapeake Club was completed more than 23 years ago.

⁹ No parking areas, roadways, or accessory structures shall be permitted within the 25 foot planted buffer.

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

If these proposed lots are approved, then they must become part of an existing Chesapeake Club HOA, or a separate Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

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

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

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

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

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

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

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

The Concept SWM plan has been approved for Chesapeake Bay Golf Club, Lots 1-23.

1. The State Highway Administration (SHA) has outstanding issues with the MD 272 road improvements required to address the traffic generated by development in Chesapeake Club. This applicant as well as the developer of Chesapeake Club should contact the SHA to resolve the issues.
2. A Road & Storm Drain plan, 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 proposed Town water line locations must be reflected on the Road & Storm Drain as well as the Sewer Collection System plans.
4. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
5. 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.
6. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 6.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 6.2 Requirements for Utility relocations.
 - 6.3 Requirements for Public Works Agreements.
 - 6.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 6.5 Requirements for Driveways.
 - 6.6 Requirements for Final Plat - Sewer Allocation.
 - 6.7 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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.

¹⁰ Approval of road name(s) is normally a prerequisite for Preliminary Plat approval.

- 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. 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 water and sewer system constructions.
 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 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:

Water and Sewer allocation must be adequate for the Revised Concept Plat prior to final plat approval.

Statements regarding water and sewer must be on final and record plats along with statement of conformance with the Cecil County Water and Sewerage plan.

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

Chairman Doordan asked if anyone would like to speak in opposition of this project. The following individuals spoke:

Charlie Jackson, 66 Range Road, North East, MD; Phil Groff, 9 Yarmouth Lane, North East, MD; Robert Wagner, 66 Yarmouth Lane, North East, MD; Rich Haiber, 15 Yarmouth Lane, North East, MD; Dana Grant, 33 Yarmouth Lane, North East, MD; Rex Lee, 39 Yarmouth Lane, North East, MD; Robert Gaston, 57 Yarmouth Lane, North East, MD; Jeanne Ditter, 51 Range Road, North East, MD; Brian Grant, 33 Yarmouth Lane, North East, MD; Sharon Tietjens, 14 Yarmouth Lane, North East, MD; Patricia Yeatman, 43 Yarmouth Lane, North East, MD; Bobbi McGettigan, 27 Yarmouth Lane, North East, MD; Virginia Jackson, 66 Range Road, North East, MD.

Mr. Jackson reminded the Commission of an email that was sent to the Office of Planning and Zoning regarding his feelings of opposition to this project (see file for email). Mr. Groff submitted a petition signed by 100% of the Fairhaven Estates homeowners. All individuals that spoke in opposition testified that they believe this plat will decrease property values, create excessive water run-off, increase traffic, premiums paid for existing lots located on the course and excessive noise nuisances.

Discussion ensued regarding the reconfiguration of the golf course and the expected par for the 17th hole.

Mr. Barbin explained that he feels that the 17th hole as it stands today is dangerous for the surrounding properties.

Mr. Mullen feels that the plan as presented lacked too much information that the community would have benefited from having when reviewing it.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
- 2) The zoning classification(s) of all adjacent parcels' being shown on the Preliminary Plat prior to submission for TAC review;
- 3) Health Department requirements' being met;
- 4) DPW requirements' being met;
- 5) The Preliminary Forest Conservation Plan's being approved prior to Preliminary Plat review by the Planning Commission;
- 6) All subsequent Preliminary Plats' providing a full accounting, in tabular form, of the aggregate open space requirement and the deficit or surplus thereto created by said Preliminary Plat; and
- 7) Any subsequent Preliminary Plat's TAC review's being preceded by a completed and reviewed updated Transportation Impact Study (TIS).

A motion for disapproval due to lack of communication between the developer and the community was made by Mr. Doyle.

The motion was seconded by Mr. Miners.

Discussion ensued regarding the possible refunding of premiums paid by existing homeowners that will be affected by this change of the 17th hole configuration.

Unanimous vote for disapproval carried.

REZONING:

FILE 2015-04 - APPLICANT: Kevin M. Taylor.

REQUEST: Request to rezone .73 acres from Rural Residential (RR) to Light Industrial, (M-1).

PROPERTY LOCATION: 41 Cherry Hill Road, Elkton, MD 21921, Election District: 3
Tax Map: 20, Parcel: 221

PROPERTY OWNERS: Kevin M. Taylor.

PRESENTLY ZONED: Rural Residential, (RR).

Kevin Taylor, applicant and David Beste, Esq. appeared and gave an overview of the rezoning request. Mr. Taylor explained that he plans to build an approximately 800 sq. ft. building where 80% of the building will be used as storage and 20% will be used as a micro-brewery. He feels that this parcel of land is not suitable for residential use as it surrounded by roads traveled by cars going at a high rate of speed.

Mr. Sennstrom reminded the Commission that a Micro-Brewery is not a permissible use in Cecil County pursuant to the requirements of Article 2B of the Annotated Code of Maryland. Mr. Beste explained that his client is actually planning on having an M-5 Production-Brewery rather than a Micro-Brewery.

Discussion ensued regarding on-site sales and parking availability for this parcel.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends disapproval, due to no demonstrated change in the neighborhood or mistake demonstrated in the 2011 Comprehensive Rezoning.

ACTION: Motion made to recommend approval due to the belief that this project will be good for the county by Mr. Mullen. Chairman Doordan explained that a rezoning request can only be approved due to a demonstrated mistake in the 2011 Comprehensive Rezoning or a demonstrated change in the neighborhood.
Motion dies.

ACTION: Motion made to recommend disapproval due to no demonstrated change in the neighborhood or mistake demonstrated in the 2011 Comprehensive Rezoning by Mr. Wiggins.

Motion seconded by Mr. Doyle

VOTE: Members that voted in favor of disapproval were Wiggins, Doyle and Doordan.
Members that voted in opposition of disapproval were Miners and Mullen.

Motion for the recommendation of disapproval due to no demonstrated change in the neighborhood or mistake demonstrated in the 2011 Comprehensive Rezoning carried.

The next meeting for this application will be September 1, 2015 before the County Council.

FILE 2015-05 - APPLICANT: Henry L. Ray.

REQUEST: Request to re-designate the M-1 and ST zoning designations to accurately reflect the usage of the property.

PROPERTY LOCATION: 351 & 353 Mechanics Valley Road, North East, MD 21901,
Election District: 5, Tax Map: 31, Parcels: 1123 & 470.

PROPERTY OWNERS: Henry L. Ray

PRESENTLY ZONED: Light Industrial, (M-1) and Suburban Transition, (ST).

Karl Fockler, Esq. and Henry Ray, applicant, appeared and presented an overview of the rezoning request. Mr. Fockler explained that in 1981, Mr. Ray's father rezoned his property to reflect an M-1 & SR zoning (Exhibit 1 – opinion). During the 2011 Comprehensive Rezoning, Mr. Ray's property was erroneously zoned to the previous zoning that was prior to the 1981 request.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval, due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to recommend approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning by Mr. Miners.

Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously to recommend approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning. Motion carried.

The next meeting for this application will be October 6, 2015 before the County Council.

SPECIAL EXCEPTION:

FILE: 3727 - APPLICANT: T&M Catering, LLC.

FOR: Special Exception to operate an in-home catering business.

PROPERTY LOCATION: 259 Slicers Mill Road, Rising Sun, MD 21911, Election District: 6,
Tax Map: 3, Parcel: 162.

PROPERTY OWNER: Tracey L. Schultheis.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Kim Smith, co-owner of T&M Catering, LLC, appeared and presented an overview of the application. Ms. Smith explained the expected delivery schedules for materials as well as the amount of employees staffed and the hours of operation. She stated that there would be no on-site sales and no advertisement on the property.

HEALTH DEPARTMENT: Submit proposal to the Cecil County Health Department for review.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval for as long as the applicant owns the property and operates the business.

ACTION: Motion made to recommend approval for as long as the applicant owns the property and operates the business by Mr. Mullen.

Motion seconded by Mr. Miners.

VOTE: Members voted unanimously to recommend approval.

Motion for the recommendation of approval for as long as the applicant owns the property and operates the business carried.

The next meeting for this application will be August 25, 2015 before the Board of Appeals.

FILE: 3728 - APPLICANT: Jay C. Emrey, III.

FOR: Special Exception Renewal to hold special events for groups of up to 25 people.

PROPERTY LOCATION: 55 Patrick Ward Drive, Rising Sun, MD 21911, Election District: 5,
Tax Map: 24, Parcel: 201, Lot 2.

PROPERTY OWNER: Estate of Anthony E. Weymouth, John Thorndike, PR.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Jay Emrey, Esq. and Bill Machold, representative for the applicant, appeared and presented an overview of the application. Mr. Machold explained that the groups that meet on the property have operated over the past year with no complaints. They do not plan on changing any part of the operation on the groups that meet other than asking / accepting donations from participants. They still expect to have groups of up to 25 people. Mr. Machold expressed his desire to allow other outside groups to use the facility for gatherings as well.

HEALTH DEPARTMENT: Septic system is adequate. The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: Jennifer Williams, 1014 Doyle Road, Street, MD expressed her support for this group. Ms. Williams is a board member for the foundation. She feels this group is very helpful for individuals seeking treatment. She testified that there has been far less traffic at the location.

COMMENTS IN OPPOSITION: Alan Kohjada, 54 Patrick Ward Drive, Rising Sun, MD appeared in opposition. Mr. Kohjada stated that he has concerns with increase traffic. He feels that if this group opens their doors to other groups from in and out of the County, the operation will cause a nuisance to surrounding properties.

RECOMMENDATIONS:

Staff recommends approval for five (5) years and for groups of up to 25 people.

ACTION: Motion made to recommend approval for five (5) years and for groups of up to 25 people by Mr. Miners.

Motion seconded by Mr. Doyle.

VOTE: Members voted unanimously to recommend approval for five (5) years and for groups of up to 25 people.

Motion for the recommendation of approval for five (5) years and for groups of up to 25 people carried.

The next meeting for this application will be August 25, 2015 before the Board of Appeals.

FILE: 3729 - APPLICANT: Chesapeake Feline Association, Inc..

