

TECHNICAL ADVISORY COMMITTEE 2003

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January 2, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Woodhull, Carter, Markwardt, Moore, and Graham.

ABSENT: King, Davis, Latham, Ouano, Funk, Roop, McDowell, Hodgson, and Hicks. Mr. McDowell telephoned that he had no citizen comments for this month's meeting, nor had he received any from the public

1. Stanly Granger presented **Huegel, Otto M. & Greta E. (Lands of), Principio Road, concept Plat, Fifth District.**

Mr. Granger stated this property was presented at last month's TAC meeting, at which time a concept plat was requested.

Mr. Woodhull stated a Stormwater Management (SWM) Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

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. The existing on-site pond may also be a good candidate for this.

Section 3.07.15 of the Road Code directs that Principio Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Principio Road and the proposed

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entrance.

The right-of-way dedication should be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. It is DPW's understanding that the internal road is proposed as private. As such, the requirements spelled out in Section 2.13 of the Road Code must be adhered to. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems, and must be approved by the Planning Commission and placed on the Final Plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

The 50' right-of-way for the Private Mini Road may be reduced to 36' per the Road Code. However, if any development other than residential occurs on these lots, the road must be brought up to Minor Road Standards (50' ROW) from the intersection with Principio Road to the non-residential lot. This might entail the enlargement of the cul-de-sac bulb to a 75' radius.

A pull-off, constructed in accordance with Standard R-16 of the Cecil County Road Code, must be provided at the mid point of the road. A check print, with a 60-foot radius pull-off, was submitted on 12/30/02, which is acceptable.

In addition to Lots 1, 4, 7, 5, Lots 2 and 3 must become members of the Mini Road Maintenance Association and access from the mini road. Both lots must be denied access to the existing gravel drive.

Mr. Woodhull asked if there is any need for Parcel 188, shown as Minor Subdivision No. 1606, to access the private mini road? Mr. Granger stated no, there is a note on the plat that access will be denied for that parcel.

Mr. Woodhull continued: If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the private mini road and storm drains.

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Mr. Markwardt stated that he has no additional comments from last month's TAC meeting.

Mr. Moore read the Health Department comments, a copy attached for reference. He stated that an arrow must be shown indicating the wells to be greater than 100 feet.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 5 lots on 45.116 acres for a proposed density of 1/9.023.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. Any slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any 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 any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

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

Bufferyard Standard C is required, outside the right-of-way, along the Principio Road road frontage, if possible. Rows of street trees 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning

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Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

The road name Floral Way has been approved. A Mini-road Maintenance Association must be established with all lot owners becoming members.

Bufferyard standard A is required along the northern property line of proposed Lots 1 & 5.

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

The lot created via Minor Subdivision # 1606, shown as other lands of Otto M. & Greta E. Huegel must be denied access to the proposed mini-road, as noted.

No landscaping of the development envelope is required in the NAR zone. 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. The metes and bounds description of the FRA must be shown on the record plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

2. Ken Cantera and Jay Emrey presented Triple L & J, LLC (Lands of), Lot 11, Crothers Road, Preliminary-Final Plat, Ninth District.

Mr. Cantera stated this is the existing barn and dwelling of the subdivision. The adjacent minor subdivision has been approved on Parcel 57 and the one on Parcel 75 is currently under review.

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Mr. Woodhull stated DPW understands that the purpose of this subdivision is for land transfer only and as such, will qualify for an exemption from the Stormwater Management Ordinance under Section 251-5 C. The plat must contain a note stating, The purpose of this subdivision is for land transfer only. Any development will require a stormwater management submittal in accordance with the Cecil County Stormwater Management Ordinance .

Mr. Markwardt had no comments.

Mr. Moore requested the applicant to call the Health Department and schedule a tentative date for percs on the rest of the subdivision. The reason the date will be tentative is because a letter will be sent to the Planning Commission, and a copy to the Office of Planning & Zoning, requesting guidance as far as what requirements the Planning Commission wants. There is a dug well on the lot, and depending on the water table, the Planning Commission may have an issue with that. He read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. The Concept Plat, which included Lot 11, was approved on 10/15/01, and included 7 lots on 36.832 acres, for a proposed density of 1/5.26. Bonus density was not sought. Concept Plat approval was conditioned on all necessary Road Code Waivers or Variances and any revisions to the adjacent minor subdivision being accomplished prior to final plat review.

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

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

No open space is required in subdivisions with fewer than ten lots. No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontage on Crothers Road. This will be satisfied with existing, natural vegetation. The Forest Stand Delineation & Forest Conservation Plan have been approved. A Landscape Plan is not necessary. A Landscape Agreement for the afforestation areas must be executed prior to recordation.

Mr. Di Giacomo asked why the plat does not depict the existing paved drive connecting to Crothers Road? Mr. Cantera stated it does connect. That connection will be shown on the plat submitted for Planning Commission review.

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Mr. Di Giacomo stated the drilled well location depiction on the plat does not match the depiction shown in Note # 12. In addition, the note deals with the location of a proposed well, while the plat shows the location of an existing drilled well. This discrepancy must be rectified on the plat submitted for review by the Planning Commission.

Deed restrictions for the long-term protection of the Afforestation Areas have been recorded. Note # 7 must be revised to include reference to the afforestation areas. The metes and bounds description of the afforestation areas must be shown on the record plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Cantera stated the well is an existing drilled well and that will be corrected on the plat submitted for Planning Commission review. Mr. Moore stated the Health Department would like to measure the water in that well.

3. Pat McClary and Chris McClary presented Cassidy Wharf Farm, Cassidy Wharf Road, Concept Plat, First District.

Pat McClary stated the contract purchasers of this farm would like to subdivide. They may sell off the larger parcel, but they are basically doing this to preserve their property rights for the long term. The large lot could have been a minor subdivision but it was decided to do the entire subdivision at one time.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The extension of Cassidy Wharf Road must be accomplished in accordance with the Road Code. In particular the cul-de-sac must meet Standard R-14.

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It is DPW's understanding that the internal road is proposed as private. As such, the requirements spelled out in Section 2.13 of the Road Code must be adhered to. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems and must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

The Pull-Offs, indicated on the plat, must be constructed in accordance with Standard R-16 of the Cecil County Road Code.

A Private Road must be 12' wide per Standard R-1 of the Road Code; therefore the existing private road will require a Road Code Variance due to width. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the extension of Cassidy Wharf Road and the proposed Private Mini-Road.

Mr. Markwardt had no comments.

Mr. Moore stated that seasonal testing will be done this year. The monitoring wells have come back to normal. He read the Health Department written comments, a copy attached for reference.

Mr. Di Giacomo advised that he has not heard from the Chesapeake Bay Critical Area staff at this point, but when he does, he will forward their comments to the applicant.

Mr. Carter stated that because of the Critical Area location, DPW is predisposed to allowing the road to remain in its present condition in order to not have more impervious surfaces.

Mr. Di Giacomo stated the zoning is SAR & RCA. The SAR zone permits a maximum base density of 1 du/8 ac. Bonus density eligibility is not being sought. This Concept Plat proposes 4 lots on 94.478 acres, for a proposed overall density of 1/23.62. 86.274 acres are designated RCA. The RCA zone permits a maximum density of 1/20. The proposed density for the Critical Area portion is 1/21.57. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

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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. Any 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. The pond depicted by the vicinity map on proposed Lot 3 is also depicted on the official wetlands maps and the USGS quad map. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. An Environmental Assessment must be submitted.

No open space is required. No landscaping of the development envelope is required in the SAR zone. As Cassidy Wharf Road is a local County road, a Bufferyard Standard C is not required. Bufferyard Standard A is required along the lot lines of proposed Lot 1 to buffer adjacent agricultural uses. 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.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

A 110' tidal wetland and tidal waters buffer shall be established in natural vegetation. This buffer shall be expanded to include contiguous sensitive areas featuring hydric soils, highly erodible soils on slopes greater than 15%, or areas of impact including streams, wetlands, or other aquatic environments. No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures. Therefore, if the buffers need to be expanded, one or more of the proposed building pad sites may need to be moved. For that reason, the topo and soils information must be included on the plat submitted for Planning Commission review. (§4.0.13 (n))

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No more than 15% of the surface area can be converted to impervious surface in the RCA. No more than 20% of the forest or developed woodland may be removed.

In the Critical Area, no structure shall exceed 35' in height.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat. The area inside the Critical Area is exempt, per §3.2.B of the Cecil County Forest Conservation Regulations. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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. The metes and bounds description of the FRA must be shown on the record plat.

The mini-road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

A Mini-road Maintenance Association must be established with all lot owners becoming members.

The name of the owner/developer must be included on the plat submitted for Planning Commission review.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. Tim Granger and Doug Day presented *The Estates at Autumn Woods, Shady Beach Road, Concept Plat, Fifth District.*

Mr. Granger stated this property consists of two parcels with an additional parcel of land being added on through the minor subdivision process (Parcel 159).

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Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

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.

Section 3.07.15 of the Road Code directs that Shady Beach Road must be upgraded to a Minor Road Standard for a distance of 100 either side of the point of intersection between Shady Beach Road and the proposed entrance. In addition 5 -wide shoulders must be provided on both sides of the road along the property s entire frontage on Shady Beach Road.

The right-of-way dedication denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. must be extended to include the road frontage indicated as Common Open Space .

Sight distance measurements must be provided to the CCDPW to establish compliance with the Cecil County Road Code. DPW has a question of sight distance in relationship to the entrance location and the driveways associated with the Minor Subdivision on Parcel 159. Their proximity presents a traffic safety concern for turning movements out of the development that must be addressed. This proximity will also require vegetative clearing along Shady Beach Road to allow for better sight distance. Mr. Granger advised that sight distance is adequate in both directions. Mr. Day submitted photographs for TAC perusal indicating the sight distance in either direction to be adequate. One direction is over 450 feet and the other is at least 800 feet.

Mr. Woodhull stated the applicant must address why a second entrance cannot be provided, as encouraged by the Subdivision Regulations. The Road Code requires an intermediate turnaround located at a maximum of 1200 from Shady Beach Road. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

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If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the internal roads and storm drains.

Mr. Carter stated that the applicant should make sure the proposed house on the minor subdivision lot will not be affected by the entrance of this subdivision. Mr. Day stated those two minor subdivision lots have been made larger than shown on this plat, therefore the houses could be moved back further from the road.

Mr. Markwardt questioned the size and price range of homes. Mr. Day stated they will offer two-story and ranch-style homes, from 1800 to 2500 sq. ft., and will be three to five bedrooms. The price range will be \$200,000 - \$275,000. Mr. Markwardt stated bus service will be at Autumn Woods Drive and Shady Beach Road, therefore the applicant may want to include a one-sided bus shelter. He asked when the project would be built out? Mr. Granger stated approximately one year.

Mr. Moore read the Health Department comments, a copy attached for reference. If the stormwater management pond is a wet pond, then the sewage area will have to be kept 100 feet away from the edge.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 4 minor subdivision lots and 27 lots.

DENSITY CALCULATIONS:

Total site area is 86.3809 ac.

4 potential minor sub lots - 4.0000 ac.

Remaining site area 82.3809 ac.

1 unit/5 acres: $82.3809 / 5 = 16(.4762)$ lots

1 unit/3 acres: $82.3809 / 3 = 27(.4603)$ lots

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Bonus density eligibility is being sought, for a proposed density of 1/3.05. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Minor Subdivision #3089 must be referenced on the plat. Parcel 159 must be referenced in Note # 1.

There are 2 access easements through areas proposed as common open space. Mr. Di Giacomo asked why they have not been shown, and what will be their disposition? Mr. Granger stated they will continue to exist. One access serves the existing house. The easements necessary for the house will remain and the rest will be eliminated. Mr. Di Giacomo stated that is not appropriate for common open space areas. It is not one of the listed permitted uses for common open space, therefore the applicant should look at revising that.

Mr. Di Giacomo continued: 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. 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'. Based upon examination of the USGS Quad maps, Jones Creek, a perennial stream, appears to run through the proposed common open space adjacent to Shady Beach Road. It and its stream buffers must be depicted.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the open space provisions of the NAR zone for bonus density eligibility. 39.5 acres of common open space and the large lots 13.2 acres total 61% of the total gross acreage.

No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Shady Beach Road. Rows of street trees are required,

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names have been approved by the County 911 Emergency Management Agency.

Mr. Di Giacomo asked if any consideration has been given to the creation of a looped road system? Mr. Granger stated they considered continuing that road through along the north side of Parcel 649, but there is a perennial stream in that area, as well as an intermittent stream. There are also wetlands in that area. No wetlands are present where the road is shown on this plat, therefore they felt that would be a better location for the road. They felt it would be best to avoid the sensitive areas. Mr. Day showed pictures of the north end of the property indicating that it is dry, even after snow and rain. The southern end of the property has water running through it most of the year, as depicted by the pictures.

Mr. Di Giacomo continued: Access to common open space between lots must be marked with concrete monuments.

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

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

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Mr. Moore asked if there is an easement or right-of-way on the northerly lots? Mr. Granger stated no, it is just an old road that is not used anymore. He advised that he couldn't find any easements or rights-of-way to the property. Mr. Moore advised that wells and septic systems should be kept out of any rights-of-way and/or easements.

5. Mike Burcham, Barry Montgomery, and Tom Montgomery presented **Maple Heights, Lots 6-99, Town of Rising Sun, Maple Heights Lane, Revised Preliminary Plat, Sixth District.**

Barry Montgomery stated this project is in the Town of Rising Sun. They have been working on it for two to three years. The subdivision is stubbed into an adjoining property. The road has been looped. On June 18, 2001, the Town's Planning Commission gave preliminary approval. Subsequently, the town's engineer asked if the subdivision had been reviewed by the County Technical Advisory Committee, which is the reason it is on the agenda today. The stormwater management is complete and the design work is almost done.

Mr. Woodhull stated it is DPW's assumption that this property has or will be annexed by the Town of Rising Sun.

The SWM plan is currently under review. We recommend that the Town of Rising Sun hold Final Plat approval until the CCDPW has approved the SWM Plan.

A Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The maintenance access to the proposed SWM Pond must meet the requirements identified in Section 3.1.6 of the 2000 Maryland Stormwater Design Manual, Volume I. The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

It is DPW's understanding that the streets, along with the water and sanitary sewer mains, will belong to the Town of Rising Sun.

With the addition of 900-1000 Trip-Ends/Day, without counting the bank traffic to Maple Heights Lane, the Town of Rising Sun should consider what upgrades may be required to this narrow road. Interconnectivity to

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the Lands of Van Dyke will also have a substantial impact on Maple Heights Lane. There is a 60-foot right-of-way coming down Maple Leaf Drive into a 50-foot right-of-way for the main egress to Rte. 273. Mr. Burcham stated there is a 32-foot paved section on Maple Heights Lane, and there is an easement on the adjoining property for the sidewalks section.

Mr. Woodhull continued: The Town of Rising Sun should consider that the use of a Tee-Turn Around to terminate a road is typically acceptable only if the road will be continued in a relatively short time span (e.g. next several years), otherwise the internal roads should be terminated in a cul-de-sac.

Mr. Woodhull asked who will own the alleyways? He stated they are not shown as part of the rights-of-way and not associated with the street system. Mr. Montgomery stated that hasn't been discussed as of this time. Mr. Woodhull asked if the Department of Emergency Services has approved the names of the alleyways and streets? Mr. Burcham stated the plan has been submitted for their review.

Mr. Woodhull continued: DPW will require full modeling of the 100-Year Floodplain to show impact on the SWM facility and the houses on Lots 18 & 19 if they remain in close proximity to the graphical location shown on the plat. This modeling is required to tie the floodplain line to the contour lines for this site.

The open space located at the junction of Shady Maple and Sugar Maple Lanes is isolated and has potential for becoming a dumping ground or additional parking spaces impacting the SWM for this site. Mr. Montgomery stated there are lots of potential uses for that area. Mr. Woodhull stated if that area will be paved, it must be addressed in the stormwater management plan.

Mr. Woodhull continued: An Inspection and Maintenance Agreement will be required for the SWM facilities.

Mr. Markwardt questioned the type of dwellings in the subdivision. Mr. Montgomery stated Lots 6-30 would be single family; Lots 31-56 and 81-82 would be semi-detached double homes; and Lots 66-91 would be townhouses. Mr. Markwardt asked when construction is anticipated to begin? Mr. Montgomery stated if all approvals are received, they would begin in the spring.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated this subdivision is proposed in the Town of Rising Sun. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews subdivision proposals within the towns' corporate limits.

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The Office of Planning & Zoning's comments and questions relating to this Preliminary Plat are as follows:

- Town Zoning: R3
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R3 zone.
- It should be confirmed that the street and alleyway geometrics are consistent with the Town's Zoning Ordinance and Subdivision and Public Works codes and regulations.
- It should be confirmed that this revised Preliminary Plat meets all of the technical requirements set forth in the Town's Zoning Ordinance and Subdivision Regulations.
- The Town of Rising Sun and Cecil County have not signed an *Assigning obligations under the Forest Conservation Act*. However, the Office of Planning and Zoning does review and comment on Forest Stand Delineations, Preliminary Forest Conservation Plans, and Final Forest Conservation Plans. The Forest Stand Delineation and the Preliminary Forest Conservation Plan have been reviewed and are both up to County Forest Conservation Regulations standards.
- The Final Forest Conservation Plan has not yet been submitted for review. It is recommended that the Final Forest Conservation Plan be approved by the Town prior to Final Plat approval.
- It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.
- A 25' buffer is recommended around any non-tidal wetlands that may be present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.

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- The habitats of any rare, threatened, and endangered species should be avoided.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- Has any consideration been given to providing vegetative screening between the sides and rears of proposed Lots 81 & 82 and the alleyways and rears of nearby townhouses? Depending on the use of those alleyways, the landscaping may want to be adjusted accordingly.
- Has any consideration been given to providing fee simple access to the open space in the SW corner of the site? Mr. Montgomery advised that will be dealt with.
- Has any consideration been given to eliminating the dogleg connection between Shady Maple Lane and Hall Circle? If there is going to be trash pickup, there should be a more direct line for the trash trucks.
- Since Bunty Trail, Hall Circle, and Maple Heights Lane would all access Maple Leaf Drive within 200', has any consideration been given to reversing the one-way flow of Hall Circle? Mr. Montgomery agreed that that would make better sense.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- Sidewalks are recommended along both sides of all internal streets.

TECHNICAL ADVISORY COMMITTEE 2003

- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works Street Code.
- It should be confirmed that the number of parking spaces proposed falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- Will parking be permitted in the alleyways? Mr. Montgomery stated that is not the intent, but it will probably happen.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed that all street and alleyway names have been approved by the County's Emergency Management Agency prior to Final Plat approval.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Rising Sun Volunteer Fire Company.
- Fire hydrant/standpipe locations should be shown and should be consistent with the Town's Zoning Ordinance and Subdivision Regulations and/or recommendations by the Rising Sun Volunteer Fire Company.
- Water allocation should be confirmed by the Town of Rising Sun prior to final approval.
- Sewer allocation should be confirmed by the Town of Rising Sun prior to final approval.

6. Donnie Sutton presented **Rock Run Estates, Section 3, Lots 26-44, Liberty Grove Road, Preliminary Plat, Seventh District.**

TECHNICAL ADVISORY COMMITTEE 2003

Mr. Sutton stated this is a preliminary plat for Section 3, which is the last section. This section will be submitted for Planning Commission review, along with the final plat.

Mr. Woodhull stated that all technical requirements of the Department of Public Works have been met. Only a few items, which include the Public Works Agreement for streets and storm drains and minor comments concerning the bridge, remain outstanding.

Mr. Markwardt asked what is the access road name for Section 4? Mr. Sutton replied Nicholas Alexander Drive, which will continue into Section 5. Mr. Markwardt questioned the size of homes and the anticipated beginning date of construction. Mr. Sutton stated the homes will be similar to Section 4, and they hope to begin construction in the spring.

Mr. Di Giacomo advised that it might behoove the applicant to put Nicholas Alexander Drive on the vicinity sketch.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR. The Concept Plat, approved February 1988, is still valid. The approved density is 1/ 2.1, with 16.3 acres of common open space and 106 lots on 222 acres.

The Section 1 (Lots 1-6) Final Plat was approved on 2-19-91. The Section 1 Record Plat was signed on 6-24-91, leaving 202.84 acres, and the entire common open space requirement, remaining.

The Final Plat for Section 2, lots 7-25, was approved on 4-17-95 and the Record Plats signed on 8-15-95. Section 2 included 10.61 acres of common open space, leaving a balance due of an additional 5.69 acres.

The Section 4 (Lots 45-62) Final Plat was approved, and record plats signed 4/24/01.

The Section 5 (Lots 71-101) Final Plat was approved on 12/16/02, and it satisfied the entire remaining common open space requirement. One of the conditions of approval was: Any Forest Conservation obligations remaining from previous sections being satisfied in Section 3.

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The Technical Advisory Committee (TAC) first reviewed the Section 3 Preliminary Plat on 5/7/97. The Planning Commission disapproved the Section 3 Preliminary Plat on 12/20/99 because it lacked necessary information.

The revised Section 3 (Lots 26-44) Preliminary Plat was approved w/conditions on 3/20/00. That approval, per § s 4.1.10 and 4.1.17 of the Subdivision Regulations, has expired.

This Preliminary Plat is generally consistent with the approved Concept Plat and the previously approved Preliminary Plat. However, in addition to 19 lots and roadway on 36.69 acres, it proposes to revise the recorded Section 2 common open space by including an area of reforestation and natural regeneration. Therefore, the title block must reference the proposed changes to the Section 2 common open space.

All references to common open space must read common open space.

The expanded, 160 perennial stream buffer and the 25 non-tidal wetland buffer are depicted on the plat. However, the expanded, 160 perennial stream buffer is shown as fragmented, rather than continuous. It must be labeled on proposed Lot 27. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

The common open space requirements of the approved Concept Plat were satisfied in Section 5.

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

Rows of street trees are required along both sides of Arthur Avenue. Where feasible, the natural vegetative equivalent may be used to satisfy the street tree requirements. The Forest Stand Delineation (FSD) was approved 8/17/95, but its 5 year validity has expired. A revised FSD must be approved for Sections 2 and 3.

The Preliminary Forest Conservation Plan (FCP) was approved on 3/26/98. The areas of reforestation must be depicted on the plat and differentiated from the forest retention areas. The Final Forest Conservation Plan (FCP) and Landscape Plan for the street trees and bufferyards must be approved prior to the Planning Commission's review of the Final Plat. The natural vegetative equivalent may be used to satisfy the Bufferyard A requirement along the rear lot lines of proposed lots 29-35.

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The 100 Agricultural Use Bufferyard that is depicted on proposed Lots 29-35 must be relabeled as 100 Agricultural Setback.

A Landscape Agreement must be executed prior to recordation.

Notice must 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.

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. The metes and bounds description of the FRA must be shown on the record plat.

Any access to common open space between or beside lots must be marked with concrete monuments.

The owners of these lots must become members of the Homeowners Association for maintenance of common open space with \$50 per recorded lot placed in escrow prior to recordation, for improvements.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

7. Donnie Sutton presented **Fielder Property, Inc. & Michael M. Tiller, et al. (Lands of), Reservoir Road, Concept Plat, Seventh District.**

Mr. Sutton stated the Fielder property contains most of the lots proposed. It has frontage on Cedar Corner Road, however that frontage is along the creek, which basically makes this parcel landlocked. The property will be accessed through one of the Tiller lots off Reservoir Road. 28 lots are proposed. Since the plat was submitted for TAC review, additional information has been received that shows non-tidal wetlands on Lots 21-23 and a small portion on Lot 25. Those non-tidal wetlands will be field located. The concept was revised to shorten the lot lines and add additional common open space to reconfigure the layout to keep the non-tidal wetlands off the lots, where possible. In that reconfiguration, there will be 29 total lots.

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Mr. Woodhull stated a Stormwater Management Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance.

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.

The remaining lands of Tiller & Chestnut should be denied access to Reservoir Road and in turn be required to access Road A . DPW also recommends that this concept plat reflect the potential for interconnectivity with any future development on the remaining lands. This should be provided by indicating a proposed future road connecting Road A adjacent to Lot 1, and Road B in the area of Lots 12 & 13. Road A must include a stub connection to the lands of Creswell (50 wide minimum) to provide for future interconnectivity. This should be opposite the return road through the remaining lands of Tiller & Chestnut.

Narrow pavement and lack of shoulders does not support additional houses accessing Reservoir Road. Therefore, DPW will be evaluating existing conditions and determining what upgrades will be required of the developer for this road. Section 3.07.15 of the Road Code directs that Reservoir Road must be upgraded to a Minor Collector Standard for a minimum distance of 100 either side of the point of intersection between Reservoir Road and the proposed entrance. A right-of-way dedication denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. must be provided along the Reservoir Road frontage at the entrance with proposed Road A and also along the road frontage of the remaining lands of Michael M. Tiller & Katherine A. Chestnut.

Entrance geometry should be coordinated with CCDPW prior to significant engineering efforts. Sight distance measurements must be provided to the CCDPW to establish compliance with the Cecil County Road Code. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location.

Mr. Woodhull asked why a 60 wide right-of-way has been proposed for Road A ? Mr. Sutton stated since it has been revised and may be dropped back down to 50 foot wide. Also, the Creswell property currently has a mini road accessing off Reservoir Road that could be used for further development. Further, the Tillers have no plans to further subdivide at this time. Therefore, a short stub cul-de-sac would be a better solution rather than provide connectivity. Also, there is probably a non-tidal wetland area. He advised that a stormwater

TECHNICAL ADVISORY COMMITTEE 2003

management area would probably be placed next to Lot 1. Mr. Woodhull stated that connectivity could be lost if it is not provided now.

Mr. Woodhull stated that any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the private mini road and storm drains.

Further, the 100-year floodplain is in close proximity to the stormwater management facility, therefore the contour lines must be shown in order to confirm that it will not impact those facilities.

Mr. Markwardt questioned the size of the homes and buildout of the subdivision. Mr. Sutton stated they will be the same as Beacon Point, between \$175,000 and \$275,000. The buildout will be two to three years. Mr. Markwardt stated that because of the distance, there will not be interior bus service. The Board of Education usually requires ½ mile distance in order to provide interior bus service.

Mr. Moore read the Health Department comments, a copy attached for reference. In reply to the Health Department comments, Mr. Sutton stated that his understanding is that the AT&T easement no longer exists.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat apparently proposes 28 lots, 19.6 acres of common open space, and right-of-way on 79.9 acres, for a proposed density of 1/2.85. However, the boundary lines are confusing with respect to what is supposed to be included or excluded. The area labeled common open space to the east of Road A is bounded by the same line width as the remaining lands of Michael M. Tiller and Katherine A. Chestnut. Therefore, the remaining lands should apparently be included in the density calculation. If not, then the referenced area of common open space should not.

In addition, it is unclear whether the add-on areas should be added to or subtracted from the acreage total. That would also have a bearing on the density calculation. These issues must be clarified on the plat submitted for review by the Planning Commission.

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Mr. Di Giacomo asked why separate acreages haven't been provided and separate densities been calculated since the two properties are under separate ownership? Mr. Sutton stated the total area (road area, add on, and lots) was looked at since the Tillers don't have plans for the remaining lands.

Mr. Di Giacomo asked why the vicinity map doesn't show the area of proposed Lots 1-6? Mr. Sutton stated the vicinity map will be revised.

Mr. Di Giacomo continued: Parcel 581 must be referenced.

This proposed subdivision is located within the area that was the subject of the Health Department's 4/9/01 Memo dealing with additional land development requirements due to low well yields.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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.

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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

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Approximately 24% common open space is proposed. 15% is required.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those thresholds must be calculated and included on the Preliminary Plat submitted for TAC review.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Reservoir Road, if at all feasible. Bufferyard Standard A is required along the lot lines of lots 24 & 28 to buffer adjacent agricultural uses. 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. Rows of street trees 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.

Sidewalks are recommended on one side of all internal roads.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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

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

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Sutton stated the road coming into the subdivision will be named Millcreek Drive and the road at the t will be Vista Creek Drive, pending approval.

Mr. Moore advised that the remaining lands must be perked prior to adding it to this property. Mr. Sutton stated there is an existing dwelling on that property. Mr. Moore advised if it is an old house, it will still have to be perked.