FOR: Special Exception for an in-home occupation.

PROPERTY LOCATION: 88 Spring Hill Lane, North East, MD 21901, Election District: 5,

Tax Map: 37, Parcel: 428, Lot 8.

PROPERTY OWNER: 88 Spring Hill Lane, LLC, Mary Fabulics, Managing Member.

PRESENTLY ZONED: Rural Residential, (RR).

Jay Emrey, Esq., Mary Fabulics, Managing Member and Dawn Cowey, appeared and presented an overview of the application. The applicant provided the Commission with pictures (exhibits 1-4) of the property in question and the new construction of the building that houses the cats. Also provided was a Chesapeake Feline Association (CFA) procedures booklet (exhibit 5). The applicants explained that there would be no advertisement on the property. Ms. Fabulics stated that CFA recently received a \$5000 grant from the County for their organization.

HEALTH DEPARTMENT: Submit plans for waste disposal created by this request to the Cecil County Health Department for review.

COMMENTS IN SUPPORT: The following individuals spoke:

John McCain, 1280 Irishtown Road, North East, MD; Marla McCain, 1280 Irishtown Road, North East, MD; Robert Faul, 8 Spring Hill Lane, North East, MD; Donald Hash, 1820 Old Elk Neck Road, Elkton, MD; Alma Faul, 8 Spring Hill Lane, North East, MD; Colleen Megabow, 414 Cedar Point Drive West, Karen Burkhart, 259 Inspiration Road, North East, MD; Kathryn Cross, 28 Greenwood Ave., Baltimore, MD. The individuals

that spoke in favor of this application testified that the property is kept in excellent condition, cats are cared for properly, there is little traffic due to the operation and no nuisances have been created for the neighbors. Testimony was also heard regarding the trespassing of neighbors on the property. An overview was given on the number of adoptions from CFA.

COMMENTS IN OPPOSITION: The following individuals spoke:

Bert Krasman, 56 Spring Hill Lane, North East, MD; Steve Weller, 1304 Irishtown Road, North East, MD; Melvin Titus, 1292 Irishtown Road, North East, MD; Rita Reddish, 1312 Irishtown Road, North East, MD; Sandra Krasman, 56 Spring Hill Lane, North East, MD, Terry Brown, 1186 Irishtown Road, North East, MD; Pat Falini, 1178 Irishtown Road, North East, MD and John Falini, 1178 Irishtown Road, North East, MD. The individuals that spoke in opposition of this application testified that the operation of this business is having a negative impact on the neighboring properties, increasing traffic in the area and causing a nuisance smell in the neighborhood. Some individuals stated that they have seen an increase of cats in the area and wanted to understand why this business was opened without the prior approvals prior to building. The majority felt that this is an upstanding association but it should operate at a more suitable location.

Mr. Emrey presented the Planning Commission with copies of emails received in support of the organization.

RECOMMENDATIONS:

Staff recommends approval for five (5) years.

ACTION: Motion made to recommend approval for five (5) years by Mr. Miners.

Motion seconded by Mr. Mullen.

VOTE: Members voted unanimously to recommend approval for five (5) years.

Motion for the recommendation of approval for five (5) years carried.

The next meeting for this application will be August 25, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 9:54 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, September 21, 2015 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, September 21, 2015
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins, Bill Miners, Roger Persons, Wyatt Wallace, Chad Johnston, Joyce Bowsbey (Ex-Officio), Randy Jackson, Esq., Lloyd Harmon (DEH), Mark Woodhull (DPW), Cliff Houston (P&Z), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z), Steve O'Connor (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Tom Mullen (Alternate).

MINUTES- Motion made by Mr. Wallace seconded by Mr. Wiggins and unanimously carried to approve the Monday, August 17, 2015, 6:00 p.m., minutes as mailed.

Chairman Doordan announced that File # 2015-07, Chesapeake City Volunteer Fire Company, was withdrawn by the applicant.

Chairman Doordan also welcomed new Planning Commission member, Roger Persons, to the board.

SUBDIVISIONS:

1. West Creek Village, 904 Units, Revised Preliminary Plat Extension, Fletchwood Road, McBride & Ziegler, Inc., Fourth Election District.

Andrea Finerosky 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.

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, remained 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 the same as those established on 3/20/06:

- 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 have, in the interim, been satisfactorily addressed.

The Final Plat (190 lots; 480 apartment units), consistent with the approved, revised Preliminary Plat approved on 9/17/12, was approved on 12/15/14, 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 Plat¹; and
- 10) The sewer easement's being clearly labeled prior to recordation.

¹ Approved, subsequent Preliminary and Final Plats would necessarily follow.

That plat was signed on 12/19/14, so the Preliminary Plat, which remained valid until 9/30/15, now, per §4.1.16, remains valid until 12/19/16.

If the requested extension is granted, then the revised West Creek Village Preliminary Plat shall remain valid until 9/30/17.

§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 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."

Staff reports that there were no salient changes therein pertinent to this application.

Mr. Woodhull, DPW, read the comments of the department:
The Department has no objection to the proposed extension.

Mr. Wiggins read the comments of the Health Department:
The Health Department has no objection to revised Preliminary Plat extension. The applicant is reminded that COMAR 26.04.03 limits Health Department extension 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 comments offered from the serving Fire Company.

Mr. Di Giacomo read the recommendation of the staff:
The GRANTING of another two-year extension of Preliminary Plat approval, to expire on 9/30/17.

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

All approve. Motion carried.

2. West Creek Village, Replacing 48 Apartment Units with 20 Townhomes, Revised Preliminary Plat, Fletchwood Road, McBride & Ziegler, Fourth Election District.

Andrea Finerosky 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.

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, remained 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 the same as those established on 3/20/06:

- 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 have, in the interim, been satisfactorily addressed.

The Final Plat (190 lots; 480 apartment units), consistent with the approved Preliminary Plat approved on 9/17/12, was approved on 12/15/14, 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 Plat²; and
- 10) The sewer easement's being clearly labeled prior to recordation.

That plat was signed on 12/19/14, so the Preliminary Plat, which remained valid until 9/30/15, now, per §4.1.16, remains valid until 12/19/16.

If approved by the Planning Commission, then this Revised Preliminary Plat, per §4.1.16, "...shall be valid for a period of three (3) years at the end of the month from the date and month in which Planning Commission approval is granted."³

Essentially, this revision proposes to eliminate previously-proposed apartment buildings 11 and 11A and replace them with 20 townhouse-style apartment units and 16 garage units, thus partially offsetting the aforementioned reduction of townhouses.

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 net reduction in dwelling units and the additional entrance point from Willow Drive.

The proposed parking spaces continue to exceed the number required. Since the approval of the Preliminary Plat that is now proposed to be revised, a new Zoning Ordinance has been adopted, including Accessibility and Parking Requirement in Article XIV.

Pursuant to §274.9, the aforementioned excess parking spaces do not exceed the minimum required by more than 20% (only 5.86%).

Pursuant to §273.10, §273.11, and §274.9.b will any spaces be provided for use as electric vehicle recharging stations, as approved by the Maryland Electric Administration? Ms. Finerosky stated that this requirement will be addressed at the construction phase of the project.

§274.8 provides that "All multifamily residential subdivision site plans shall include a parking plan that includes a lighting plan in conjunction with a safe bicycle, pedestrian, and vehicular circulation plan."

How do these proposed design revisions conform to the requirements of §278.2, regarding bicycle access and facilities, as well as §279, regarding access as relates to the Americans with Disabilities Act? Ms. Finerosky stated that all units are ADA compatible; there will be no change in the layout.

The sidewalk along Fletchwood Road is not depicted on the plat, but it is referenced,⁴ consistent with their depiction on the conditionally approved Landscape Plan.⁵

² Approved, subsequent Preliminary and Final Plats would necessarily follow.

³ As stated at previous reviews, 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, and a revised Record Plat will need to be recorded accordingly.

⁴ See Site Data Note # 17.

A JD has been done.

Common open space has been labeled on the plat.⁶

The Landscape Plan has been conditionally approved, but it must be modified to conform with this proposed revision. 15% landscaping of the development envelope is required in the RM zone.

The FSD has been extended and is current.

Unless grandfathered, the SWM Final Plan must be approved prior to the submission of the Final Plat.⁷ Likewise, the Final Forest Conservation Plans (FCP) must be revised and approved prior to the submission of the Final Plat.

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

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

Documentation of water allocation and sewer allocation/capacity were previously provided by the applicant.

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

The Stormwater Management (SWM) plan addressing apartment buildings 11 and 16, as part of a larger phase (III) of development, was approved on 9-19-08. The proposed change to townhouses with the associated 14 garage units will result in an additional 5,572sf of impervious surface not included in the approved SWM plan.

With this in mind our comments are as follows:

1. With the current Environmental Site Design Waiver, the proposed SWM plan could be a modification to the approved plans as long as proposed location for SWM Pond 5 remains as part of the Applicants property.
2. If the proposed land transfer of 13.381 acres of Parcel 316 from West Creek Apartments LLC to the County takes place, SWM Pond 5 could not be built as proposed. This would require that you have a new SWM plan for the proposed townhouse units approved prior to submission of the final plat for review by the Planning Commission.
3. The proposed turnaround shown adjacent to proposed apartment building 15 and in Detail 'A' would only be required when the proposed land transfer of 13.381 acres of Parcel 316 from West Creek Apartments LLC to the County takes place. If the Board of Education and the Applicant come to an agreement to allow school bus service into the apartment complex the need for the proposed turnaround (Detail "A") as shown becomes moot. In any regard the final plat must reflect a revised end treatment for the extension of County ownership and maintenance of West Creek Village Drive.

Mr. Wiggins read the comments of the Health Department:

Water and Sewer allocation must be adequate for this change of apartments to townhouses.

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

⁵ That sidewalk was component of the 6th condition(s) of the 6/21/04 and the 3/20/06 approvals of the original and revised Preliminary Plats, respectively. It has been installed.

⁶ This Plat does not strictly comply with the requirements of §4.1.20 (r), but, because the previously-approved Preliminary Plats did, and because of the relatively minor nature of the proposed revisions, in this case, strict compliance will not be considered absolutely obligatory.