8. Fred Orr, David Dodge, Charlie Ward and Donna Ward presented Perryville Yacht Club, Town of Perryville, Roundhouse Drive, Concept Plat, Seventh District.

Mr. Orr stated this is a preliminary site plan, not concept as shown on the plat. To meet Town requirements, the Town has requested the County TAC to review the plan. This project is 5.5 acres and is made up of Parcels 721 and Lot 35 of Parcel 834. Both parcels are zoned CM. The existing use for Parcel 721 is a campground and marina. Lot 25 is additional parking for the marina. The proposal is for four three-story condominium buildings, with each building containing 15 residential units, for a total of 60. At this point, the existing marina office/residence will remain. The project will be served by public water and sewer from the Town of Perryville. The entire site is within the IDA Critical Area. An Environmental Assessment was filed with the Town on 12/31/02 and with the County's OPZ immediately prior to this meeting. They plan to present the proposal to the Town on January 21st. Two corrections need to be made to the plat presented to TAC. One is the site parking column needs to be corrected to show the total number of existing marina slips as 118. The required number of parking spaces is 59, which is ½ space per slip. Mr. Ward advised that some of the piers are floating. Mr. Orr stated the total parking spaces is correct at 187 and the total provided is 189. The second correction is in the Critical Area data. The proposed overall impervious surface is actually larger than shown, and it is anticipated that the stormwater management facilities will be used to offset that increase.

Mr. Woodhull stated a Stormwater Management Plan and a Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.) Mr. Orr asked if Lot Grading Plans are required for condos? Mr. Woodhull stated he would check into that.

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Mr. Woodhull continued: CCDPW recommends that the Town of Perryville hold Final Plat approval until the CCDPW has approved the Stormwater Management Plan.

It is DPW's understanding that the internal streets will be private and that the water and sanitary sewer mains will belong to the Town of Perryville. It is unclear what road elements will remain and which will be discontinued. The concept plan should clarify this in some manner. DPW's major concern is River Road, and whether it will be cut off by this. He asked where access comes off Round House? Mr. Orr advised that River Road would be stopped at a curb line. River Road would continue to the northern boundary. He has had several discussions with the Town and that would be subject to the Town's approval. The existing 20-foot right-of-way between Round House and River Road is not proposed as a road at this time, or at least not as part of this project.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

Mr. Markwardt asked where Front Street comes in? Mr. Orr indicated it on the plat. Mr. Markwardt stated there won't be any bus service into the interior, therefore the Board of Education would like to see a one-sided bus shelter provided. The most logical place would be on the northern corner across from Front Street.

Mr. Markwardt questioned the size of the townhouses. Mr. Orr stated the densities listed on the plat are the town's standard requirements for square footage per family. Mr. Dodge advised the homes will be garden-style condos that will be from low to mid \$200,000. Mr. Markwardt questioned the anticipated starting date for construction. Mr. Orr stated the soonest they would begin would be early summer.

Mr. Moore read the Health Department comments, a copy attached for reference. He advised that the location of the pump out facilities and the sewer connection must be shown on the plat. Mr. Ward advised that the old septic tanks and 55-gallon drums have all been removed. The septic system that was in place for the bathrooms has been removed. Every house and marina and building is connected to public sewer. Mr. Moore stated that those connections must be shown on a preliminary plat submitted to the Health Department.

Mr. Di Giacomo stated this subdivision is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

The Office of Planning & Zoning's comments and questions relating to this Concept Plat are as follows:

January 2, 2003, 9:00 a.m.

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- Town Zoning: R-3
- Critical Area Designation: IDA
- Has any consideration been given to locating all of the buildings farther away from the buffer and outside the 100-year floodplain by moving the parking to the western portion of the site? Mr. Orr advised that a 150-foot wide B G & E right-of-way runs through Lot 35 and principal structures cannot be located under it. They attempted to minimize the amount of impervious surface in the buffer.
- Is a new street proposed between River Road and Roundhouse Drive to the south of the project? If so, what is its proposed name? Mr. Orr stated the owners are not proposing to construct that road. The Town could construct one, however. He is not aware of any proposed name.
- At what point does River Road terminate? Will there be any through traffic movements on the old River Road alignment? Mr. Orr stated that River Road will terminate before reaching the northern property boundary of Lot 35. After discussion with the Town, they will propose to continue River Road pavement to the property line, allowing access to the properties to the north. Mr. Di Giacomo stated a pedestrian crossing should be striped there.
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R-3 zone.
- This project is exempt under §3.2.B for the Forest Conservation Regulations because it is in the Chesapeake Bay Critical Area. It is recommended that a note to that effect be required on the plat.
- It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.

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- A 25' buffer is recommended around any non-tidal wetlands that may be present. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
- The habitats of any rare, threatened, and endangered species should be avoided.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- It is recommended that all structures and parking be located outside the fall zone of the depicted electrical tower. It is further recommended that any overhead wires associated with that electrical tower be depicted on the plat.
- What is the purpose of the oversized parking spaces along the old River Road alignment? Is that purpose permitted in the R-3 zone? Mr. Orr stated the use of those spaces could be dual. They are shown as adequate for tow vehicles and boat trailer storage. They could also be used for automobile parking, which would provide 40 additional spaces. Those parking areas would serve the marina.
- The NW-most SWM area is partly occupied by a proposed sidewalk.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works Street Code.

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- It should be confirmed that the number of parking spaces falls within the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- No ADA parking spaces are depicted. ADA parking spaces must be included, and it should be confirmed that the number of ADA parking spaces meets local and Federal requirements.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations. When Critical Area comments are received, OPZ will forward them to the applicant. Mr. Orr advised that he has an on-site meeting with Critical Area staff later this month.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Perryville Volunteer Fire Company.
- Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.
- Consideration should be given to locating dry hydrants near the existing boatlift track if deemed advisable and feasible by the Perryville Volunteer Fire Co.
- Water allocation should be confirmed by the Town of Perryville prior to final approval.
- Sewer allocation should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.
- It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks.
- It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted.
- It is recommended that any necessary variance or special exception numbers be shown on the plat.

TECHNICAL ADVISORY COMMITTEE 2003

- It is recommended that the Town condition Final Plat approval upon all condominium owners becoming members of the condominium association(s) for maintenance of the buildings, parking areas, private roads, landscaping, clubhouse, and common elements.
- The condo instruments for these condominiums must be accepted by the Maryland Secretary of State prior to recordation.
- It is recommended that the condo instruments required for the recordation of the units in Phase 1 include the subsequent Phase 2 condominium units.
- It is recommended that, consistent with Town policies, the Town give consideration to requiring a traffic impact study (TIS).
- Has any consideration been given to including bike racks? Mr. Orr replied that has not been considered at this time.

Mr. Woodhull asked if the grading shown on the south side of the property is part of this property's right-of-way grading? Mr. Orr stated that right-of-way is part of the Town's holdings with Round House Drive.

Mr. Moore asked if the drilled well has been abandoned and sealed? Mr. Ward stated it is still there. They use it for washing boats and for people to clean up. It will be abandoned and sealed, though.

There were no further comments.

February 5, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Woodhull, Latham, Markwardt, Davis, Funk, Roop, Moore, McDowell, and Graham.

ABSENT: King, Ouano, Hodgson, and Hicks. Mr. King submitted a letter advising that he had no SHA comments for this month's meeting.

1. Donnie Sutton presented **Fielder property, inc. & michael m. tiller, et al. (lands of), reservoir road, concept plat, seventh District.**

Mr. Sutton stated this is a resubmittal of a concept sketch that was disapproved by the Planning Commission last month. Common open space area has been added around the stormwater management pond and they will be meeting with the Health Department on the perc tests to ease some of the Planning Commission's concerns.

A Stormwater Management (SWM) Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

Narrow pavement and lack of shoulders does not support additional houses accessing Reservoir Road. There will be requirements for upgrading that road, primarily to the west. It is currently only 16-17 feet wide. DPW is continuing to look at what will be required. Section 3.07.15 of the Road Code directs that Reservoir Road must be upgraded to a minor collector standard for a minimum distance of 100' either side of the point of intersection between Reservoir Road and the proposed entrance. That will be tied into the other upgrades.

A right-of-way dedication denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. must be provided along the road frontage of the remaining lands of Michael M. Tiller & Katherine A. Chestnut. Mr. Sutton stated that property is not being presented for any development at this time. The Tiller and Chestnut portion of this proposal will be added on to the Fielder property, therefore a right-of-way along that property shouldn't be required.

TECHNICAL ADVISORY COMMITTEE 2003

Mr. Woodhull continued: Entrance geometry should be coordinated with CCDPW prior to significant engineering efforts. Sight distance measurements must be provided to the CCDPW to establish compliance with the Cecil County Road Code. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location.

The Remaining Lands of Tiller & Chestnut should be denied access to Reservoir Road and in turn be required to access Mill Creek Drive.

The proposed future access right-of-way to the Lands of Creswell from Mill Creek should be dedicated to Mr. Creswell. Mr. Sutton stated that simply conveying that to Creswell could be an issue with the developer. Creswell currently has access and frontage on Reservoir Road. Mr. Woodhull stated if the large Creswell farm field is developed, then DPW would want it accessing Mill Creek Drive, as opposed to Reservoir Road. Mr. Sutton stated if that is required, then the developer should be compensated by Creswell.

Mr. Woodhull further stated that any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the road and storm drains.

Ms. Latham advised that a water appropriations permit will be required.

Mr. Markwardt stated that he has no additional comments from last month's TAC meeting.

Mr. Smith had no comments.

Mr. Funk submitted the soils summary to the applicant, a copy in the file for reference. He stated that several of the soils are mislabeled, and indicated them on the plat. Further, he asked why there is only one access to the common open space area? Mr. Sutton stated there will be an access provided between Lots 19 & 20.

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Mr. Funk asked if the wetlands were field delineated? Mr. Sutton answered in the affirmative.

Mr. Roop stated that any filling of wetlands or the creek would require a permit.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents:

1. **WATER SUPPLY.** The wells supplying water to the homes in this area are characterized by four problems: they must be drilled very deep (some over 600 feet deep), there is a low success rate (more than one well may need to be drilled before a usable well results), completed wells have a low yield, and the wells have a high failure rate (an apparently successful well may fail after several years). The supply of water in this area has been diminishing in recent years and last year particularly, during the drought, a number of nearby wells went dry. Most of those contacting me have personally experienced a problem with their well. Some neighbors have drilled several wells, each one successively going dry. It has been necessary for some residents to resort to extra means to keep an adequate supply of water such as using two wells and limiting consumption by using a laundromat, not using their dishwasher, and taking short showers. The requirement that a successful well be drilled before a building permit is issued is not enough, since it does not help the existing homeowners and it does not assure the continued functioning of the newly drilled well. Twenty-nine additional homes on only 80 acres will significantly impact the water usage in this small area and may cause further problems for the current residents. The normal water recharge area for each well does not seem to be adequate in this situation. The water supply problem could be resolved by the Town of Perryville supplying water to the area or could be lessened by restricting the number of new homes drilling wells. If wells are used to supply the new homes, a water supply test and study should be required to assure that adequate water is available for both the new and the existing homes

2. **TRAFFIC SAFETY.** Reservoir Road is a hilly, winding road that cannot sustain any increase in the traffic due to its very narrow width (17ft), lack of shoulders, and sharp curves. There are significant curves in the road in both directions where numerous accidents continually occur. The curve near Mill Creek, which has a steep hill from both directions, is especially dangerous. There have consistently been 6-12 accidents in that specific area each year and there have been seven incidents just since October 2002. The recent icy weather exacerbated the problem. The Cecil County Department of Public Works stated at last month's hearing on this property that Reservoir Road could not support additional houses accessing the road. The proximity of the proposed development entrance to the sharp curve in the Easterly direction will be a hazard when cars are waiting to make a left hand turn into the development. The fact that several cars may be backed up waiting for a car to turn left into the development also shortens the distance to the curve in the road. The solution of the road problem will require the developer and the county to upgrade Reservoir Road in order to safely accommodate the additional traffic. However, improving Reservoir Road may greatly increase the traffic

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since it will further encourage an existing problem, its use as a convenient short-cut from Rt. 40 to Rt. 222. Also, widening of the road and shoulders and straightening the curves would take lawn and landscaping features which residents are reluctant to lose.

3. SEWER. Many of the soils in this area require wet weather perc testing or are annotated in the Cecil County Soil Survey with severe limitations for septic fields. Some septic systems in the area have had sewer effluent surfacing on the top of the ground. Due to the soil types and the existing problems in the area, extensive wet season testing should be done to protect the current residents as well as the investment of those purchasing the lots in the new development. Perc tests which are marginal or just barely pass should not be accepted. This problem could be resolved if the Town of Perryville extended their service into this area.

4. SAFETY/EMERGENCY VEHICLES. This area can be accessed from two directions on Reservoir Road; however, the road from the East has a railroad grade crossing. Consequently, emergency vehicles only come from the Rt. 222 direction, since long trains may block the grade crossing. Access from Rt. 222 can also be impeded during heavy rains by high water across the road from Mill Creek near the properties of Barrow and Barrick and also may be blocked by high water on Jackson Station Road where there are signs indicating Flood Area . Although this only occurs during very heavy rains, it is a concern.

5. SCHOOLS. The additional homes will exacerbate an existing space problem with the Perryville elementary, middle and high schools. All these schools have an enrollment exceeding their capacity.

6. STORM WATER. This property has significant wetland areas. Mill Creek bounds this property on the West and passes under Reservoir Road to the North. There are significant wetlands on the West and South areas of the property. Also the currently unused Perryville reservoir is directly across Reservoir Road on Mill Creek. During heavy rains Mill Creek rises and crosses the road. Run-off from the roads and developed areas of this property should be carefully controlled.

For the reasons cited above, the nearby residents feel this property is not suitable for development both due to the impact it will have on their properties and the problems the new homeowners will encounter. The residents request that this proposed development not be approved unless the two most serious problems, those concerning the water supply and the condition of Reservoir Road, are resolved. The residents also request that the other issues of functional sewer fields, emergency vehicles, adequacy of schools and management of stormwater be taken into consideration and addressed as possible.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 29 lots, 40.2 acres of common open space, and R.O.W. on approx. 81 acres, for a proposed density of approx. 1/2.79.

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This proposed subdivision is located within the area that was the subject of the Health Department's 4/9/01 Memo dealing with additional land development requirements due to low well yields.

Mr. Di Giacomo asked why separate acreages haven't been provided and separate densities been calculated since the 2 properties are under separate ownership? Mr. Sutton stated the add-on will be completed prior to continuation and it will become one property.

Mr. Di Giacomo continued: As is, the Area Table is confusing. Add-on C, which would go to Tiller and Chestnut, has been added in, but Add-on B, which would become part of the project, has been omitted. Is the acreage for the common open space containing the stormwater management area north of proposed Lot 1 included in the common open space total of 40.2 acres? Mr. Sutton answered in the affirmative.

Mr. Di Giacomo asked why the Add-on A acreage has been subtracted from the total acreage for the density calculation? Mr. Sutton stated that will be corrected on the plat submitted to the Planning Commission.

Mr. Di Giacomo further stated that there appears to be an add-on sandwiched between Add-ons A and B. Where does its acreage appear in the Area Table, and why hasn't it been labeled? Mr. Sutton advised that it's part of the road right-of-way and is included in that acreage.

Mr. Di Giacomo stated a boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

A future stub road is now depicted between proposed Lots 12 and 13, as well as a proposed future access stub to the lands of Creswell. What is intended for the remaining lands, and would a loop road be incorporated into the design? Mr. Sutton stated no design on the Tiller property is currently pending. The Planning Commission could request a looped road.

Mr. Di Giacomo continued: 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. 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 present. Permits are

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required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

Approximately 50% common open space is proposed. 15% is required. 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those thresholds must be calculated and included on the Preliminary Plat submitted for TAC review.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Reservoir Road, if at all feasible.

Bufferyard Standard A is required along the lot lines of lots 28 & 29 to buffer adjacent agricultural uses. Why hasn't a Bufferyard Standard A been depicted for proposed Lots 1-4, 6, and 12-13? Mr. Sutton stated that he didn't realize that bufferyard was necessary. He will look at it.

Mr. Di Giacomo continued: 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.

Rows of street trees 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.

Sidewalks are recommended on one side of all internal roads in the SR zone.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) was approved on 12/24/02. The Preliminary Forest

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Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Vista Creek Drive has been approved, the name Mill Creek Drive has not.

Access to common open space between lots must be marked with concrete monuments. Why are the two common open space access strips of different widths? Mr. Sutton stated one will need a swale to get to the stormwater management area and one will not.

Mr. Di Giacomo asked why an add-on hook hasn't been depicted connecting the proposed common open space to the east of the depicted Mill Creek Drive to parcel 580? Mr. Sutton advised that he will add that.

Mr. Di Giacomo continued: A Homeowners Association for maintenance of common open space and landscaped islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Has the applicant had any further communication with AT&T concerning the easement? Mr. Sutton stated that he talked to an AT&T representative in Georgia who deals with rights-of-way in Maryland, and was advised that it has been moved down along the railroad because it is easier to maintain. He is trying to get a letter from them.

Mr. Di Giacomo commented that deed reference NDS 86/476 indicates an active CSX access easement. Mr. Sutton stated that he hasn't seen that access easement but will check into it.

Mr. Di Giacomo reminded of the Monday noon submission deadline for review by the Planning Commission this month.

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2. Ken Cantera and Mickey Temple presented **mcmillan, jesse j., et ux. (lands of), camp meeting ground road, concept plat, seventh district.**

Mr. Cantera stated that this subdivision is requesting bonus density. There are 18 lots on 55 acres. Lot 18 will be the large lot and will encompass the existing buildings and farming operation. They would like to have an active farming operation on the common open space property. The line in the middle of the common open space should be eliminated. The common open space is approximately 12 acres. The stormwater management area will be part of the common open space and not part of the large lot as shown. A division line will be added to the plat.

Mr. Woodhull stated a Stormwater Management Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance. 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.

The Tax Map and Parcel Numbers for this property must be shown on the Concept Plat.

Sight distance measurements must be provided to the CCDPW to establish compliance with the Cecil County Road Code. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location. Entrance geometry should be coordinated with CCDPW prior to significant engineering efforts.

Section 3.07.15 of the Road Code directs that Craigtown Road must be upgraded to a Minor Collector Standard for a minimum distance of 100 either side of the point of intersection between Craigtown Road and the proposed entrance. A right-of-way dedication denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. must be provided along the Craigtown Road frontage at the entrance with the proposed road. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Mr. Woodhull asked if there is an existing 30 wide ROW along Craigtown Road where the common open space is? Mr. Cantera stated no, that belongs to SHA. Mr. Woodhull advised that a road widening easement

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along Camp Meeting Ground Road along the common open space, where Lot 18 comes in, must be provided.

Lot 1 shall be denied access to Craigtown Road and Lot 18 and the open space shall be denied access to Camp Meeting Ground Road.

Show the existing driveway location for Lot 18 to the existing farm buildings.

Drainage and access easements must be shown between Lots 14 & 15 and crossing Lots 16-18.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the road and storm drains.

The plan shows Parcel 291 belonging to John C. Sherrard abutting this property at the southwest corner. Tax Map 23 indicates that this should be Parcel 490 belonging to Douglas R. Johnson.

Ms. Latham advised that a water appropriation permit will be required.

Mr. Markwardt stated that due to the short nature of the road, there will not be any interior bus service. Bus pick up will be at the corner of Craigtown Road and the proposed new road. He asked what the size and value of the homes would be and if approved, when construction would begin? Mr. Temple stated the homes would be \$200,000+ and construction would begin as soon as approval is received.

Mr. Davis stated that Armstrong would provide the cable TV service and will coordinate any joint trenching with the power company.

Mr. Funk submitted the soils summary. He advised that soils need to be delineated and labeled on concept plats, and the contours need to be shown. An Erosion and Sediment Control Plan will be required prior to

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grading.

Mr. Roop stated there are no wetlands on the property, therefore nothing from the Corps of Engineers is required.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell advised that he has received no comments from the residents and he has no comments of his own.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 18 lots plus common open space on 55.125 acres, for a proposed density of 1/3, which does not exceed bonus density. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

The tax map (23), grid (9), and parcel (622) numbers have not been provided on the plat, as required.

Reference must be made to Minor Subdivisions 1766, 1767, and 2921 on the plat submitted for Planning Commission review.

The Density and Open Space Data table indicates that 8.27 acres of common open space are proposed. However, that figure conflicts with the 8.30 acres cited on the plat. This discrepancy must be rectified prior to submission for Planning Commission review.

The Density and Open Space Data table indicates that 38.9 total acres of open space are proposed. However, the proposed large lots 27.14 acres and the proposed 8.27 (or 8.30) acres of common open space total only 35.41 (35.44). That total must be corrected prior to submission for Planning Commission review.

Why haven't the acreages for the roadway and remaining lands been shown? Mr. Cantera stated there will be an area table and separate density table that will define both shown on the plat submitted to the Planning Commission.

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Mr. Di Giacomo continued: Why haven't zoning classifications on adjacent properties been shown? That must be corrected prior to submission for Planning Commission review.

The adjacent parcel 291 in the SW corner of the property is actually parcel 490. That must be corrected prior to submission for Planning Commission review.

Why haven't the road widths, cul-de-sac radius, and common open space access strip width been provided on the plat? These pieces of information must be included on the plat submitted for Planning Commission Review.

§4.0.13 (c) of the Subdivision Regulations requires that, in the event a record subdivision adjoins the property to be developed, then that subdivision must be indicated by dashed lines. Two such subdivisions adjacent to proposed lot 18 have not been shown. They must be depicted on the plat submitted for Planning Commission review.

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.

Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any 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 any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) is not necessary.

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

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This proposal satisfies the general open space provisions of the NAR zone for bonus density; however, the acreage figures must be verified, and they must be consistent. Access to common open space between lots must be marked with concrete monuments.

No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Craigtown and Camp Meeting Ground Roads. Along the Camp Meeting Ground Road frontages of proposed Lot 18 and common open space, a Bufferyard Standard A would be more in keeping with the rural character of the Rural Conservation District. If that land is to be kept as an agricultural operation, then OPZ would recommend the Planning Commission to waive the Bufferyard C requirement. However, a Bufferyard A should possibly be planted between the lots and the common open space if in fact it is farmed. Mr. Cantera advised that afforestation will have to be done on the property, and would probably be done in that area.

Proposed lots 1, 18 and common open space should be denied direct access onto Craigtown Road. Proposed lot 18 should be denied access onto Camp Meeting Ground Road.

Rows of street trees 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Has any thought been given to extending and connecting the proposed, unnamed cul-de-sac to Camp Meeting Ground Road? Mr. Cantera stated no, because it would create a short cut and have a high volume of traffic on a neighborhood road. Also, they are trying to keep the good soils for farming together in one large parcel, and condensing the lots in one small area. The compact design would minimize impervious surface. Mr. Markwardt agreed that it would not be a good idea to make a through road. Not only would car traffic use it, but the buses would also use it. Further, if it were a through road, half the development would be in one school district and half in another. As a cul-de-sac, the entire subdivision would be in the same school district.

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Mr. Di Giacomo continued: Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A Homeowners Association for maintenance of common open space, and possibly a landscaped island, must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Unless the dwelling on proposed lot 18 is situated 300 or more from the southern property line, a Bufferyard standard A with a 100 agricultural setback will be required. What is the intended disposition for the existing buildings on proposed lot 18? Mr. Temple advised that they will be evaluated to see whether they are worth fixing.

Mr. Di Giacomo stated that 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. A note should be placed on the plat stating that the common open space area would continue to be a farming operation. Also, a formal arrangement would have to be made with the Homeowners Association.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Meeting adjourned at 10:00 a.m.

NEXT MEETING: Wednesday, March 5, 2003 at 9:00 a.m. in the Planning and Zoning Conference Room.

March 5, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Woodhull, Carter, Moore, Funk, Latham, Markwardt, Ouano, Davis, Roop, McDowell, and Graham.

ABSENT: King, Hodgson, and Hicks.

1. David Dodge and John Conwell presented **Richmond Hills, Charles Street, Town of Perryville, Preliminary Plat, George W. Stephens, Jr. and Associates, Inc., Seventh District.**

Mr. Dodge stated this is a 10.3-acre proposal comprised of five parcels, zoned R3, except two parcels fronting on Charles Street, and both zoned R1 and contain 16,000 sq. ft. single-family lot. The remaining nine acres is zoned R3. As many as 120 apartment units have been proposed for this site. There have also been in excess of 90 townhomes proposed. That number of townhomes is not practical in this area of the town. The R3 zoning requires 7,000 sq. ft. lot, but these lots will be in excess of 20,000 sq. ft. in order to create lot sizes that compliment the neighborhood. There will be 33 twenty-four foot wide garage style townhomes. The sales prices will be starting at \$140,000-\$150,000 and the single-family homes will start in the low \$200,000 s.

Mr. Conwell stated a Road Code Waiver request will be submitted for the cul-de-sac length. The water will come off Charles Street. There is a manhole in Charles Street and lamphole on Parcel 2B. They are not sure if that is public or private. It could be gravity sewer or possibly a low-pressure system. The worst-case scenario would be a small pump station. They are in the process of obtaining Growth Allocation for 2.7 acres of the site from LDA to IDA. Mr. Dodge advised that they could have taken the townhomes out of the Critical Area and put the single-family homes there and met the criteria for the Critical Area Commission. However, that wouldn't be good planning nor a compliment to the neighborhood to have the townhomes facing the road and the single-family homes looking at the back of the townhomes. The Critical Area Commission changed approximately 16 acres of land adjacent to this property, from LDA to IDA, across the railroad tracks.

Mr. Woodhull stated that for the record, the Department of Public Works was not afforded an opportunity to review this project at the concept stage. He asked if the internal streets are proposed as private or public? If they are to be public, the CCDPW understands that they are to be dedicated to the Town of Perryville. However, the Department recommends to the Town of Perryville that the internal streets be built to County

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Road Code standards or equivalent. The proposed street should be designed as a Minor Residential (Townhouse) Road. The cul-de-sac bulbs do not comply with the current Cecil County Road Code Standard R-14, as to radius dimensions. They should be 150' diameter or 75' radius to the ROW boundary.

DPW understands that the water and sanitary sewer will be dedicated to the Town of Perryville. The proposed locations should be shown on the Preliminary Plat. It is recommended to the Town of Perryville that these utilities be built in accordance with the Cecil County Water and Sewer Main Standards or equivalent.

A SWM Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. DPW is concerned with the location of the SWM pond outfall. Where will the pond discharge ultimately end up? Mr. Conwell stated the water is currently flowing under the Rte. 40 bridge to the railroad tracks. Pre-existing conditions will be maintained.

Mr. Woodhull continued: The downstream analysis must address any and all impacts on the proposed Frenchtown Crossing development, the B&O ROW, and US Route 40 at the Hatem Memorial Bridge. Additionally, the concentration of what is currently sheet flow cannot be permitted to create adverse impacts on adjoining properties.

There are many proposed driveway entrances on the southern cul-de-sac and drainage should be carefully studied. Conceptual storm drain locations should be shown on the Preliminary Plat.

Mr. Woodhull asked if all utility easements have been located on the plat? Mr. Conwell stated no. Mr. Woodhull stated there is an indication of an existing utility line that crosses the B&O ROW in the vicinity of the SWM pond. The developer must verify that there are no conflicts between the pond and any utilities.

The Department recommends that the Town of Perryville consider the issue of safety concerning the close proximity of the B&O rail line to the backs of the townhouses.

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The property lines for Lots 1 & 2 are shown extending into the road ROW. Mr. Conwell stated those are existing parcels. He indicated the lot lines on the plan. Mr. Woodhull stated it is very confusing. The CCDPW recommends that the Town of Perryville require this conflict be corrected. Furthermore, the Department recommends that the driveway to Lot 1 should be located at a minimum 75' from the intersection of Charles Street and the proposed road.

Lots 1 & 2 should be denied access to Charles Street and Lot 7 should be denied access except for its frontage on the cul-de-sac.

The Tax Map and Parcel Number must be indicated on the plat.

Mr. Woodhull asked if a Homeowners Association be responsible for the maintenance of some portion of the roadway in Richmond Hill Manor? The open space appears to be in the parking lot or roadway serving Richmond Hills apartments. Mr. Dodge stated that is all private. Mr. Conwell stated that will be resolved after actual boundaries are determined. If there are encroachments, they will have to be addressed.