⁷ This issue is covered under condition # 2 of the Approval recommendation, page 5.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) Health Dept. requirements being met;
- 2) DPW requirements being met;
- 3) Modifications to the Landscape Plan and FCP being approved prior to the submission of the Final Plat;
- 4) All requirements of §278.2 and §279 being met;
- 5) The §274.8 requirements being met; and
- 6) Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Final and Record Plats.

A motion for approval of the Revised Preliminary Plat, was made by Mr. Miners.

The motion was seconded by Mr. Wiggins.

All approve. Motion carried.

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

Don Sutton, McCrone, Inc. and James Barczewski, 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: 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 situated within what is now 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.⁸

⁸ Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

§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 Concept Plat approval was granted one year extensions on 9/20/08, 9/15/09, 9/21/10, 9/19/11, 9/17/12, 10/21/13 and again on 9/15/14. The approval of this request would extend Concept Plat validity until 9/30/16.

§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 9/15/14 extension.⁹

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 and preliminary SWM plans must be approved prior to submitting the preliminary plat to the Planning Commission for review. The Applicant is advised that the SWM plan designed in accordance with the current Ordinance will most likely have an impact on the number of lots and their layout.

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~~

⁹ 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.

~~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?~~
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 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 one (1) year extension, to expire on 9/30/16.

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

The motion was seconded by Mr. Johnston.

All approve. Motion carried.

4. The Chesapeake Club, Lots 1-5, Revised Concept Plat, Range Road, McCrone, Inc., Fifth Election District.

David Strouss, McCrone, Inc. and Andrew Barbin, 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 RM zone allowed for a density of 6/1 with community facilities, and the original Concept Plat was approved on 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1.¹⁰

Revised Concept Plats were approved on 12/20/93, 6/20/94, 3/16/98, and 9/16/02.¹¹

Those revised Concept Plats have all adhered to the originally-approved golf course community layout and density of 3.5/1; and they have reflected only slight changes in design and structure types around the golf course.

¹⁰ The **RM** zone, with community facilities, currently allows densities if **6:1** for single family units, **10:1** for duplex and semi-detached dwelling units, **12:1** for townhouses, and **14:1** for apartment units.

¹¹ Concept Plats approved prior to 7/25/89 do not have a specified validity endpoint.

A revised Concept Plat, proposing 329 dwellings on 93.906 acres, for a proposed density of 3.504/1, was reviewed by the Technical Advisory Committee on 3/02/05.

Subsequently, on 3/19/12, a 'Presentation Plan' was presented to the Planning Commission. It was not an action item; rather it was an "information only" item. That 'Presentation Plan' was different than the 2005 Concept submittal that was reviewed by the TAC.

In addition, a revised Concept Plat was submitted last month.¹² The Concept Plat submitted for review today¹³ is different from both the 2005 and 2012 submissions¹⁴, as well as last month's submission – in that this revised Concept Plat proposes only 5 new lots.

Also, this submission is different from those of 2005 and 2012 in two important ways. First, this Concept Plat has kept the golf course as an integral feature of the Chesapeake Club. Second, this submission seeks to maintain the Chesapeake Bay Golf Club property's acreage at the original 100.99 acres.

This project location is now situated within the 2010 Comprehensive Plan's High Density Growth land use district, but it still remains in the RM zoning district.

The RM zone, with community facilities, currently allows densities of 6:1 for single family units, 10:1 for duplex and semi-detached dwelling units, 12:1 for townhouses, and 14:1 for apartment units.

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

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 I area.

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

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

¹² It was reviewed by the TAC on 8/5/15.

¹³ Per Section 4.0.2, 3rd sentence, you can submit for PC review without having to go back to TAC.

¹⁴ OPZ consistently commented at those respective reviews that previous approvals were predicated upon a layout that was comprised of residential development surrounding a golf course on Parcel 2. In addition, on the Record Plat signed on 3/5/96 (C-73), Parcel 2 was clearly delineated as "recreational."

In 2005, OPZ then commented: "This proposal is not consistent with the previously approved Concept, Preliminary, and Final Plats. As previously stated, Parcel 2 was intended to remain a recreational parcel, and, therefore, has no density. Accordingly, this plat cannot be reviewed by the Planning Commission since all of the lots contemplated on the previously approved Concept, Preliminary, and Final Plats are on other Parcels, not Parcel 2. If this is submitted for Planning Commission review, then it will be returned to the applicant."

Subsequently, on 4/20/05 the Director of Planning and Zoning wrote a letter to the Chesapeake Bay Golf Club, L.P., in which the Director found that Parcel 2 of the Chesapeake Club was intended to remain recreational, has no permitted density, and could not be developed.

The Chesapeake Bay Golf Club, L.P. appealed to the Cecil County Board of Appeals the decision of the Director's 4/20/05 letter, and, on 7/26/05, the Cecil County Board of Appeals **AFFIRMED**, by unanimous vote, the decision of the Director of Planning and Zoning in this matter.

The Chesapeake Bay Golf Club, L.P. then appealed the 7/26/05 decision of the Cecil County Board of Appeals to the Circuit Court for Cecil County, and, in turn, on 8/17/06, the Circuit Court for Cecil County **AFFIRMED** the decision of the Board of Appeals.

On 3/19/12, OPZ reiterated the fact that previous Concept, Preliminary, and Final Plat approvals were predicated upon a layout that was comprised of residential development surrounding a golf course on Parcel 2 – which, itself, had no density.

¹⁵ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

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.

Depending on the proposed dwelling type, either 15% or 20% open space is required in the RM 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 zones). The C.O.S. sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

In keeping with previous approvals, none of the Chesapeake Bay Golf Club property's 100.99 acres can be counted toward satisfying the open space requirement.

As commented at the 12/4/13 TAC review:

- 1) It will be a condition of any recommendation for approval that all subsequent Preliminary Plats provide a full accounting, in tabular form, of the aggregate open space requirement and the deficit or surplus thereto created by said Preliminary Plat; and
- 2) It will also be a condition of any recommendation of approval that any subsequent Preliminary Plat's TAC review be preceded by a completed and reviewed, updated Transportation Impact Study (TIS).¹⁶

What is the intended disposition of the existing golf course maintenance building? Mr. Strauss stated that the maintenance building will remain.

15% landscaping of the development envelope is required in the RM zone.

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

A Bufferyard Standard C is required, outside the right-of-way, along the road frontages of roads. A minimum 25' Bufferyard Standard C is required around the perimeter of the development tract.¹⁷

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

¹⁶ The last TIS for the Chesapeake Club was completed more than 23 years ago.

¹⁷ No parking areas, roadways, or accessory structures shall be permitted within the 25 foot planted buffer.

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 (§5.1.C, Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

The Preliminary Forest Conservation Plan (PFCP) and SWM Preliminary Plan must (shall) be approved prior to Planning Commission review of the Preliminary Plat (§6.2.B(1), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

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

A Landscape Agreement must be executed prior to recordation.

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

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

If these proposed lots are approved, then they must become part of an existing Chesapeake Club HOA, or a separate Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot being placed in escrow for improvements prior to recordation.

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

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

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

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

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

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

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

The SWM requirements for Lots 1-5 are addressed in the Concept SWM plan approved for Chesapeake Bay Golf Club, Lots 1-23.

1. The State Highway Administration (SHA) has outstanding issues with the MD 272 road improvements required to address the traffic generated by development in Chesapeake Club. This applicant as well as the developer of Chesapeake Club should contact the SHA to resolve the issues.

2. A 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 proposed Town water line locations must be reflected on the Sewer Collection System plans.
4. The Developer is responsible to have the serving fire company review fire hydrant spacing and locations prior to final engineering drawings submittal.
5. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 5.1 The Final Plat Lot Grading, Sidewalk Maintenance, and Lot Grading Plan Construction Limits Notes.
 - 5.2 Requirements for Utility relocations.
 - 5.3 Requirements for Public Works Agreements.
 - 5.4 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 5.5 Requirements for Driveways.
 - 5.6 Requirements for Final Plat - Sewer Allocation.
 - 5.7 Requirements for Sewer Service Cleanouts – Location.

Notes and requirements identified for record:

1. The Final Plat must include the Lot Grading Plan standard note and 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. 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 water and sewer system constructions.
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 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:

Water and sewer allocation must be adequate for the Revised Concept Plat prior to final plat approval.

Chairman Doordan asked if anyone would like to speak in favor or in opposition of this project. No one spoke in favor of this project. The following people spoke in opposition of this project, citing that the five new homes will create issues with safety, water run-off and the potential of noise disturbances for residents of the proposed and existing lots; R. Christopher Nelson, Esq., Attorney for Robert Wagner and the Fair Haven Estates HOA, Robert Wagner, 66 Yarmouth Lane, Richard Haiber, 15 Yarmouth Lane, Phil Groff, 9 Yarmouth Lane, Helen Snead, 74 Range Road, Sharon Tietjens, 14 Yarmouth Lane, Bobbi McGettigan, 27 Yarmouth Lane and Vire Patel, 37 Range Road, all of North East, MD

Mr. Wiggins asked the applicant what engineering plans will be in place to address the water run-off. Mr. Strauss explained that there is an existing ditch along Range Road. The water will run along the ditch into the forested area northeast of the proposed lots. He stated that water will not cross Range Road nor will it affect Yarmouth Lane.

Mr. Di Giacomo read the recommendation of the staff:

APPROVAL, conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
- 2) The zoning classification(s) of all adjacent parcels' being shown on the Preliminary Plat prior to submission for TAC review;
- 3) Health Department requirements' being met;
- 4) DPW requirements' being met;
- 5) The Preliminary Forest Conservation Plan's being approved prior to Preliminary Plat review by the Planning Commission;
- 6) All subsequent Preliminary Plats' providing a full accounting, in tabular form, of the aggregate open space requirement and the deficit or surplus thereto created by said Preliminary Plat; and
- 7) Any subsequent Preliminary Plat's TAC review's being preceded by a completed and reviewed, updated Transportation Impact Study (TIS).

A motion for approval was made by Mr. Johnston.

The motion was seconded by Mr. Miners.

All approve. Motion carried.