Mr. Woodhull advised that an Inspection and Maintenance Agreement is required for SWM facilities. The CCDPW recommends that the Town of Perryville require a Public Works Agreement and financial assurance for the streets, storm drains, and utilities.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition to written comments, he stated that the Health Department needs a copy of the preliminary plat prior to record plat signing. Also, if there is a permit required for the pump station, the permit to construct the pump station is required by MDE prior to record plat approval and the permit must be on the record plat.

Mr. Funk submitted the soil summary for this area. The soils shown on the plat are highly erodible. Actually, most of the soils are potentially highly erodible. The only two that aren't are MEB and NEA. It appears that the soil boundaries have been shifted from the west to the east. The soil boundaries need to be looked at again. He asked if there are any culverts under the railroad track for drainage from the site? Is the track going to be a barrier for drainage coming through? Mr. Conwell stated they are not sure of the location, but there will almost have to be a culvert. Field run topo hasn't been done yet. Mr. Funk stated that it appears that the stormwater management pond is on a slope that is greater than 20%.

Ms. Latham advised that a GAP is not required.

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Mr. Markwardt stated that no interior bus service will be provided because the cul-de-sacs are too small, and it is in close proximity to the existing stop. Bus service will be provided at the corner of Charles and Richmond Street, which is a current existing bus stop. He questioned the size of the units and beginning construction date. Mr. Dodge stated the townhomes will be just over 2,000 sq. ft. and the single family homes will be in excess of 2400-2500 sq. ft. Construction would begin in the fall of 2003.

Mr. Ouano, Mr. Davis, Mr. Roop, and Mr. McDowell had no comments.

Mr. Di Giacomo stated this subdivision is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

The Office of Planning & Zoning's comments and questions relating to this Concept Plat are as follows:

- Town Zoning: R1 & R3

- Critical Area Designation: LDA

- It is recommended that a note regarding the schedule of the proposed Growth Allocation be included on the plat.

- This proposal, if approved, would actually be a resubdivision of Richmond Hill Manor. It is recommended that a note to that effect be required on the Plat.

- Part of the roadway configuration for Richmond Hill Manor is shown in the HOA open lawn area. The applicant previously stated that they are not sure that is accurate, and it is adjustments will be made.

- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.

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- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R1 & R3 zones.
- The portion of this project that is in the Chesapeake Bay Critical Area is exempt under §3.2.B for the Forest Conservation Regulations. It is recommended that a note to that effect be required on the site plan.
- Neither an FSD nor an FCP for this proposal has been reviewed by OPZ. Since Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement, such reviews are performed as a courtesy to the Town.
- It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied. Has a Concept Plat been reviewed already? Mr. Dodge answered in the affirmative.
- A 25' buffer is recommended around any non-tidal wetlands that may be present.
- The habitats of any rare, threatened, and endangered species should be avoided.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.

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- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.
- It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed that townhouse configurations are consistent with the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Perryville Volunteer Fire Company.
- Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.
- Water allocation should be confirmed by the Town of Perryville prior to final approval.
- Sewer allocation should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.
- Note # 29 should specifically cite the Town of Perryville as the proposed public water and sewer provider.
- It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks.
- It is recommended that any necessary variance or special exception numbers be shown on the plat.

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- Have any other possible points of ingress and egress been considered? Mr. Conwell there is no other frontage on public streets.
- It is recommended that, consistent with Town policies, the Town give consideration to requiring a traffic impact study (TIS). Even though the 40 dwelling units proposed is below the ITE best practices threshold (50), there is only one point of ingress and egress the this entire neighborhood: the intersection of Franklin Street and MD Route 222.
- The vicinity map should show Route 222 as MD 222 and not US 222.
- How will the rears of lots 8-28 be accessed? Have common HOA access strips been considered between lots 14 & 15, 21 & 22, and 35 & 36? Mr. Conwell stated access would by easement rather than fee simple. Mr. Di Giacomo stated the County s preference would be fee simple access strips. The Town s policies concerning fee simple vs. easement should be verified.
- The driveway for proposed lot 1 seems very close to the intersection. Is the driveway location consistent with the Town s Street Code and Subdivision Regulations? Mr. Conwell answered in the affirmative.
- What are the black triangle symbols along the unnamed streets? Mr. Conwell stated that he didn t know. Mr. Di Giacomo advised that the symbol needs to be included in the legend.
- Street names will need to be approved by the County s 911 Emergency Management Agency.

2. Will Whiteman, Wayne Reed, and Lorraine Reed presented **Reed, Wayne I. and Lorraine P. (Lands of), Oldfield Point Road, Preliminary-Final Plat, Fifth District.**

Mr. Whiteman stated this is a 35-acre tract of land to the east of Oldfield Point Road and south of Oldfield View subdivision and Lands of Raymond Weed. The property is zoned SR. The Reeds would like to subdivide a five-acre parcel to convey to their son. The property has a 50-foot panhandle to the north on Lands of David Willis, Jr. The Reeds were granted a right-of-way across 25 feet of that 50-foot strip. That right-of-way was granted on the property adjacent to Oldfield View and Lands of Raymond Weed. The driveway exists in the 25-foot right-of-way. The Reeds have worked out a right-of-way agreement with Mr.

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Willis. The agreement has been recorded and will be noted on the plat submitted for Planning Commission. There is an error on the plat referring to the Forest Conservation Regulations exemption. That should be 3.2K and not 3.2N. Also, Note 8 is causing some confusion. DPW advised that the note be put on plats.

Non-tidal wetland delineation has been done and a JD has been requested. There are two pockets of non-tidal wetlands. One is to the west and not near any proposed construction and is separated from the proposed construction by a perennial stream buffer. The other is near the area proposed for construction, which consists of only a ditch that goes to a pocket by the gravel lane. They will be requesting conditional approval from the Planning Commission contingent upon the JD being done with no changes. The proposed house is shown without the first floor elevation. They feel they can get first floor elevation and get gravity flow into the septic system.

Mr. Woodhull stated a 251-5 C. SWM exemption has been granted for the purpose of land transfer only. Any development on this lot will require a SWM submittal. That is why Note 8 was originally discussed. Mr. Whiteman stated they applied for a SWM exemption based on under 5,000 sq. ft. being disturbed. Mr. Woodhull stated he would look at that, but it was granted on the basis of a land transfer. If it is granted for less than 5,000 sq. ft. disturbance, then Note 8 can be removed from the plat.

Mr. Woodhull continued: The Parcel Number should be 493 instead of 439.

Documentation must be presented to this Department confirming the 25 x 50 ROW granting access to the existing gravel drive before the plat can be signed.

He asked if the Reeds have received Mr. Willis' consent to allow a third party access to the easement? Mr. Whiteman stated yes, it specifically allows for the subdivision of a five-acre lot. Mr. Carter stated that will now require a Perpetual Road Maintenance Agreement.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Funk and Ms. Latham had no comments.

Mr. Markwardt advised that bus transportation will be provided on Oldfield Point Road.

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Mr. Ouano and Mr. Davis had no comments.

Mr. Roop asked if the wetlands on the south connect to anything or is it isolated? Mr. Whiteman stated those wetlands are isolated. Mr. Roop advised that he would do the JD after the snow melts.

Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is SR. He asked why Note # 8 calls this a Minor Subdivision? Mr. Whiteman stated that is his mistake and it will be corrected.

Mr. Di Giacomo stated the SR zone permits a maximum base density of 1 du/ 1 ac. This proposal is within the maximum allowable density.

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.

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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. Typically, a JD is required prior to preliminary plat approval.

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

20% landscaping of the development envelope is required in the SR zone. No bufferyard is required. Neither an FSD nor a Forest Conservation Plan (FCP) has been submitted. If there is to be one, the Final Forest Conservation Plan (FCP) must be approved prior to Planning Commission review of a Preliminary-Final Plat. The project would be exempt under 3.2K, not 3.2N. Mr. Whiteman asked if that will make these other matters moot? Mr. Di Giacomo stated yes, the other comments were made in the belief the 3.2 exemption was

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incorrect.

Mr. Di Giacomo continued: Since this proposed lot is on a private road, a variance will be required prior to review by the Planning Commission.

A Landscape Plan must be approved prior to Planning Commission review of the final plat. A Landscape Agreement must be executed prior to recordation. Even though it is exempt from the forestry requirements, it is not exempt from the landscape requirements.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. Will Whiteman presented Leight, Constance C. (Lands of), Rock Run Road, Preliminary-Final Plat, Fifth District.

Mr. Whiteman stated that Rosemarie Sherrard Linton and her husband approximately 119 acres. The minor subdivision potential has been maxed out. The previous conveyances included lots to each of their daughters, Parcels 226 and 225. Constance Leight was raised by the Lintons. They want to convey a lot to her. The rest of the farm will be left alone, and upon their demise, will go to their daughters. They have no intention of further subdividing the property. The property is on the southeast side of Rock Run Road. It is wooded. There is an existing farm lane. It is a horse farm where people can bring autistic children to ride. The lane will be used as a driveway for the proposed house. The zoning is SR. The lot is 2.4 acres. An exemption request has been submitted to DPW based on using the existing driveway and disturbing less than 5,000 sq. ft. The driveway is in conformance with AASHTO. Note 8 needs to be corrected. The steep slopes are not shown, but will be shown on the plat submitted to the Planning Commission. In 1996, this property was placed in an agricultural preservation district. An application to terminate a portion of the district will be submitted.

Mr. Woodhull stated a 251-5C SWM exemption has been granted. Any development, on this lot, beyond the 5,000 sq. ft. limitation of this exemption will require a SWM submittal. Note 8 can be removed. The Road Widening and Utility Easement Note, on the plat, requires the owners' signatures.

Mr. Moore read the Health Department comments, a copy attached for reference.

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Mr. Funk advised that the entire site is on Manor Loam with steep slopes. It is highly erodible land and may need special consideration when sediment and erosion control is done during house construction.

Ms. Latham stated that a GAP is not required.

Mr. Markwardt advised that bus service will be on Rock Run Road.

Mr. Ouano, Mr. Davis, Mr. Roop, and Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is SR. He asked why the approval signature blocks haven't been provided in the lower left-hand corner? Mr. Whiteman stated they will be placed on subsequent plats.

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

The tax book shows Parcel 9 having 142.478 acres, rather than 118.98 acres. Either way, maximum density will not be exceeded, but the correct acreage must be determined before any submission to the Planning Commission.

On the vicinity map, Liberty Grove Road is no longer MD Rte 269. That must be changed.

This property is part of a MALPF district (#07-07-96-03, Rosemarie Sherrard Linton). The creation of the proposed lot must proceed through the MALPF lot exclusion process and receive approval from the MALPF Board of Trustees prior to recordation. The MALPF District status should be noted on the 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. Steep slope areas must be shown on the Plat.

20% landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the Rock Run Road frontage. The natural vegetative equivalent could be used

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to satisfy both those requirements. Neither an FSD nor an FCP has been submitted. The Final Forest Conservation Plan (FCP) must be approved prior to Planning Commission review of a Preliminary-Final Plat. A Landscape Plan must be approved prior to Planning Commission review of the final plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. Mike Burcham and Ray Hughes presented Fair Hill Builders, Inc., et al. (Lands of), Valley Road, Concept Plat, Fourth District.

Mr. Burcham stated this property is located on the west side of Valley Road, just south of the existing Highlands development. It is zoned SR and contains three acres. Six lots are proposed on a private mini road. The project will be served by public water and sewer provided by the County. That will tie into the utilities that exist for the Highlands subdivision. Comments have been received over the last few days, and a revised plan has been drawn up that the applicant would like the TAC to review after discussion.

Mr. Woodhull stated a SWM Plan, Street and Storm Drain Plan, Mass and Final Grading Plan, and Water and Sanitary Sewer Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.).

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Section 3.07.15 of the Road Code directs that Valley Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Valley Road and the proposed entrance.

The internal road is proposed as private, as such, a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. DPW proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

The proposed Private Mini Road must meet the requirements set forth in Section 2.13 of the County Road Code.

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What, if any, SWM BMPs are proposed? Mr. Burcham stated the intent is to location SWM facilities in the common open space area. Mr. Woodhull stated the maintenance of any BMPs will be the responsibility of the Homeowners Association or Mini-Road Maintenance Association.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

What route is proposed for the sanitary sewer line extension required to connect to the existing system? Mr. Burcham stated the connection has only briefly been looked at. They first analyzed taking it up Valley Road, but it appears that the grades are not favorable for a gravity line in that direction. It may be possible to obtain an easement on the Commissioners property behind Lots 3 and 4 of the Highlands and connect into Ballantrae Drive sanitary sewer line; or possibly acquire an easement from one of the other lots in the Highlands. That will be analyzed as they proceed toward preliminary plat. They don t believe all the lots can be served with gravity sewer. A few of the lots may have to have individual grinder pumps.

Mr. Woodhull further stated that sanitary sewer allocation for six (6) lots must be requested prior to Preliminary Plat submittal. It must be verified that this project is within the Highlands service district. If not, the Master Water and Sewer Plan must be amended. Analysis of the existing sanitary sewer line and pump station (if applicable) must be accomplished to verify its capacity and ability to handle this additional loading.

The 1996 aerial photo of this site indicates a driveway located along the southern property line serving the Barczewski Property and the existing dwelling on Lot 2. Lots 1 and 2 must be denied access to this driveway. Lots 1 & 6 must be denied access to Valley Road. Lots 3 & 4 must have joint access to enable good roadside drainage.

Public Works Agreements are required for the Private Mini-Road, Water Lines, and Sanitary Sewer Lines and an Inspection and Maintenance Agreement is required for SWM facilities.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition to written comments, the MDE permit must be on the record plat.

Mr. Funk and Ms. Latham had no comments.

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Mr. Markwardt stated there won't be any interior bus service due to the short length of the cul-de-sac. He questioned the size, cost and approximate construction date of the homes. Mr. Hughs stated if it is ranch type home, it would be 1400-1600 sq. ft. If it is two-story, it would be 2100-2400 sq. ft. They would possibly have attached garages. The cost would be \$150,000-\$175,000, or maybe a little higher. They will be selling the lots, not doing the construction. They will sell the lots immediately after receiving approvals and recordation.

Mr. Ouano asked if there is an address for the existing dwelling? Mr. Hughes stated it is 800 Valley Road.