5. Recovery Centers of America (RCA) – Earleville, Conceptual Site Development Plan, Growth Allocation Request, Grove Neck Road, Rauch, Inc., First Election District.

Ryan Showalter, Esq., John Evans, RCA, Inc. and Robert Rauch, Rauch Engineering, appeared and presented an overview of the request. Mr. Showalter explained that this request for Growth Allocation is due to the change of proposed use on the property.

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

Zoning: SAR, RCA (Critical Area) -- GROWTH ALLOCATION

Process: Growth Allocation is basically a process of designating new LDA and IDA areas in the Critical Area in order to accommodate more intense activity or more intense density. In this case, the proposed project seeks to have 40 of 276.589 SAR/RCA acres re-designated as LDA.

§206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the Technical Advisory Committee (TAC) and Planning Commission agendas.

Pursuant to that requirement, the TAC's review took place on 8/5/15, and the Planning Commission's review is today – when it will recommend to Cecil County's County Council whether or not to award the Growth Allocation, based upon the established point award system.

If an application is approved by County Council, then the application is forwarded to the Critical Area Commission for review and possible approval, where, technically, it is the County's application.¹⁸

Project: This project is unique among Growth Allocation applications in Cecil County. Not only is the project site located within an existing, legally-recorded subdivision (Bracebridge), for which Growth Allocation was not involved; but it also is the site of a proposed redevelopment (Sassafras River Club), for which Growth Allocation was required and granted. Thus, this application for Growth Allocation is technically a request for a revision to the existing Growth Allocation for the pocket of LDA acreage on site.

¹⁸ Relatively minor GA changes, such as that previously discussed with Commission and County staff on 11/7/14 and 6/30/15, are considered mere Program Refinements. More significant Program Amendments require a more robust review and approval process, including public hearings.

The determination that a modified, or revised, Growth Allocation would be required for the change in proposed use was made at a meeting at the Maryland Critical Areas Commission offices in Annapolis on 11/7/14.¹⁹

Subsequently, pursuant to Article V, Part V, Section 91 of the Cecil County Zoning Ordinance, a Special Exception was granted for this proposed project by the Board of Appeals on 12/30/14, conditioned on the applicant's obtaining "a revised Growth Allocation Plan."

Since there is no subdivision intended, any improvements proposed will need to be approved via the Site Plan review and approval process, per §291 and Appendix A, in addition to Article XI, Part I (dealing with the Critical Area Overlay Zone).

The GA application submission consists of a 5-sheet "Growth Allocation & Concept Plan for RCA Earleville" (paginated C1-3 & E1 &2) and a 40+ page "Supplemental Narrative and Environmental Report." The application submitted for the 8/5/15 TAC review contained discrepancies between its "Supplemental Narrative and Environmental Report" and its 5-sheet "Conceptual Site Development Plan,"²⁰ which have been eliminated.

Per the "Supplemental Narrative and Environmental Report," the first phase would include the construction of an addition to the Manor House.

Scoring: The Cecil County Critical Area Program, adopted 7/5/88, established an application screening process "whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation." That process consists of a point award system, the intent of which is "to encourage location of projects for Growth Allocation in or adjacent to existing Limited Development or Intensely Developed Areas and in the Suburban, Town, or Development Planning Districts as described in the Comprehensive Plan through the point award system."

The details of the point award system are contained in §206, 207 and 208 of the Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth allocation and reclassification is 90 points. The Ordinance does not provide for any alternative screening mechanism.

The applicant has scored the project and awarded it 95 points, which is above the threshold for the awarding of Growth allocation and reclassification. The points awarded by the applicant are as follows:

1. For "Development Type,"²¹ a maximum score of 40 points is possible, and the applicant has self-scored the project 40 points. Forest contiguity is maintained and the 20-acre minimum open space outside the Critical Area is exceeded by approximately 180 acres. Staff concurs with the 40 point score. [40]
2. For "Buffer Enhancement,"²² a maximum score of 20 points is possible, with the applicant having self-scored the project 15 points. Staff concurs. [55]

¹⁹ There was a subsequent meeting among the applicant, Commission staff, and County staff on 6/30/15 in Annapolis.

²⁰ The 5-sheet Site Plan depicted in the Critical Area Sites A – H, which (only) the Narration, on page 4, are erroneously referenced as Sites A – E, and indicated to be "potential structures" in subsequent phases.

The Site Plan's Sites A – H were at odds with the Narration's Sites A – E, and they were both at odds with information previously presented at the 11/7/14 and 6/30/15 meetings with Critical Area Commission staff and testimony before the Board of Appeals regarding the Special Exception, wherein Mr. O'Neill stated: "Although a portion of the property is in the Critical Area District, none of the proposed construction would occur in the critical area [sic]." As shown and described in this application, the development of Sites A – H would, in fact, result in construction in the Critical Area, thus raising several questions.

It was the opinion of OPZ staff, that if the application were explicitly amended on both the Site Plan and in the Narrative, to the effect that, in the interest of full disclosure and transparency, Sites A – H have been presented as information only, relating to a possible component of potential, subsequent phase(s), prior to its submission for review and recommendation to the Planning Commission, then the Planning Commission would be completely clear as to the specifics of their recommendation.

²¹ §208.1.

²² §208.2 (a).

3. For “Location of Development,”²³ the applicant has self-scored the project 10 out of a maximum score of 15 points. This site is across the Back Creek from and adjacent to Indian Acres (existing LDA). Staff again concurs with the scoring. [65]
4. For “Forest and Woodland Protection,”²⁴ a maximum score of 10 points is possible, with the applicant having taken credit for 3. Since there isn’t 40% forest cover, only 3 points can be awarded. Staff concurs. [68]
5. For “Habitat Protection,”²⁵ a maximum score of 10 points is possible, and the applicant has self-scored the project 3 points. Staff concurs with the awarding of 1 point for the avoidance of wetland impacts (‘a’) and 2 points for maximum distance possible from a habitat protection area (d). [71]
6. For “Water Quality,”²⁶ a maximum score of 8 points is possible, with the applicant having self-scored the project all 8 points, based upon approximately 5% planned lot coverage. Staff concurs. [79]
7. For “Resource Utilization,”²⁷ the applicant has self-scored the project 6 out of a possible 6 points. Staff again concurs. [85]
8. For “Erosion Control,”²⁸ a maximum score of 3 points is possible, with the applicant having self-scored the project 0 points. [85]
9. For “Water-dependent Facilities,”²⁹ a maximum score of 3 points is possible, with the applicant having taken credit for 0. [85]
10. For “Bonus Points,”³⁰ a maximum score of 65 points is possible, and the applicant has self-scored the project 10 points, and staff concurs. [95]

The net result is that there appears to be a surplus of 5 points. Based on this analysis, staff finds, predicated on the assumptions that the extant lots ultimately will expunged that this project is eligible for consideration for the granting of Growth Allocation.

In this case, the Planning Commission today will render a recommendation, not a decision. The decision whether or not to grant the requested Growth Allocation rests with County Council.

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

Otherwise the Department has no objection to the proposed growth allocation request.

Mr. Wiggins read the comments of the Health Department:

The Cecil County Health Department has received sewage plans for phase 1, to include 49 beds for a rehabilitation center split between the main house and one of the existing barns. To keep sewage design flow under 5000 gallons per day (GPD).

Future development plans show a proposal to add to the main house, a waterfront mediation building and a semi-public in the Critical Area. When total site projected sewage flows exceeds 5000 GPD, whether utilizing one centralized or multiple sewage systems, a groundwater discharge permit will likely be required. The Health Department offers no assurance that a flow exceeding 5000 gallons per day can be accommodated on lot 41.

Approval from MDE for a public water supply is required. When treatment capacity exceeds 5000 GPS, both the water and sewerage system must be listed in the Cecil County Master Water and Sewerage Plan. The Master Water and Sewerage Plan was previously modified to list the sewerage system as a private community multi-use sewerage system.

²³ §208.3.

²⁴ §208.4 (b).

²⁵ §208.5 (a) & (d).

²⁶ §208.6.

²⁷ §208.7 (b).

²⁸ §208.8.

²⁹ §208.9.

³⁰ §208.10

Plans for food service facility must be approved prior to any site plan or building permit approval. Plans for the pool must be approved by DHMH prior to any approval of a site plan showing the pool.

A Groundwater Appropriation Permit has not been issued for this project. A Groundwater Appropriation Permit must be issued prior to Health Department approval of any site plan or permit.

Discussion ensued regarding the process of review by the Critical Area Commission and the reasoning behind the need of another Growth Allocation request on this land.

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:

RECOMMENDATION:

Recommendation for APPROVAL, conditioned on:

- 1) The understanding that the revised Growth Allocation is limited to the 49-bed facility and addition to the Manor House as described in the “Supplemental Narrative and Environmental Report” (therein described as “the initial phase”), only;
- 2) The added understanding that the revised Growth Allocation, though limited per 1), above, includes the clearing of approximately one-half (.53) acre of trees outside of the Buffer, construction of a wastewater treatment facility outside the Critical Area, and minor parking improvements;
- 3) The understanding that the revised Growth Allocation, as described in 1), and 2), above, constitutes a Critical Area “program refinement” – which does not require a public hearing;
- 4) The understanding that at such time as any “Subsequent phase(s)” may be proposed, then that could possibly necessitate the applicant’s going back to the pre-submission, inter-departmental stormwater review (such as that performed on 6/29/15 for the “initial phase” proposal); and
- 5) The understanding that any possible granting of the requested Growth Allocation by the County Council of Cecil County is contingent upon like action by the Chesapeake and Atlantic Bays Critical Areas Commission.

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

All approve. Motion carried.

AGRICULTURAL PRESERVATION DISTRICT:

FILE CE-16-01 -APPLICANT: Quiet Acres Farm.

FOR: Preservation District Establishment.

PROPERTY LOCATION: 1306 Middle Neck Road, Warwick, MD 21912, Election District: 2, Tax Map; 53, Grid: 24, Parcel: 10.

ACREAGE: 240.8

PROPERTY OWNERS: Quiet Acres Farm, Inc. & John W. Loller.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Steve O’Connor, MALPF Administrator, appeared and gave an overview of the application.

The proposed district property is located at 1306 Middleneck Road, Warwick Maryland 21912; and further identified as Tax Map 53, Grid 24 Parcel 10. Zoned SAR, the property is located in the 2nd Election District, and contains 240.8 acres. The entire property will be located within the district.

The proposed district would become part of 1273.2 contiguous acres of permanently protected lands. The proposed district is located outside of Master Water & Sewer Plan service areas. Chapter A385-3 of the Code of Cecil County set the regulatory Criteria for the establishment of an Agricultural Preservation District. Subsection D of Chapter A385-3 requires that all districts consist of "a minimum of 50% of USDA soil capability classes I, II, & III; and if the property is wooded than at least 50% of the soils shall be woodland groups 1 and 2. This proposed district contains a total of 197.28 acres of class I, II, and III soils, and the proposed district contains a total of 30.73 acres of woodland groups 1 and 2 soils.

Subsection C of Chapter A385-3 requires that all Districts consist of a minimum of 50 contiguous acres. This proposed District contains 240.8 acres and does meet this requirement.

Tonight's action is to provide a recommendation to the County Council.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Both Staff and the Agricultural Preservation Advisory Board recommend approval.

ACTION: Motion made to recommend approval by Mr. Johnston.
Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously.

Motion carried.

The next meeting for this application will be October 6, 2015 before the County Council.

REZONING:

FILE 2015-06 - APPLICANT: 213 Farms, LLC.

REQUEST: Request to rezone 6 acres from Low Density Residential (LDR) to Business General, (BG).

PROPERTY LOCATION: N/E corner of Williams Road & MD Rte 213, Election District: 2
Tax Map: 38, Parcel: 539.

PROPERTY OWNER: 213 Farms, LLC c/o Ted Mercer

PRESENTLY ZONED: Low Density Residential (LDR) and Business General, (BG).

Dwight Thomey, Esq. and Ted Mercer, applicant, appeared and gave an overview of the application. Mr. Thomey explained that the actual acreage for the existing BG zoned area on this property is not known. He believes it is estimated between 2-3 acres. He feels as though a mistake was made during the 2011 Comprehensive Rezoning when this property's BG area was not clearly delineated. He also feels that due to the golf course no longer being in existence, it constitutes a change in the area.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following members spoke in opposition of this rezoning, citing concerns with safety on the existing roads and the un-necessary need to increase the already existing BG zoning on the

property. They collectively feel that there was not a mistake made during the 2011 Comprehensive rezoning. Those individuals are: James Dellmyer, Esq., representing Steven & Kathy Klein, 18 Pine Valley Road, Scott Biron, 45 Sunnybrook Drive and Joe Cline, 144 Spears Hill Road, all of Elkton, MD.

Discussion ensued regarding the amount of acreage that is currently zoned BG on the property in question.

RECOMMENDATIONS:

Staff recommends approval, due to a mistake demonstrated in the 2011 Comprehensive Rezoning.

ACTION: Motion made to recommend approval, due to a mistake demonstrated in the 2011 Comprehensive Rezoning, by Mr. Johnston.

Motion died for lack of second.

ACTION: Motion made to recommend disapproval, due to no demonstrated mistake in the 2011 Comprehensive Rezoning by Mr. Miners.

Motion seconded by Mr. Wiggins.

VOTE: Members whom voted in favor of disapproval included, Miners, Wiggins, Wallace and Persons. Johnston voted in opposition of disapproval.

Motion for the recommendation of disapproval due to no demonstrated mistake in the 2011 Comprehensive Rezoning, carried.

The next meeting for this application will be November 3, 2015 before the County Council.

FILE 2015-07 - APPLICANT: Chesapeake City Volunteer Fire Company.

REQUEST: Request to rezone 15.2 acres from Southern Agricultural Residential, (SAR) to Business General, (BG).

PROPERTY LOCATION: 2859 Augustine Herman Highway, Chesapeake City, MD 21915, Election District: 1, Tax Map: 43, Parcel: 6.

PROPERTY OWNER: Chesapeake City Volunteer Fire Company, c/o Edward L. Long.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

WITHDRAWN, by the applicant.

SPECIAL EXCEPTION:

FILE: 3731 - APPLICANT: Rose Bank Cemetery Association, Inc.

FOR: Special Exception to operate a cemetery.

PROPERTY LOCATION: North East Road, North East, MD 21901, Election District: 9, Tax Map: 12, Parcel: 95.

PROPERTY OWNER: Mary B. Crothers.

PRESENTLY ZONED: Village Residential, (VR).

Clay McDowell, Vice President – Rose Bank Cemetery Association Board and Clifford England, President – Rose Bank Cemetery Association Board, appeared and gave an overview of the application. In his presentation, Mr. McDowell requested a waiver of the required plantings outlined in Appendix B in regard to a bufferyard C. He would like the buffers to have more of a gardenesque feel to them rather than the canopy trees, etc., outlined in the Zoning Ordinance. He stated that there are still plots left at the existing Rose Bank Cemetery, therefore, they don't expect to be utilizing this land for the next several years.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: The following people spoke in opposition of this request citing that lack of parking for funeral processions and the concern of larger buffers being placed on the land: Shannon Docherty, 170 Old Zion Road and Laird Bradley, 158 Old Zion Road, both of Rising Sun, MD.

Discussion ensued regarding a time frame of use of the land and placement of plots.

RECOMMENDATIONS:

Staff recommends approval, for as long as the applicant owns the property and operates the cemetery.

ACTION: Motion made to recommend approval with modified bufferyard C plantings, for as long as the applicant owns the property and operates the cemetery by Mr. Wiggins.

Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously.

Motion for approval, with modified bufferyard C plantings, for as long as the applicant owns the property and operates the cemetery, carried.

The next meeting for this application will be September 29, 2015 before the Board of Appeals.

FILE: 3733 - APPLICANT: Vickie M. McConnell.

FOR: Special Exception to place a mobile home on the property for agricultural purpose.

PROPERTY LOCATION: 2042 Colora Road, Colora, MD 21917, Election District: 6, Tax Map: 17, Parcel: 515

PROPERTY OWNER: Vickie M. McConnell.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Vickie McConnell appeared and presented an overview of her application. She explained that several years ago, her mother had received a Special Exception to place a mobile home on the property for hardship purposes. Her mother has since passed away; the mobile home remains on the property. She is short handed on the farm, therefore, she is requesting to place a family in the existing mobile home to help her with upkeep with the land and animals.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection of this request of special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval, for as long as the applicant owns the property and operates the farm.

ACTION: Motion made to recommend approval for as long as the applicant owns the property and operates the farm by Mr. Miners.

Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously.

Motion for the recommendation of approval, for as long as the applicant owns the property and operates the farm, carried.

The next meeting for this application will be September 29, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 8:42 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, October 19, 2015 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, October 19, 2015
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Ken Wiggins, Bill Miners, Roger Persons, Chad Johnston, Joyce Bowsbey (Ex-Officio), Cameron Brown, Esq., Lloyd Harmon (DEH), Mark Woodhull (DPW), Cliff Houston (P&Z), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Wyatt Wallace, Tom Mullen (Alternate).

MINUTES- Motion made by Mr. Johnston seconded by Mr. Miners and unanimously carried to approve the Monday, September 21, 2015, 6:00 p.m., minutes as mailed.

SUBDIVISIONS:

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

Baldwin Mill was withdrawn due to the application being reviewed administratively. Preliminary Plat extension was granted.

2. Kirks Mill Manor, Re-subdivision, Phase III, 2 Lots, Preliminary – Final Plat, Joseph Biggs Hwy (MD Rte 274), Karins and Associates, Ninth Election District.

John Mascari 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,¹ the remaining potential from the Kirk's Mill Manor proposal is four (4) lots.

¹ 1-3, 5, and 15.

As established by the County's adoption of the Sustainable Growth and Agricultural Preservation Act's² 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 previous remaining lands, and the creation of 2 new lots: proposed Lots 4 and 6. This proposal's Concept Plat was reviewed by the TAC on 3/5/14, and approved³ on 12/15/14, 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.

The Tier III reporting requirements were satisfied prior to the TAC's review of the Preliminary-Final Plat.

The note that indicates that is only concerning add-ons and not for development must be modified or removed prior to Recordation. Two new lots are proposed.

This Preliminary-Final Plat⁴ is consistent with the approved Concept Plat.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.⁵

Slopes greater than 25% have been shown.

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

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

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

² SB 236.

³ This was essentially the same as that previously reviewed by the TAC, except that the 1.124 ac. that were previously 'Add-on C' were no longer proposed to be added on to the Lands of Jourdan; and the two-acre 'Add-on D' was subsequently relabeled as the new 'Add-on C'.

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

⁵ The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

§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%⁶ 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, and 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.

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

The Forest Stand Delineation (FSD) and SWM Concept Plan have been approved.

The final Forest Conservation Plan (FCP)/Landscape Plan and SWM Final Plan have been approved.

Any Landscape Agreement must be executed prior to recordation.

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

There are no internal road names that needed to be approved.

What agreements are either in place or proposed to effectuate the joint access to MD 274 by proposed Lots 4 and 5A? There is a recorded private driveway easement agreement.

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.

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

General Note # 9 has been corrected.

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

The final stormwater management plan for Grass Residence – Kirks Mill, Lots 4 & 6 has been approved therefore the Department has no objection to approving the Final Plat presented here.

Mr. Wiggins read the comments of the Health Department:

Plat is satisfactory. The Health Department has no objection to this plat.

⁶ 60% is the qualifying threshold.

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 plat note indicating that this plat is only concerning add-ons, and not for development, being modified or removed prior to Recordation;
- 4) Covenants prohibiting the subdivision of the large lot (open space) being recorded prior to plat recordation and noted on the Record Plat;
- 5) Any Landscape Agreement's being executed prior to recordation;
- 6) Deed restrictions for the long-term protection of the Forest Retention/ Afforestation Areas (**FRA**s) being recorded and noted on the plat prior to recordation, with the metes and bounds description of the FRA being shown on the Record Plats; and
- 7) Documentation of recorded driveway easement agreements for proposed Lots 4 & 5A being provided to OPZ prior to Recordation.