Mr. Davis, Mr. Roop, and Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 6 lots, a mini-road, and common open space on 3 acres, for a proposed density of 2/1. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from any 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 any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

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

No common open space is required for subdivisions with only 6 lots. 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, non-tidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. That is moot because those things don't exist and the common open space is not required.

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

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Sidewalks are recommended in the SR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Valley Road. The natural vegetative equivalent may be used to satisfy the landscaping and bufferyard required. However, Bufferyard Standard A is required along the lot lines of lots 1-4 to buffer adjacent agricultural uses. 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.

Rows of street trees are required, outside the right-of-way, along both sides of the unnamed cul-de-sac. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has not been submitted. It must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The mini-road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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

A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. In addition, or in combination, a mini-road maintenance association must be established, with all lot owners becoming members.

Water and sewer capacities and allocation must be verified by the Cecil County Department of Public Works prior to the Planning Commission's review of the Final Plat. If necessary, the Master Water and Sewer Plan must be amended.

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Why have 50-foot building restriction lines been shown along Valley Road on proposed Lots 1 and 6? Mr. Burcham stated that originally, they thought that Valley Road was a collector road. Since, he has determined that Valley Road is a local road, therefore, the 30-foot building restriction line will apply to these lots.

Mr. Di Giacomo continued: Lots 1 & 6 must be denied access onto Valley Road.

What is intended for the existing dwelling on proposed Lot 2? Mr. Burcham stated that Lot 2 has been laid out to have the option of leaving the dwelling or replacing it with a new one. Mr. Hughes advised that they would like to keep the dwelling but they want it to compliment the other homes. It is a solid, small house built in the 1890s. It is structurally sound. Mr. Carter stated if it is kept, it fronts away from the cul-de-sac. He asked if the applicant would be able to make it front the cul-de-sac? Mr. Hughes stated that is one of the problems. The way it fronts now, it will probably be removed, but if they can make it front the cul-de-sac and look attractive, they would do that. However, they don't want to take away the value of the other homes. Mr. Carter stated that DPW would prefer the house access the cul-de-sac, but if it must access the existing lane in order to save the older home, then DPW would consider that.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Burcham distributed the revised proposal as discussed at the beginning of this item. In regards to the property needing a Bufferyard A along the adjoining ag uses, that bufferyard would prohibit development of Lots 1-4 because of the 100-foot setback requirement. The property is entirely wooded. The woodline shown on the plan is from the County's ADR topo. They originally intended to create forest retention around the perimeter, therefore the revised layout shows common open space around the entire perimeter, and thereby eliminating the need for the 100-foot setback because the lots will not directly adjoin the Barcewski property. Lots 2-4 would have a 40-foot rear restriction line with the new layout. The cul-de-sac is approximately 50 feet shorter than the original submittal.

Mr. Di Giacomo stated the statement concerning adjoining ag operations will still be required on the plat.

Mr. Burcham stated the only other thing that may adjust the forest retention area is the connection to the County's sewer. If an easement has to be provided to the Commissioners' property between Lots 4 and 5, there will be a small break in the forest retention on that side.

With the revised proposal, the common open space would cut off the existing house from accessing the existing lane. Mr. Hughes stated they don't want to remove the house, but that may be the only choice.

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Mr. Moore advised the well and septic to the existing home would have to be taken out.

5. Donnie Sutton presented Herbst, Edward J., et al. (Lands of), Lots 6-8, Reservoir Road, Preliminary Plat, Seventh District.

Mr. Sutton stated this is a continuation of the Herbst property. Lots 1-5 received preliminary approval in November 2001. Additional testing will be required on Lot 7. The stormwater management is being reviewed. Field run topo will be done on Lots 6-8 to determine the slopes in order to verify the extent of the need for an expanded buffer.

Mr. Woodhull stated a SWM Plan, Street and Stormdrain Plan, and Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.).

The SWM designs must be based on the current Ordinance. Where will SWM facilities, if required, be located? Mr. Sutton stated it will be in the area of Lots 2 and 3. Mr. Woodhull stated the downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

The street and storm drain submittal must be designed in accordance with the current Road Code.

Investigative work for the Fielder Property has identified the existence of limitations for Reservoir Road. Reservoir Road is not suitable for significant additional lots without upgrade. However, DPW does not believe it timely to require Reservoir Road improvements beyond that strictly required by the Road Code for this application. Therefore, DPW will not require more expensive Reservoir Road requirements unless the Planning Commission directs otherwise.

The cul-de-sac bulb does not comply with the current Cecil County Road Code Standard R-14, as to radius dimensions. It should be 150 diameter to the ROW boundary.

Lot 1 should be denied access to Reservoir Road.

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Mr. Woodhull asked what has become of the 50' ROW previously shown running from the Brown property to Herbst Lane? Mr. Sutton stated that was extinguished. Mr. Carter stated DPW would need a copy of that recorded instrument.

Mr. Woodhull stated the proposed minor road does not appear to have sufficient fillets on the right-of-way to permit adequate access onto Reservoir Road. Refer to the Cecil County Road Code Section 3.07.1. Mr. Sutton stated they don't have ownership over the lands of Barrow. They will have to work with DPW on how to deal with the entrance.

Mr. Woodhull continued: All driveways must be paved at least to the right of way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

A Public Works Agreement will be required for internal streets and stormdrains, and an Inspection and Maintenance Agreement will be required for all SWM facilities.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition to written comments, Mr. Moore stated that if the cul-de-sac has to be enlarged, it may affect the well locations on Lots 2 and 3, and the sewage areas on Lots 1 and 6.

Mr. Funk and Ms. Latham had no comments.

Mr. Markwardt advised that bus transportation would be at Reservoir Road and Herbst Lane. He questioned the size, price range and construction start date. Mr. Sutton stated the size and price of homes would be similar to Beacon Point. Construction would begin as soon as approval is granted.

Mr. Ouano and Mr. Davis had no comments.

Mr. Roop stated any filling in the creek, stream, or wetlands requires a permit.

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Mr. McDowell that at last month's TAC meeting, a proposed development for the Fielder-Tiller property was presented. The Herbst property is adjacent to and abuts that property and also accesses Reservoir Road. Both properties are apparently being developed by the same developer, Fielder Properties of Queenstown, MD. The impact of this development should not be considered in isolation but as a part of this developer's plans for the area. All developments planned for this area and their total impact should be evaluated as part of the consideration for this property, rather than one-by-one in a piece-meal fashion. Although the number of homes proposed for this development is smaller than the Fielder-Tiller property, the concerns are the same. The following are the specific issues that concern the residents:

1. **WATER SUPPLY.** The wells supplying water to the homes in this area are characterized by four problems: they must be drilled very deep (some over 600 feet deep), there is a low success rate (more than one well may need to be drilled before a usable well results), completed wells have a low yield, and the wells have a high failure rate (an apparently successful well may fail after several years). The supply of water in this area has been diminishing in recent years and last year particularly, during the drought, a number of nearby wells went dry. Most of those contacting me have personally experienced a problem with their well. Some have drilled several wells, each one successively going dry. It has been necessary for some residents to resort to extra means to keep an adequate supply of water such as using two wells, limiting consumption by using a laundromat, not using their dishwasher, and taking short showers. The requirement that a successful well be drilled before a building permit is issued should be required but this will not help the existing homeowners and it does not assure the continued functioning of the newly drilled well. Each additional home and well will adversely impact the water supply in this small area and may cause further problems for the current residents. The normal water recharge area for each well does not seem to be adequate in this situation. This problem could be resolved by the Town of Perryville supplying water to the area. If wells are used for the new homes, an analysis of water supply and usage for the area should be required to assure that adequate water is available for both the new and the existing homes.

2. **TRAFFIC SAFETY.** Reservoir Road is a hilly, winding road that cannot sustain any increase in the traffic due to its very narrow width (16-17'), lack of shoulders, and sharp curves. These are significant curves where numerous accidents continually occur. The curve by Mill Creek near this property has a steep hill from both directions and is especially dangerous. The proposed entrance will be one lot away from this curve. There have consistently been 6-12 accidents in that specific area each year and there have been seven incidents just since October 2002. The recent icy weather has exacerbated the problem. The Cecil County Department of Public Works stated at both the January and February hearings on the Fielder-Tiller property, that Reservoir Road could not support additional houses accessing the road. The solution to the road problem will require the developer and the County to upgrade Reservoir Road in order to safely accommodate any additional traffic. However, improving Reservoir Road may greatly increase the traffic since it will further encourage an existing problem, its use as a convenient short cut from Rt. 40 to Rt. 222. Also, widening of the road and shoulders and straightening the curves would take lawn and landscaping features which residents are reluctant to lose.

3. **SEWER.** Many of the soils in this area require wet weather perc testing or are annotated in the Cecil County Soil Survey with severe limitations for septic fields. Some septic systems in the area have had sewer effluent surfacing on the top of the ground. Due to the soil types and the existing problems in the area,

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extensive wet season testing should be done to protect the current residents, as well as the investment of those purchasing the lots in the new development. Perc tests that are marginal or just barely pass should not be accepted.

4. SCHOOLS. The additional homes will exacerbate an existing space problem with the Perryville elementary, middle and high schools. All these schools have an enrollment exceeding their capacity.

5. STORM WATER. This property has significant wetland areas. Mill Creek flows through lots seven and eight and passes under Reservoir Road to the North. There are also wetlands on the South areas of the property. Also, the currently unused Perryville reservoir is directly across Reservoir Road on Mill Creek. During heavy rains Mill Creek rises and crosses the road and may even impede traffic. Run-off from these lots, the roads and the developed areas of this property should be carefully controlled to avoid polluting Mill Creek.

For the reasons cited above, the nearby residents feel this property is not suitable for development both due to the impact it will have on their properties and the problems the new homeowners will encounter. The residents request that this proposed development not be approved unless the two most serious problems, those concerning the water supply and the condition of Reservoir Road, are resolved. The residents also request that the other issues of functional sewer fields, adequacy of schools and management of stormwater be taken into consideration and addressed as possible.

Although this review is only for three lots, eight are proposed for this development and twenty-nine lots are proposed for the Fielder-Tiller development. There are other lands on Reservoir Road where development is contemplated. This should all be taken into consideration in the review of this property. Each additional home has an adverse impact.

Mr. Di Giacomo stated the zoning is DR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 is permitted. This Preliminary Plat proposes 3 lots on 6.09 acres. However, with lots 1-5, the overall density would be based upon 8 lots on 32.47 acres, for a proposed density of 1/4.059.

This proposed subdivision is located within the area that was the subject of the Health Department's 4/9/01 Memo dealing with additional land development requirements due to low well yields.

The Concept Plat was approved on 8/20/01, conditioned on:

- 1) Moving all septic areas out of the perennial stream buffer;

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- 2) A boundary line survey being completed prior to Preliminary Plat submittal;
- 3) The road name being approved prior to Planning Commission review of the Preliminary Plat;
- 4) The Preliminary Forest Conservation Plan being approved prior to Planning Commission review of the Preliminary Plat;
- 5) Moving all well locations at least 100' from any septic area;
- 6) Providing documentation of the extinguishments of these right-of-way and easements;
- 7) Examining the feasibility of reducing the number of panhandle lots or at least using one combined driveway, and
- 8) Documentation being provided designating the rights of Dale L., Sr. and Janet Brown concerning the rights-of-way.

The Preliminary Plat for proposed Lots 1-5 was approved on 11/19/01, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met; and
- 3) The final Forest Conservation Plan being approved prior to the Planning Commission's review of the Final Plat.

The previous Preliminary Plat review revealed that a boundary line survey has been completed. This Preliminary Plat proposal is generally consistent with the approved Concept and Preliminary Plats.

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Slopes greater than 25% have been shown.

The 110' perennial stream buffer is required and 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'. Therefore, the 110' perennial stream buffer depicted on lots 7 & 8 must be expanded to include the slopes greater than 15%, unless the provisions of §174.1.a(1)(a) & (b) are met.

Even without the stream expansion, part of the proposed septic area for Lot 7 is now in the stream buffer. With the possible expansion of the stream buffer, a substantial portion of proposed Lot 7's and a smaller portion of Lot 8's septic areas will be in the stream buffer. They must be moved outside the stream buffer.

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No open space is required for subdivisions with fewer than 10 lots. 20% landscaping of the development envelope is required in the DR zone.

Sidewalks are recommended on at least one side of the proposed Herbst Lane. The proposed road name has been approved by the County 911 Emergency Center.

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.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) was approved on 8/20/01. The Preliminary Forest Conservation Plan (PFCP) was approved on 11/19/01. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

6. John Conwell and Dave Hill presented Goldberg Property, U. S. Rte. 40 and MD Rte. 7, Town of Perryville, Preliminary Plat, Seventh District.

Mr. Conwell advised that this property is in the town limits of Perryville, on the south side of Rte. 40. The total site area is 71+ acres. It is zoned C2 and R2. 138 duplexes are proposed. Water and sewer will be provided by the town. Gravity sewer is proposed down to Rte. 7. Water will come up the east side of the site, looping through the subdivision, and then connected to the water on Rte. 40. There are extensive wetlands and/or floodplain on the property. Impact is being avoided as much as possible. There will be a temporary impact from the sewer crossing.

Mr. Woodhull stated that for the record, the department of Public Works was not afforded an opportunity to review this project at the concept stage. It is the CCDPWs understanding that the Town of Perryville has annexed this property. Therefore, DPW comments are presented as recommendations for all aspects of this

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project not under direct control of DPW.

A SWM Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.).

The CCDPW understands that the internal streets and storm drains are intended to be dedicated to the Town of Perryville. However, DPW recommends to the Town of Perryville that the internal streets be built to Cecil County Road Code standards or equivalent. DPW recommends that the proposed loop road, serving Lots 55-138, be built to Minor Collector Road standards or equivalent. All other internal streets should be built to Minor Road standards or equivalent. Construction of the Connector Road has encountered what can only be called useless sub grade. It should be anticipated that the total length of roadway will have to be undercut and provided with 12" stone and geo-textile fabric. It is recommended that the Town of Perryville's Engineer discuss this matter with CCDPW.

The cul-de-sac bulbs do not comply with the current Cecil County Road Code Standard R-14, as to radius dimensions. The cul-de-sac bulb adjacent to Lots 33/34 must have a 75' radius while the remainder may be permissible as shown if substantiated through a Road Code Variance. The applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. No such variances have been received. Therefore, the CCDPW recommends that the Town of Perryville not approve the Preliminary Plat until this applicant has received any necessary variances.