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

All approve. Motion carried.

REZONING:

FILE 2015-08 - APPLICANT: Complete Recycling Group, LLC.

REQUEST: Request to rezone 124.4196 acres from Urbanized Residential (UR) to Heavy Industrial, (M2).

PROPERTY LOCATION: W/S Baron Road, W of Leslie Road, North East, MD 21901, Election District: 5, Tax Map: 25, Parcels: 381/440/382.

PROPERTY OWNER: Complete Recycling Group, LLC, c/o Richard Polansky.

PRESENTLY ZONED: Urbanized Residential, (UR).

Karl Fockler, Esq. and Richard Polansky, landowner, appeared and presented an overview of the rezoning request. Mr. Fockler explained that several years ago the Mars family owned this land and operated a salvage yard on the property. In the mid 2000's the family sold the property to a potential developer. The new owner had requested to have this property rezoned from Heavy Industrial, (M2) to Urbanized Residential, (UR) for future development; their plan was to develop this land into a major subdivision. Due to the housing market crash, the developer backed out. This parcel has always been home to a salvage yard, recycling operation, even after the UR zoning designation was approved. Mr. Polansky feels that it was a mistake to have had this parcel rezoned to residential and is requesting that the designation be returned to M2 to match the current and past use of the property. His plan is to expand his recycling operation. Mr. Fockler explained that he had been in touch with a CSX representative whom stated that CSX would look into having this site become a CSX spur.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection of this request of rezoning.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

Mr. Houston read a letter that was received by OPZ that is in opposition of this rezoning. The letter was sent from Mr. John Jansen. See file for letter.

RECOMMENDATIONS:

Staff recommends approval of this rezoning due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to recommend approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning by Mr. Johnston.

Motion seconded by Mr. Miners.

VOTE: Members voted unanimously, in favor of the motion.

Motion for the recommendation of approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning, carried.

The next meeting for this application will be December 1, 2015 before the County Council.

SPECIAL EXCEPTION:

FILE: 3736 - APPLICANT: Scott & Barbara Millar.

FOR: Special Exception Renewal to hold events on the property.

PROPERTY LOCATION: 555 Worsell Manor Road, Warwick, MD 21912, Election District: 1,

Tax Map: 58, **Parcel:** 42

PROPERTY OWNER: Scott & Barbara Millar.

PRESENTLY ZONED: Southern Agricultural Residential, (SAR).

Scott and Barbara Millar appeared and presented an overview of their request. Mr. Millar stated that for the past two years, they have operated under their Special Exception. They would like to continue holding events on the property.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of special exception with the use of port-a-pots and no more than 8-12 events per year.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval for as long as the applicants own the property and operate the business.

ACTION: Motion made to recommend approval per staff's recommendation by Mr. Johnston.

Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously, in favor of the motion.

Motion for approval for as long as the applicants own the property and operate the business, carried.

The next meeting for this application will be October 27, 2015 before the Board of Appeals.

FILE: 3737 - APPLICANT: Shelly Wyatt.
FOR: Special Exception to operate an in-home business.
PROPERTY LOCATION: 475 Telegraph Road, Rising Sun, MD 21911, Election District: 6,
Tax Map: 10, Parcel: 13.
PROPERTY OWNER: Richard Meadows.
PRESENTLY ZONED: Suburban Transition, (ST).

Shelly Wyatt, appeared and presented an overview of her request. She explained that she would like to open a book store, a few days per week. She will also offer internet sales.

Mrs. Bowsbey asked if there was adequate parking. Ms. Wyatt said yes.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection of this request of special exception.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommends approval for two (2) years.

ACTION: Motion made to recommend approval per staff's recommendation, by Mr. Miners.
Motion seconded by Mr. Persons.

VOTE: Members voted unanimously, in favor of the motion.

Motion for approval for two (2) years, carried.

The next meeting for this application will be October 27, 2015 before the Board of Appeals.

FILE: 3738 - APPLICANT: Lisa Wyatt.
FOR: Special Exception to place a mobile home on the property for hardship purposes.
PROPERTY LOCATION: 980 Telegraph Road, Rising Sun, MD 21911, Election District: 9,
Tax Map: 11, Parcel: 338
PROPERTY OWNER: George Case.
PRESENTLY ZONED: Rural Residential, (RR).

Lisa Wyatt appeared and presented an overview of her request. She explained that her father is 77 years of age and is having a difficult time living on his own. She would like to place the mobile home on his property so she could take care of him.

HEALTH DEPARTMENT: – Soil evaluations were performed on October 14, 2015 by Environmental Health Specialist Meredith Springsteen and found to be satisfactory for installation of on-site sewage disposal. Septic plans will be issued when a building permit is received and approved.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval for as long as Mr. Case owns the property and Ms. Wyatt resides in the mobile home.

ACTION: Motion made to recommend approval per staff's recommendation, by Mr. Wiggins.
Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously, in favor of the motion.

Motion for approval for as long as Mr. Case owns the property and Ms. Wyatt lives in the mobile home, carried.

The next meeting for this application will be October 27, 2015 before the Board of Appeals.

FILE: 3739 - APPLICANT: David & Karen Jackson.

FOR: Special Exception Renewal to operate an in-home business.

PROPERTY LOCATION: 1855 Old Elk Neck Road, Elkton, MD 21921, Election District: 5,
Tax Map: 37, Parcel: 449

PROPERTY OWNER: David & Karen Jackson.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

David and Karen Jackson appeared and presented an overview of their request. Mr. Jackson explained that they have operated the Day Basket Company under a Special Exception for the past two (2) years; they would like to continue to do so.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection of this request of special exception.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval for as long as the applicants own the property and operate the business.

ACTION: Motion made to recommend approval per staff's recommendation, by Mr. Miners.
Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously, in favor of the motion.

Motion for approval for as long as the applicants own the property and operate the business, carried.

The next meeting for this application will be October 27, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:38 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, November 16, 2015 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, November 16, 2015
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Roger Persons, Wyatt Wallace, Chad Johnston, Tom Mullen (Alternate), Joyce Bowsbey (Ex-Officio), Cliff Houston (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Ken Wiggins, Bill Miners, Cameron Brown, Esq., Lloyd Harmon (DEH), Mark Woodhull (DPW), Eric Sennstrom (P&Z) and Tony Di Giacomo (P&Z).

MINUTES- Motion made by Mr. Chad Johnston seconded by Mr. Persons and unanimously carried to approve the Monday, October 19, 2015, 6:00 p.m., minutes as mailed.

Chairman Doordan remarked that several people in the audience were attending for File 3746. He asked the board if they were interested in hearing File 3746's application first. A motion for moving this file to the beginning of the agenda was made by Mr. Wallace and seconded by Mr. Johnston. All approve. Motion to hear File 3746 first, carried.

Mr. Houston announced that File 3745 – Len & Dianna Shufelt, has been postponed at the applicant's request, until the December 21, 2015 Planning Commission meeting.

SUBDIVISIONS:

No subdivision submittals were received for review by the Planning Commission.

FILE: 3746 - APPLICANT: Michael Browne.

FOR: Special Exception to operate a multi-sports complex.

PROPERTY LOCATION: 360 Williams Road, Elkton, MD 21921, Election District: 2,

Tax Map: 38, Parcel: 386.

PROPERTY OWNER: Mary E. Hutton.

PRESENTLY ZONED: Low Density Residential, (LDR).

Michael Browne appeared and presented an overview of the application. Mr. Browne presented a handout with a detailed plan (see file) of the proposed multi-sports complex to the Board. He gave some background information of the Legends Travel Ball organization, which will be utilizing this complex.

Discussion ensued regarding parking spaces and Stormwater Management practices.

Councilwoman Bowsbey asked about the potential for dangerous traffic scenarios at the intersection of Williams Road and MD Rte 213. Mr. Browne stated that ingress and egress lanes are planned to be installed for this project.

Discussion ensued regarding the potential of other sports teams using the facilities.

HEALTH DEPARTMENT: Please contact the Health Department to discuss water supply and sewage disposal requirements for your proposal.

COMMENTS IN OPPOSITION: Brigid Coughlin, 26 Sunnybrook Drive;, Jeff Rogers, 51 Pelhamdale Road; Craig Peterson, 107 Brookview Loop; and Bill Simms, 66 Sunnybrook Drive, all of Elkton, MD spoke in opposition. Collectively, they stated that they were not against the idea of this park but they feel that it will be detrimental to their way of life, living so close to the proposed site. They feel that this will cause noise, lighting and traffic nuisances to the surrounding neighborhoods.

COMMENTS IN SUPPORT: Megan Harris, 921 Shady Beach Road, Elkton; Nicole Lowenstien, 301 Joppa Crossing Court, Joppa; Jamie Mullin, 20 Wards Hill Road, Warwick; John Kampas, 4 Liddel Road, Colora; Joe Shephard, 6 Wilson Ave, Rising Sun; Audie Wilson, 22 Pelhamdale Road, Elkton, spoke in favor of this project. They all stated that the Legends is a family oriented group and greatly need a complex like this in the County.

Mr. Houston stated that an email from John Fabian, 21 Manor Circle, Elkton, MD, was received in opposition of this project. Mr. Fabian has the same concerns that the others that spoke in opposition have in regard to this project. (See file for email)

RECOMMENDATIONS:

Staff recommends approval, with the appropriate buffering as required by a site plan approval.

ACTION: Motion made to recommend approval per staff's recommendation with the addition of extra emphasis to the homes that border the property in the Sunnybrook Development by Mr. Wallace.
Motion seconded by Mr. Persons.

VOTE: Members voted unanimously, in favor of the motion.

Motion for the recommendation of approval, with the appropriate buffering as required by a site plan approval with extra emphasis to the homes that border the property in the Sunnybrook Development, carried.

The next meeting for this application will be November 24, 2015 before the Board of Appeals.

REZONING:

FILE 2015-09 - APPLICANT: C.I. Contractors & Maryland Beer Company, LLC.

REQUEST: Request to rezone .73 acres from Rural Residential, (RR) to Business Intensive, (BI).