The Perryville Connector Road is at this time a County road and will be the jurisdiction of the CCDPW.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Entrance geometry must be coordinated with CCDPW prior to significant engineering efforts. Specific consideration must be given to the warrants for right turn, acceleration, and bypass lanes in the Road Code. In addition to the streets and storm drain submittals to the Town of Perryville, the entrance construction plans must be approved by CCDPW.

DPW understands that the water and sanitary sewer will be dedicated to the Town of Perryville. It is recommended to the Town of Perryville that these lines be built to Cecil County Water and Sewer Main Standards or equivalent. The CCDPW recommends, to the Town of Perryville, that consideration be given to looping the internal water main back to the 12" main at MD Route 7 from the southernmost cul-de-sac.

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Any crosscuts to the Connector Road for utilities will be allowed only if accomplished prior to the road's sub-base being installed. After that, all utility crossings must be done using jack and bore technology. Open cuts will not be permitted.

All pipe materials located in the County ROW must be RCP for storm drains and ductile iron for water and sanitary sewer lines.

Regardless of technique used to cross the Connector Road a permit will be required from the CCDPW Road Division.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Some field run topography will be necessary.

The 100-year flood plain line must be verified. The Perryville Connector Road design has had an impact on this and must be reflected on this design and plat.

Inspection and Maintenance easements may need to be made wider than 20' if they also include conveyance systems per Section 3.9 of the SWM Ordinance Guidance Manual. An easement must be obtained for any water, sanitary sewer, or stormwater conveyance that crosses under the Connector Road ROW

The Tax Map and Parcel Numbers for this property must be shown on the Plat.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the road and storm drain work in the County's ROW at the entrances off of the Connector Road. The CCDPW recommends that the Town of Perryville require a PWA and financial assurance for the streets, storm drains, and utilities.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Funk advised that the soils group has a highly table. Most of the soils are potentially highly erodible.

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Ms. Latham had no comments.

Mr. Markwardt stated that in order to provide bus service into the area on the southwest side, a 100-foot paved diameter bulb (50-foot radius), once the roads are turned over to the Town. A temporary place may need to be identified for bus shelter. With the renovation of Perryville Middle School, an access through this property directly, and not off the cul-de-sac, may be requested. It would be bus ingress and egress only, and not for car traffic. He questioned the size, price, and construction timeline. Mr. Hill stated the cost will be \$170,000, the size will be 2,000 sq. ft., and construction will begin as soon as approvals are received.

Mr. Ouano advised that Conectiv will probably bring a pole line on the connector road. The rest would be underground.

Mr. Davis had no comments.

Mr. Roop advised that any filling of the wetlands on the south side would require a permit. A JD has not been done yet. Mr. Conwell stated that a permit would probably be required for the sewer line crossing.

Mr. McDowell had no comments.

Mr. Di Giacomo stated this subdivision is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns corporate limits.

The Office of Planning & Zoning's comments and questions relating to this Concept Plat are as follows:

- Town Zoning: R2 & C2, although it is not clear which is where.
- Has a Concept Plat already been reviewed? Mr. Conwell answered in the affirmative.
- Has any consideration been given to creating additional bicycle, pedestrian, or vehicle access? Mr. Conwell stated no. Mr. Di Giacomo stated that the Town may want to consider that.

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- It is recommended that sidewalks be given favorable consideration.
- It is recommended that, consistent with Town and State Highway Administration policies, a traffic impact study (TIS) be required. Of particular concern is safety, owing to the anticipated mix of heavy trucks with pedestrians, bicyclists and automobiles.
- No street names have been provided. Street names must be approved by the County 911 Emergency Center. It is recommended that street name approvals be obtained prior to Perryville Planning Commission review.
- We have been informed that the Cecil County Library was interested in a portion of this site for a new library. Has the Library been shown this design so that they might comment on it? Mr. Conwell stated no. Mr. Hill stated they have never had any communication with the library. They were also told that someone from the library was interested, but they have not contacted Mr. Goldberg or himself yet.
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R2 & C2 zones.
- It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.
- A 25' buffer is recommended around non-tidal wetlands, as shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
- The habitats of any rare, threatened, and endangered species should be avoided.

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- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- An FSD and an FCP were approved for this parcel (Map 800, Parcel 622) and the adjacent parcel owned by Woodlands-Coudon, Inc. (Map 34, Parcel 43) on 7/18/02, but in conjunction with and for the limit of disturbance of the Perryville Connector Road project. Therefore, this project requires an FSD and an FCP, neither of which have been reviewed by the Office of Planning and Zoning. Since Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement, such reviews are performed as a courtesy to the Town.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.
- It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed if any ADA parking spaces are required.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the development layout and fire hydrant locations.

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- Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.
- Water allocation should be confirmed by the Town of Perryville prior to final approval.
- Sewer allocation should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.
- It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks.
- Is any mixed-use development contemplated? Mr. Hill advised that there is no visibility for the commercial portion of the property, and they can't get a second entrance because of wetlands. Further, demographics don't support it yet.
- Will any zoning changes be required? Mr. Conwell stated no.
- It is recommended that any necessary variance or special exception numbers be shown on the plat.
- Will the open space areas be common open space or municipal parkland? Mr. Conwell stated at this point they are anticipating it to be common open space.
- It is recommended that protective fencing be considered around the stormwater management ponds.

Mr. Woodhull stated that the easement associated with the existing sanitary sewer line between Lots 92-82 needs to be shown.

Chris Rogers, URS, commented on behalf of the Town of Perryville. He advised that the concept plat has not been reviewed by the town's Planning Commission as of this date. It was on the agenda for the February meeting, but the meeting was cancelled because of the weather. The applicant should be advised that they are proceeding at their own risk with the preliminary plat since the concept plat has not been approved. The

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concept plat must be reviewed by the Town's Planning Commission before any further work is done on the subdivision plan. Mr. Hill advised that the project is on the agenda for March.

7. Fred Orr and David Dodge presented Frenchtown Crossing, U. S. Rte. 40 and Frenchtown Road, Town of Perryville, Preliminary Plat, Seventh District.

Mr. Dodge stated this property, consisting of 16 acres, was zoned R1 under conditional use years ago as a quarry operation. After that, there was another conditional use of a trailer park with 7 or 8 trailers. Just recently, it was approved as a conditional use for 104 campsites. The campsite had public road, sewer and electric. They are proposing garage type townhomes. There will be 68 total homes, with the garage type townhomes being 24 feet wide. The units will sell for \$165,000-\$175,000. Three single-family homes on the hill will sell in the low to mid \$200,000. The opportunity is being offered to the Lower Susquehanna Heritage Greenway to extend the existing greenway where it ends on the new Roundhouse Drive across Frenchtown Road and under the railroad bridge along this property. There is also a conditional use as a PUD where the commercial entity of the lot is being offered to the town's Parks and Recreation to provide a shelter to promote the town tourism and the heritage greenway. Parcel 527 is the larger tract and Parcel 528 is a 1/3 acre tract across the road on the Susquehanna River. That parcel will be offered to the community for their right.

Mr. Orr stated this is part of a PUD application. The general development plan has been before the Town Planning Commission, the Town Commissioners, and the Town Board of Appeals. There was one hearing for Growth Allocation, which was granted with conditional approval, changing it from LDA to IDA. There was also a rezoning hearing, which received conditional approval, from R1 to R2. The PUD process, as outlined in the Code, requires the Board of Appeals approval. The application was conditionally approved by the Board of Appeals. One of the revisions required was widening the paved width around the cul-de-sac area and widening the lane access for Lots 67, 66, and 68 from 12 feet to 14 feet. The project will be served by town water and sewer. 65 townhomes and three single-family homes are proposed.

Mr. Woodhull stated that for the record, the Department of Public Works was not afforded an opportunity to review this project at the concept stage.

A SWM Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.).

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The CCDPW understands that the internal streets and storm drains are intended to be dedicated to the Town of Perryville. However, CCDPW recommends to the Town of Perryville that the internal streets be built to Cecil County Road Code standards or equivalent. The internal road does not comply with the current Cecil County Road Code Standard R-13, as to the requirement for intermediate turnarounds. The use of a loop in lieu of a standard cul-de-sac bulb does not negate this requirement, but is nonetheless a creative alternative to the classic cul-de-sac. A Road Code Variance will be required to remove this requirement. If this applicant is granted a variance, consideration should be made to make the loop a one-way traffic condition (reducing pave width in the process). The applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. No such variances have been received. Therefore, the CCDPW recommends that the Town of Perryville not approve the Preliminary Plat until this applicant has received any necessary variances.

CCDPW understands that the water and sanitary sewer will be dedicated to the Town of Perryville. It is recommended to the Town of Perryville that these lines be built to Cecil County Water and Sewer main Standards or equivalent. CCDPW recommends, to the Town of Perryville, that consideration be given to looping the internal water main back on itself at the southern end of the run.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Verification that the existing storm drain piping can accommodate the proposed discharge quantities must be presented to DPW as part of the SWM Report. An easement must be provided around the existing SWM piping on Lots 9, 10, 17, and 18. Also, provide an easement around the proposed storm drainpipe on Lot 16. The proposed storm drainpipe along the fronts of Lots 1-4 should be located in the ROW of the proposed street. The storm drain conveyance between Lots 16 & 17 should be wider than 10'. The width of easement depends on the size and depth of the conveyance.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

CCDPW recommends that the Town of Perryville consider the issue of safety concerning the close proximity of the rail lines to the backs of the townhouses.

Warrants for guardrail on the northern cul-de-sac should be considered.

Mr. Woodhull asked if the northern cul-de-sac street is proposed as a private mini road? Mr. Dodge answered in the affirmative.

Mr. Woodhull continued: CCDPW recommends that the Town of Perryville require a PWA and financial assurance for the streets, storm drains, and utilities.

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Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Funk and Ms. Latham had no comments.

Mr. Markwardt stated that based upon the number of students, interior bus service will probably be provided once the streets become the Town of Perryville property. He questioned the size, price and construction starting date. Mr. Dodges advised that the townhomes will be in excess of 2,000 sq. ft. and the single family homes will be approximately 2500 sq. ft. The townhomes will sell for \$165,000-\$175,000 and the single-family homes will be in the low to mid \$200,000. Construction is expected to begin in the fall of 2003.

Mr. Ouano and Mr. Davis had no comments.

Mr. Roop stated that any filling in the tidal or non-tidal wetlands will require a permit. A JD has not been done.

Mr. McDowell had no comments.

Mr. Di Giacomo stated this subdivision is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns corporate limits. The Office of Planning & Zoning's comments and questions relating to this Concept Plat are as follows:

- Town Zoning: R2 & IDA (Critical Area Designation)
- What is the purpose of retaining the existing building to the SE of the proposed internal intersection? Mr. Dodge stated there are no plans to raze that building immediately. If the community association or the owner/builder wanted to have a pool, that building would serve well as a pool house. It has public utilities to it, and it has a little store in it. Mr. Di Giacomo asked if the existing pipe frame structure to the SW of the Quarry Pond will be retained? Mr. Dodge stated they have no plans for that yet. It will more or less be a pavilion.

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- It is recommended that consideration be given to requiring sidewalks along the internal streets.
- No street names have been proposed. Street names must be approved by the County 911 Emergency Services Center.
- It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied. Has a Concept Plat already been reviewed? Mr. Dodge answered in the affirmative.
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R2 zone.
- Have any additional points of ingress and egress been considered? Mr. Dodge stated no. Mr. Di Giacomo asked that if, for any reason, the one entrance were blocked, could emergency response vehicles access the site from under the Hatem Bridge? Mr. Dodge stated they will have to look at that terrain. Mr. Di Giacomo recommended that the applicant check with SHA. From the road, it appears that emergency vehicles could access there, if there is enough clearance. OPZ recommends another point of access.
- A 25' buffer is recommended around non-tidal wetlands, as shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
- The habitats of any rare, threatened, and endangered species should be avoided.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards in the R2 and IDA zones.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.

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- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- Since this proposal is situated entirely within the Critical Area, it is exempt from Forest Conservation Regulations per §3.2B. A note to that effect should appear on the Plat.
- The Growth Allocation note following Note # 19 has a typo that should be corrected.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works Street Code. This is a good design with the access strips to the rear of those townhomes.
- It should be confirmed that the number of parking spaces falls within the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- Has any consideration been given to integrating some diagonal, pull-in, back-out spaces into the design of the landscaped traffic island? That design could more evenly distribute off-street spaces and possibly reduce total impervious cover. Locations now proposed are very convenient for residents at the northern end but very inconvenient for residents at the southern end. If it could be incorporated, it would alleviate that inequity.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations relating to the R2 and IDA zones.
- Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the development layout, fire hydrant locations, and any sprinkler systems.
- Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.

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- Water allocation should be confirmed by the Town of Perryville prior to final approval.
- Sewer allocation should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.
- It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks.
- It is recommended that any necessary variance or special exception numbers be shown on the plat.
- It is recommended that, consistent with Town policies, the Town give consideration to requiring a traffic impact study (TIS).
- It is recommended that all necessary legal arrangements and safety precautions relating the use of BG&E lands be finalized prior to final approval.

Mr. Moore asked if a pool is proposed for that existing building, would a site plan be required? Mr. Di Giacomo stated if the site were in the County's jurisdiction, and the pool had previously been proposed, then it could be wrapped up into a preliminary plan. But since the concept plan has already been reviewed, the County would require a site plan, but the Town would have to decide that. Mr. Moore advised that a permit to construct a swimming pool must be obtained from the MD Department of Health and Mental Hygiene prior to record plat approval, unless there is a statement saying that the building will not be used until such time as a proposal other than a swimming pool.

Mr. Orr stated that in regards to parking, they are providing two off-site spaces per lot per the Town's Code. There are approximately 51 parking spaces in excess of the required number. The street name will be Rustic Court. He asked if a Road Code Variance required from CCDPW and the Town? Mr. Carter advised that DPW would recommend to the town that if the Cecil County Road Code is the basis for design, because there are some things shown that are incompatible with that, then a Road Code Variance would be required if it were a County road. Presumably, the town should do likewise. The Variance would be granted through the town.