PROPERTY LOCATION: 41 Cherry Hill Road, Elkton, MD 21921, Election District: 3, Tax Map: 20, Parcel: 221.

PROPERTY OWNER: Kevin Taylor.

PRESENTLY ZONED: Rural Residential, (RR).

Dwight Thomey, Esq., Kevin Taylor, C.I. Contractors and Jessica Finchum and Scott McCardell, Maryland Beer Co., LLC appeared and presented an overview of the application. Through questioning by Mr. Thomey, Mr. Taylor and Ms. Finchum explained that this project will include a micro-brewery with a tap room, deck and a storage facility for Mr. Taylor's construction company.

Mr. Thomey explained that his clients feel that the residential zoning of this property was a mistake due to it not being an ideal lot for a residential home and also noted the different commercially zoned parcels that are in close proximity to this parcel.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of rezoning.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:

Staff recommends approval due to a demonstrated mistake in the 2011 Comprehensive Rezoning.

ACTION: Motion made to recommend approval per staff's recommendation by Mr. Mullen.
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously, in favor of the motion.

Motion for the recommendation of approval due to a mistake in the 2011 Comprehensive Rezoning carried.

The next meeting for this application will be January 5, 2016 before the County Council.

SPECIAL EXCEPTION:

FILE: 3735 - APPLICANT: Cellco Partnership d/b/a Verizon Wireless.

FOR: Special Exception to place a (156') cellular communications monopole (tree pole design) on the property.

PROPERTY LOCATION: 1079 Firetower Road, Colora, MD 21917, Election District: 6,
Tax Map: 17, Parcel: 3.

PROPERTY OWNER: West Nottingham Academy, c/o Gary Huss.

PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

John Tracey, Esq., James Rogers, Site Acquisition Consultant, Brian Grevis, DBM Engineering and Michael Cleary, Civil Engineer, appeared and presented an overview of the application. Mr. Tracey gave an exhibit to the Board showing aerial photographs of the site. He explained that the proposed placement of the monopole is on the parcel where the Maintenance Building for the West Nottingham Academy School, is located. He stated that the pole will be place amongst trees to try and make it unnoticeable to residents passing by. Mr. Grevis explained the requirements from the FCC regulations that will have to be met for this monopole. See file for exhibits.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: Karl Graybeal, 885 Firetower Road, Colora, MD, Dawn Kampas, Liddel Road, Colora, MD and Steven Brotschul, 1079 Firetower Road, Head of West Nottingham Academy, spoke in favor of the installation of the cell monopole tower. They stated that the area where the pole is proposed currently has very poor cellular phone reception. They feel this is greatly needed for the citizens in this area.

COMMENTS IN OPPOSITION: Kathleen Gomez, 958 Firetower Road, Colora, MD, spoke in opposition citing possible health issues from the tower. She also feels that the tower will be unsightly because of the height of the tower compared to the height of the existing trees in the proposed area.

Mr. Houston explained that he had received one (1) letter in opposition of the cell tower from Mr. W. Dewey Murr, Jr. He feels that the monopole will decrease property values. He requests that the tower, should it be approved, be required to be lighted for aircraft purposes.

RECOMMENDATIONS:
Staff recommends approval.

ACTION: Motion made to recommend approval by Mr. Johnston.
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously, in favor of the motion.

Motion for approval, carried.

The next meeting for this application will be November 24, 2015 before the Board of Appeals.

FILE: 3741 - APPLICANT: Chris Kendall.
FOR: Special Exception Renewal to operate a saw mill.
PROPERTY LOCATION: 361 Leeds Road, Elkton, MD 21921, Election District: 3,
Tax Map: 20, Parcel: 118.
PROPERTY OWNER: Christopher L. & Scott L. Kendall & Barbara Saletnig.
PRESENTLY ZONED: Northern Agricultural Residential, (NAR).

Chris Kendall appeared and presented an overview of the application. Mr. Kendall explained that he hasn't received any complaints regarding his operation of a saw mill in the last six (6) years. He asked that if he is approved, the approval be allowed for as long as he owns the property.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: None.
COMMENTS IN OPPOSITION: None.

RECOMMENDATIONS:
Staff recommends approval, for three (3) years. Mr. Houston explained that per section 144 of the Cecil County Zoning Ordinance, such use shall be for a period of three years only, subject to renewal.

ACTION: Motion made to recommend approval for as long as the applicant owns the property and operates the business by Mr. Johnston.
Motion seconded by Mr. Mullen.

VOTE: Members voted unanimously, in favor of the motion.

Motion for the recommendation of approval for as long as the applicant owns the property and operates the business, carried.

The next meeting for this application will be November 24, 2015 before the Board of Appeals.

FILE: 3742 - APPLICANT: Priscilla Horne.

FOR: Special Exception to operate an in-home business.

PROPERTY LOCATION: 106 Maxwell Lane, North East, MD 21901, Election District: 5,

Tax Map: 25, Parcel: 784, Lot 36.

PROPERTY OWNER: Kenneth & Priscilla Horne.

PRESENTLY ZONED: Suburban Transition, (ST).

Priscilla Horne appeared and presented an overview of the application. Mrs. Horne explained that has been running a wedding floral business out of her home for the past two (2) years. She was unaware that a Special Exception was required. She stated that she expects to have deliveries to her home approximately one (1) to three (3) times per week. Mrs. Horne presented the Board with letters from her neighbors in regard to complaints received by the County from a neighbor citing parking issues generated by the floral business. See file for letters.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of special exception.

COMMENTS IN SUPPORT: None.

COMMENTS IN OPPOSITION: Noel & Phoenphit Thompson, 109 Maxwell Lane, spoke in opposition citing noise issues in the early morning hours and problems with parking along Maxwell Lane. Mr. Thompson presented the Board with a note he received from Mrs. Horne regarding the parking issues. See file for note.

Discussion ensued regarding the allowance of signage for an in-home business.

RECOMMENDATIONS:

Staff recommends approval, for two (2) years.

ACTION: Motion made to recommend approval per staff's recommendation by Mr. Johnston.

Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously, in favor of the motion.

Motion for the recommendation of approval for two (2) years, carried.

The next meeting for this application will be November 24, 2015 before the Board of Appeals.

FILE: 3745 - APPLICANT: Len & Dianna Shufelt.

FOR: Special Exception Renewal to operate an in-home business.

PROPERTY LOCATION: 77 Martin Road, Conowingo, MD 21918, Election District: 8,

Tax Map: 16, Parcel: 384, Lot 33.

PROPERTY OWNER: Len & Dianna Shufelt.

PRESENTLY ZONED: Rural Residential, (RR).

POSTPONED, at the request of the applicant, until the December 21, 2015 Planning Commission Meeting.

GENERAL DISCUSSION:

None.

The meeting adjourned at 8:15 p.m.

NEXT PLANNING COMMISSION MEETING: Monday, December 21, 2015 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning

CECIL COUNTY PLANNING COMMISSION
MEETING MINUTES
Monday, December 21, 2015
6:00 p.m.

PRESENT: Pat Doordan, (Chairman), Roger Persons, Ken Wiggins, Wyatt Wallace, Chad Johnston, Joyce Bowsbey (Ex-Officio), Randy Jackson, Esq., Mark Woodhull (DPW), Eric Sennstrom (P&Z), Tony Di Giacomo (P&Z), Cliff Houston (P&Z) and Jennifer Bakeoven (P&Z).

ABSENT: Bill Miners, Tom Mullen (Alternate) and Lloyd Harmon (DEH).

MINUTES- Motion made by Mr. Wiggins, seconded by Mr. Wallace and unanimously carried to approve the Monday, November 16, 2015, 6:00 p.m., minutes as mailed.

SUBDIVISIONS:

1. Charlestown Crossing, Phase II – Apartments, 92 Units, Concept Plat, Pulaski Hwy, Morris & Ritchie Associates, Inc., Fifth Election District.

Amy DiPietro and Sean Davis, Morris & Ritchie Associates and Andy Freeman, Charlestown Crossing, LLC, appeared and presented an overview of the project. A PowerPoint presentation was presented. See file.

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: The re-zoning of the site of these proposed garden apartments, from M1 (light industrial) to RM (high-density residential), was approved on 8/15/15.

This site generally corresponds to the original employment component “J” of the Charlestown Crossing PUD. Therefore, the density of these 6.77 acres stands alone, unencumbered by that established by the PUD’s Special Exception.

Density: The RM zone permits a density of up to 14 du/ 1 ac. for apartments. This submission proposes 92 dwelling units on 6.77 acres for a proposed density of 12.99/ 1.

The RM zone is “High Density Residential,” not “Multifamily Residential,” as cited in Site Data note #5 and the Land Use Summary.

Apartment projects must be consistent with §28 of the Zoning Ordinance and §6.3 of the Subdivision Regulations.

This project location is situated within the 2010 Comprehensive Plan's Medium Density Growth Area land use district, and, 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.¹

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft² or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.²

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

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

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

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

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

20% open space is required⁴ in the RM zone; 49% is proposed. The correct nomenclature for apartments is "open space", not common open space (Land Use Summary).

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands. The "open space" sensitive areas thresholds must be calculated for inclusion on the Preliminary Plat.

Per §28.5.a (1), a minimum of 25% of the development envelope shall be landscaped.

Sidewalks have been shown. Striped bike lanes and back racks should be considered.

Per §28.5.a, a 25' Bufferyard standard C is required around the perimeter of the development tract. Site Data note # 17 requests a design waiver in this regard. Since this proposal represents an internal, RM component within the Charlestown Crossing project, staff does not object to alternative landscaping treatments.

Bufferyard Standard C is required, outside the right-of-way, along the US 40 frontage.⁵

¹ Tier II areas are those planned to be served by public sewerage systems in locally designated growth areas needed to satisfy demand for development at densities consistent with the long term development policy after consideration of the capacity of land available for development including infill and redevelopment within the County. The County may only grant approval if all lots will be served by public sewer or if a minor subdivision is served by on-site sewage disposal systems.

² The Cecil County Subdivision Regulations define steep slopes as "15 percent or greater incline." The Cecil County Zoning Ordinance defines steep slopes as consisting of a grade of 25% or more covering a contiguous area of 10,000 ft² or more. The Cecil County Forest Conservation Regulations define steep slopes as "areas with slopes greater than 25 percent slope."

³ Upon FCP approval, a grading permit can be issued. However, grading cannot be permitted in a wetland area unless an MDE/Corps permit to do so has been issued.

⁴ §28.6.b.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Charlestown Fire Company prior to the TAC's Preliminary Plat review.

Apartment buildings shall be set back at least 20' from all parking areas and internal roads (§28.4.h) and 50' from arterial or collector roads (§28.4.i). Site Data note # 17 requests design waivers in these regards.

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§28.4.d). Site Data note # 17 requests a design waiver in this regard. The maximum length of an apartment building is 300 feet (§28.4.j).

Per §187.2, the Planning Commission may require bufferyards to separate different zoning districts from one another. A Bufferyard Standard A will be required adjacent to any adjoining property on which an agricultural operation is occurring.

Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

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

The FSD was approved on 9/17/04. It and the Conceptual Environmental Assessment⁶ were granted 5-year extensions on 12/6/10 and 11/4/15.⁷

The Conceptual SWM Plan has been approved.

The Preliminary Forest Conservation Plan (PFCP)⁸ 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 Plan⁹ and SWM Final Plan must (shall) be approved prior to Planning Commission review of the Final Plat (§6.3.B(1)(a), Cecil County Forest Conservation Regulations; §251.12, 2009 Cecil County SWM Ordinance).

A Landscape Agreement must be executed prior to recordation.

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

Road names have not been submitted.

A revised Traffic Impact Study (TIS) is not recommended.¹⁰

The new Zoning Ordinance that was adopted in 2011, includes Accessibility and Parking Requirements in Article XIV. While that's broader than just parking spaces, parking spaces do remain important. The Parking Schedule denotes 4 ADA surface spaces; however, the plat depicts 6.

The reference to "MUTGD" signage in Site Data Note 16 must be corrected to "MUTCD."

The proposed number of parking is consistent with §274.9, which caps any excess at 20%.

⁵ No waiver is requested in this regard.

⁶ A small portion of the Charlestown Crossing project is in the Critical Area.

⁷ Thus, extension were extended until 11/4/20.

⁸ A PFCP was approved on 2/14/05.

⁹ An FCP and Landscape Plan were approved on 4/29/08. A revised FCP and Landscape Plan were approved on 12/11/09 and 12/14/09, respectively.

¹⁰ CCDPW & OPZ do **not** recommend that an update be required for this 92-unit project. SHA has **not** voiced the need for an updated TIS for these 92 units.

Pursuant to §273.10, §273.11, and §274.9.b will any spaces be provided for use as electric vehicle recharging stations, as approved by the Maryland Electric Administration? Ms. DiPietro stated that the developer is considering the idea of installation.

Per the Land Use Summary, residents of these proposed units will be allowed use of the clubhouse facilities across Claiborne Road; “residences” must be changed to “residents.”

§274.8 provides that “All multifamily residential subdivision site plans shall include a parking plan that includes a lighting plan in conjunction with a safe bicycle, pedestrian, and vehicular circulation plan.” That should be included with the Preliminary Plat.

Will those needing ADA spaces be required to pay extra for a garage space? Ms. DiPietro stated that to the best of her knowledge, no extra fees will be added.

How does this proposed design conform to the requirements of §278.2, regarding bicycle access and facilities, as well as §279, regarding access as relates to the Americans with Disabilities Act? Ms. DiPietro stated that all ADA requirements will be met and bicycle storage will be provided.

The Master Water and Sewer Plan classifies this site as W2 and S2.

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

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

The Record Plat shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all units offered for lease or rent.

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

| School information: | Elementary | Middle | High School |
|---------------------|-------------|------------|-------------|
| | Charlestown | Perryville | Perryville |
| FTE | 406 | 550 | 810 |
| Capacity | 292 | 860 | 944 |
| % Utilization | 139% | 64% | 86% |

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

1. The Department understands that the water supply for this development will be a private system. The water distribution system must be designed to meet or exceed the County’s standards. This includes providing fire flow and pressure throughout the development and the use of ductile iron water pipe, where called for in the Water & Sewer Code, for distribution. The serving fire company must review all fire hydrant spacing and locations provided on final construction drawings.
2. The Concept SWM plan for the apartment complex proposed is technically complete and only administrative issues remain outstanding
3. Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for final plat Approval.
4. It is understood that the internal streets & associated parking will be privately owned and maintained.

5. The sewer lines within the proposed apartment complex will be privately owned and maintained. This private sewer line will connect to the existing public sewer in West Claiborne Road.
6. An I&M Agreement is required for all SWM facilities.
7. Any proposed active recreation will require a list of equipment being submitted to the Department of Parks and Recreation as well as a PWA to cover the same.
8. Public Works Agreements will be required for all infrastructure shown.
9. The following standard notes and requirements apply to this plat and project: The details of these notes and requirements will be identified in the record but will not be read at this time:
 - 9.1 The Final Plat Lot Grading, and Lot Grading Plan Construction Limits Notes.
 - 9.2 Requirements for Stormwater Inspection and Maintenance Agreements.
 - 9.3 Requirements for Final Plat - Public Sewer Allocation.
 - 9.4 Requirement for Public Works Agreements

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. An Inspection & Maintenance Agreement is required for the private SWM facilities.
3. 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.
4. A Public Works Agreement (PWA) will be required for any road work proposed within the County ROW, for the private sanitary sewer and for the sanitary sewer connection to the County system.

Mr. Wiggins read the comments of the Health Department:

Proposed development must comply with applicable Maryland Department of the Environment Subdivision Regulations which includes water & sewer allocations.

Water allocations are obtained from Artesian Water and sewer allocations obtained from the Cecil County Department of Public Works.

Plans for sewer lines must be approved by the Cecil county Department of Public Works prior to record 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) All Health Department requirements being met;
- 2) All DPW requirements being met;
- 3) The detailed parking plan's being included within the Preliminary Plat, prior to TAC review;
- 4) The parking plan's including details relating to §278.2 and §279;
- 5) The open space sensitive areas thresholds' being calculated and included on the Preliminary Plat, prior to TAC review;
- 6) The requested (Site Data note # 17) design waivers relating to §28.4.a, §28.4.d, §28.4.h and §28.4.i being granted;
- 7) Site Data Note 16's reference to "MUTGD" signage being corrected to "MUTCD;"

- 8) All references to “multifamily Residential” for the RM zone being corrected to “High Density Residential;”
- 9) The Parking Schedule’s ADA surface space count being made consistent with what is depicted on the plat;
- 10) The Land Use Summary’s spelling of “residents” being corrected;
- 11) The correct nomenclature, “open space”, being used in the entirety of all Preliminary and Final Plat submissions;
- 12) The correct spelling of “delineation” being used in Site Data note # 10 for all Preliminary and Final Plat submissions; and
- 13) Fire hydrant locations being selected in consultation w/Charlestown Fire Co. and DPW prior to Preliminary Plat submission for TAC review.

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

All approve. Motion carried.

TEXT AMENDMENT: ZONING ORDINANCE

SUMMARY: Article V, Part XII, Section 144 – Saw Mills (12.05.000) - Text changes to the language regarding length of approvals.

Eric Sennstrom, Director – Planning & Zoning, appeared and gave an overview of the proposed amendment. This amendment would remove the maximum three (3) year approval / extension allowances that are currently in place.

HEALTH DEPARTMENT: No comment.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: None.

RECOMMENDATIONS:
Staff recommends approval.

ACTION: Motion made to recommend approval per staff’s recommendation by Mr. Johnston.
Motion seconded by Mr. Wallace.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be January 5, 2016 before the County Council.

SPECIAL EXCEPTION:

FILE: 3745 - APPLICANT: Len & Dianna Shufelt.

FOR: Special Exception Renewal to operate an in-home business.

PROPERTY LOCATION: 77 Martin Road, Conowingo, MD 21918, Election District: 8,
Tax Map: 16, Parcel: 384, Lot 33.

PROPERTY OWNER: Len & Dianna Shufelt.

PRESENTLY ZONED: Rural Residential, (RR).

Dianna Shufelt appeared and presented an overview of the application. Ms. Shufelt explained that she is requesting an extension of her Special Exception to operate an office out of her home.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this request of Special Exception.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: None.

RECOMMENDATIONS:

Staff recommended approval for as long as the applicants own the property and operate the business.

ACTION: Motion made to recommend approval per staff's recommendation by Mr. Wallace.
Motion seconded by Mr. Wiggins.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be December 29, 2015 before the Board of Appeals.

FILE: 3747 - APPLICANT: Scott & Jamie Miller.

FOR: Special Exception Renewal to operate an in-home business.

PROPERTY LOCATION: 41 Chesters Way, Elkton, MD 21921, Election District: 3,

Tax Map: 26, Parcel: 165, Lot 11.

PROPERTY OWNER: Scott & Jamie (Martin) Miller

PRESENTLY ZONED: Suburban Transition, (ST).

Scott Miller appeared and presented an overview of the application. Mr. Miller explained that he would like an extension of his Special Exception to operate his business. He stated that he has received no complaints from anyone over the past two (2) years. He requested that this Special Exception be renewed for as long as he operates the business.

HEALTH DEPARTMENT: The Cecil County Health Department has no objection to this renewal request of Special Exception.

COMMENTS IN OPPOSITION: None.

COMMENTS IN SUPPORT: None.

RECOMMENDATIONS:

Staff recommended approval for as long as the applicants own the property and operate the business.

ACTION: Motion made to recommend approval per staff's recommendation by Mr. Wallace.
Motion seconded by Mr. Johnston.

VOTE: Members voted unanimously in favor of the motion.

Motion for the recommendation of approval carried.

The next meeting for this application will be December 29, 2015 before the Board of Appeals.

GENERAL DISCUSSION:

None.

The meeting adjourned at 6:43 p.m.

NEXT PLANNING COMMISSION MEETING: Wednesday, January 20, 2016 at 6:00 p.m. located in the Elk Room.

Respectfully submitted:

Jennifer Bakeoven
Administrative Assistant
Office of Planning and Zoning