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Mr. Di Giacomo asked which row of townhomes is a safety concern to DPW? Mr. Woodhull stated both. Mr. Dodge stated they will probably put a wrought iron rail there to compliment the railroad.

8. Faron Pyles and Neil Lemon presented Fairgreen Senior Community, Honaker Street and Aiken Avenue, Town of Perryville, Preliminary Plat, Seventh District.

Mr. Lemon this is a senior citizen development proposed in the Town of Perryville. It is 92 dwelling units on 4.5 acres with a connecting public street from the site to Aiken Avenue. The remainder of the approximately 10 acres is shown as being subdivided into eight single-family dwelling units on one lot. The owner of the remaining lands will probably be converting one of those buildings at a later time to a bed & breakfast. This project was put in for a tax credit proposal on March 3, 2003 through the Community Development Administration in Crownsville. He advised that the developer has done a similar project in the Town of Rising Sun called Fair View and another in Aberdeen.

Mr. Woodhull stated that for the record, the Department of Public Works was not afforded an opportunity to review this project at the concept stage. He asked if the senior housing will only be residential or will it contain ancillary uses, such as medical offices, etc.? Mr. Lemon stated it will contain a non-income producing suite on the fourth floor. It will be a consulting room and examination room. As part of this proposal, they have partnered with Union Hospital, and they will be the service provider for the tenants.

Mr. Woodhull questioned the remaining lands. Mr. Lemon stated the current owners live on the property. There are rehabilitating a barn that will be a bed and breakfast. Mr. Pyles advised that stormwater would be looked at for the entire site and the stormwater facility will address the entire site even though the remaining lands are not being developed at this time.

Mr. Woodhull continued: A SWM Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.).

The CCDPW understands that the internal streets and storm drains are intended to be dedicated to the Town of Perryville. However, the Department recommends to the Town of Perryville that the internal streets be built to Cecil County Road Code standards or equivalent. Mr. Woodhull asked if consideration has been given to accessing Honaker instead of Aiken? Mr. Lemon stated yes, but they didn't want to direct traffic through an existing neighborhood. Also, the street is fairly narrow. They thought that it would be better to have its own access. Mr. Carter asked what provisions the town would have for snow plowing and turning vehicles

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around? Mr. Lemon stated the town has been working very hard with them on these type of issues. Mr. Carter advised that DPW would recommend that an agreement be established in perpetuity.

Mr. Woodhull continued: The entrance off Aiken Avenue and drainage must be coordinated with and approved by the SHA.

Any applicable Road Code Variances must be requested **prior** to submittal for Preliminary Plat approval. No such variances have been received.

DPW understands that the water and sanitary sewer will be dedicated to the Town of Perryville. It is recommended to the Town of Perryville that these lines and pump station be built to Cecil County Water and Sewer main Standards or equivalent.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Where will the pond discharge ultimately end up? Mr. Pyles stated it will go into the wetland area. Mr. Woodhull stated it appears it will end up in the B & O right-of-way. It shouldn't have adverse impacts on adjoining properties, including the roadbed and rail bed. The Town already has drainage problems and this project shouldn't exacerbate that. The downstream analysis must address any and all impacts on the railroad ROW. Additionally, the concentration of what is currently sheet flow cannot be permitted to create adverse impacts on adjoining properties.

The CCDPW encourages the use of the traffic islands as vegetative swales or other water quality measures.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

The CCDPW recommends that the Town of Perryville require a PWA and financial assurance for the streets, storm drains, and utilities.

Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Moore asked if the units will be one bedroom? Mr. Lemon stated there are 74 one-bedroom units and 18 two-bedroom units. The population will be 110-115 people.

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Mr. Carter asked if the discharge will contain medical waste? Mr. Lemon stated no. It will be used mainly for teaching health and safety seminars.

Mr. Funk, Ms. Latham, Mr. Markwardt, Mr. Ouano, and Mr. Davis had no comments.

Mr. Roop stated that any filling along the west or southwest side will require a permit. A JD has not been done.

Mr. McDowell had no comments.

Mr. Di Giacomo stated this subdivision is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits. The Office of Planning & Zoning's comments and questions relating to this Concept Plat are as follows:

- Town Zoning: R2

- Has any consideration been given to creating additional bicycle, pedestrian, or vehicle access from Honaker Street? Mr. Lemon stated no. There is a hiking and nature trail on the side but it is for the residents.

- It is recommended that consideration be given to requiring sidewalks along Honaker Street.

- The proposed new street's name, Greenway, has been approved by the County 911 Emergency Services Center.

- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.

- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R2 zone.

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- It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied. Has a Concept Plat already been reviewed? Mr. Lemon stated he met with the mayor and commissioners on the concept plat. He received verbal approval and was advised to go to the next step. The next hearing will be on March 17th, but they chose to wait because there is \$13,000 non-refundable fee and until the 1st of June, they won't know if they have a deal with the State.
- A 25' buffer is recommended around non-tidal wetlands, as shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.
- The habitats of any rare, threatened, and endangered species should be avoided.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- Neither an FSD nor an FCP have been reviewed by the Office of Planning and Zoning. Since Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement, such reviews are performed as a courtesy to the Town.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

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- It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- Will on-street parking be permitted on the proposed Greenway? If so, will it be permitted on both sides, making access difficult for buses and emergency response vehicles? Mr. Lemon stated they are looking at one side as overflow parking. There is one parking space for each unit, three for the staff, and five for visitors.
- It should be confirmed that the number of ADA parking spaces meets local and Federal requirements.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the development layout, fire hydrant locations, and sprinkler systems.
- Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.
- Water allocation should be confirmed by the Town of Perryville prior to final approval.
- Sewer allocation should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.
- It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks.
- It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted.
- It is recommended that any necessary variance or special exception numbers be shown on the plat.

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- It is recommended that, consistent with Town policies, the Town give consideration to requiring a traffic impact study (TIS).

There were no further comments.

April 2, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Woodhull, Latham, Markwardt, Moore, McDowell, and Graham.

ABSENT: Funk, Ouano, Davis, Roop, King, Hodgson, and Hicks.

1. Mike Davitt presented **Bayview Junction, Theodore Road, Concept Plat, Fifth District.**

Mr. Davitt stated that Elmer Justice has been handling this project.

Mr. Woodhull stated a Stormwater Management (SWM) Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This analysis must pay special attention to the adequacy of existing conveyance systems along and across Ron Biggers Road and Theodore Road to handle all discharges from the SWM Facility. 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.

In the current CIP, substantial road improvements for Theodore Road are projected for design in FY2005 and buildout in FY2006. This reflects DPW's belief that the Theodore Road corridor, as it stands, will not continue to adequately support existing traffic demands without those improvements. However, current fiscal challenges are expected to further delay those improvements. The Department recommends that approval of this project include off-site improvements to Theodore Road to full Minor Collector Road status, potentially from the western property boundary to Route 274.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Special consideration must be given to the requirement for sight distance easements and sight

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triangle easements on the property of Sheila Cook and how they will be achieved. The challenging vertical profile east of the proposed entrance and the nature of the traffic on Theodore Road must be considered in evaluating the required sight distance. In light of the Department's concerns regarding the adequacy of Theodore Road to handle additional traffic at this time, the minimum requirements of the Road Code will not likely be sufficient and the applicant should anticipate additional off-site improvements, if the Planning Commission approves the Concept Plat at this time. The centerline of the proposed entrance and driveways must be marked in the field. The separation distance between the proposed entrance and Ron Biggers Road does not appear to meet the minimum distance established by AASHTO for intersection spacing. An alternative entrance location that incorporates Ron Biggers Road would potentially solve several concerns and alleviate some requirements, but the applicant must obtain approval from the owner of Ron Biggers Road. Acceleration and right turn lanes may be required.

The intersection radii of the fillet curves for the proposed entrance must be 35' in accordance with Section 3.07.1. of the Cecil County Road Code. Therefore, the 25' radius of curve C1 must be changed.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The Planning Commission may not view the Common Open Space south of Theodore Road as productive, given the need for pedestrian traffic, not only to cross, but also to walk along Theodore Road.

A shared entrance for Lots 17 and 18 to reduce the number of access points to a Collector road will be required. If acceptable to the Planning Commission, the shared entrance should be a paved entrance along the first 100' of the Common Open Space with the two driveways separating at that point.

Mr. Woodhull asked what type of road section is proposed (open or closed)? Mr. Davitt advised that they haven't gotten that far yet. Mr. Woodhull stated if open section is proposed, significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulb, and their impact on the stormwater conveyance.

The ROW dedication must be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

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Lot 1 must be denied access to Theodore Road along its entire road frontage and to Pleasantview Drive for the first 75' from the intersection with Theodore Road. The westerly lots must be denied access to Ron Biggers Road.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A Public Works Agreement is required for the proposed road and storm drains and an Inspection and Maintenance Agreement is required for SWM facilities.

Ms. Latham advised that a Water Appropriations Permit would be required.

Mr. Markwardt questions the size of the proposed homes. Mr. Davitt stated they haven't come up with the final design of the homes yet. Mr. Markwardt advised that a walking path should be considered for Lots 17 and 18 in order to pick up school children at the Pleasantview bus stop.

Mr. Moore read the Health Department comments, a copy attached for reference. He advised that topo and soil overlays should be shown on concept plats.

Mr. McDowell had no comments.

Mr. Di Giacomo advised that State Highway Administration (SHA) had no comments. He read the Army Corps of Engineers written comments, a copy attached for reference.

OPZ comments are as follows: The zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted. This Concept Plat proposes 18 lots on 23.62 acres, for a proposed density of 1/1.31. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. Slopes greater than 25% must be shown on the preliminary plat.

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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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The Corps of Engineers have stated that no non-tidal wetlands appear on the plat, but OPZ needs to have that verified.

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

This proposal satisfies the common open space requirement. 5.04 acres are proposed; 3.54 are required. All open space must be shown as common open space, including the stormwater management area. 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. OPZ recommends that a more centralized location of common open space be explored, not only for the convenience of all lot owners, but also for pedestrian safety. The lot owners across Theodore Road would have to cross that road in order to use the open space.

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

Sidewalks are recommended on one side of the proposed Pleasantview Drive.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd. 50 setbacks from Theodore Rd. are required for proposed Lots 1, 17, & 18.

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.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed Pleasantview Drive. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Given the sight distance concerns, there may need to be some relaxation of the Bufferyard C requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning

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Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

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

§7.2.12.E.4 stipulates that Intersections with County arterial roads shall be located not less than four hundred fifty (450) feet from centerline to centerline. Although Theodore Road is functionally classified as a collector road, the convergence entrances for the proposed Pleasantview Drive, Ron Biggers Road, proposed Lots 17 & 18, and the common open space within 300 of one another raise the question of safety, especially with the available sight distance. All reasonable alternatives should be looked at for the plat submitted for Planning Commission review. Whatever the location, there should be some rationale given to the Planning Commission.

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

Proposed Lots 17 & 18 exceed the 3:1 lot length-to-width ratio.

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Markwardt asked when the applicant will begin construction, assuming Planning Commission approval? Mr. Davitt stated probably next spring.

2. Faron Pyles presented Sunnybrook Estates, Section 4, Lots 75-85 & Common Open Space, Sunnybrook Drive, Preliminary Plat, second District.

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Mr. Pyles stated a revised concept plat that deeded these 11 lots to Sunnybrook Estates was before the TAC in February 2002. The lots were tested and lots reconfigured, and the preliminary plat resembles the concept plat.

Mr. Woodhull stated a Stormwater Management Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.). The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. The suitability/adequacy of the existing and proposed drainage easements must be addressed in the SWM submittal. The storm drainpipe between Lots 77 and 78 should be extended beyond the rear lot line of Lot 78. He asked what the role is of the existing pond in SWM for the subdivision? Mr. Pyles stated that hasn t been determined yet. Mr. Woodhull stated it appears that it will be used for overbank flood protection. Mr. Pyles stated probably not, but that will be determined when the engineering progresses.

Significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulb, and their impact on the storm water conveyance. Lots 78 and 79 should share a common driveway access. Consideration should be given to a wooden pedestrian crossing of the roadside drainage swale for the common open space access adjacent to Lots 80 & 79 and 75 & 76.

Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval.

All driveways must be paved at least to the right of way. The circle within the cul-de-sac bulb must be shown as a ROW line. The island will not be part of the County s maintenance. It will belong to the Homeowners Association.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

Mr. Pyles asked if the circle of the cul-de-sac would be considered open space? Mr. Di Giacomo answered in the affirmative.

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Ms. Latham stated these lots were already put on the GAP last July and any modifications wouldn't affect the permit.

Mr. Markwardt questioned the size, price, and construction start date? Mr. Pyles advised the homes will be 2500 sq. ft., similar to what's being built in the rear section now, mid \$200's and up, and construction would begin in late fall or next spring. Mr. Markwardt stated the bus service would be at Sunnybrook and Julia Maria.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo advised that SHA had no comments. He read Corps of Engineers comments, a copy attached for reference.

OPZ comments are as follows: The current zoning is RR. The Sunnybrook Estates Concept Plat, which remains valid, was approved 3/21/89 for 85 lots and 19.16 acres of common open space on 299.68 acres, at a density of 1/3.5. The Sunnybrook Estates Section 1, Lots 1-29 Preliminary Plat was approved 7/18/89, and the Final Plat was approved 1/16/90. That 29-lot plat was signed 3/15/91. The Sunnybrook Estates Section 2, Lots 30-62, plus 19.16 acres of common open space, Preliminary Plat was approved 8/19/91, and the Final Plat was approved 4/17/95. The plat for all lots except lots 35, 38, 54, & 62 was signed 10/20/95. A Preliminary-Final Plat for lots 35, 38, 54, & 62 was approved 6/17/96, and the plat for those lots was signed 3/13/97. The Section 3 Final Plat was approved 5/15/00. The plat was signed 7/21/00, and its 12 lots brought to 74 the total number of lots recorded out of the 85 approved thus leaving 11 lots remaining.

The revised Concept Plat for 11 proposed lots in Section 4 was approved on 2/19/02, conditioned on:

- 1) The road code waiver being obtained from the Department of Public Works, and
- 2) Bufferyard Standard A being required along the rear/side lot lines of lots 75-79 to buffer adjacent agricultural uses, provided that any Bufferyard A on Lot 75 is located outside the drainage easement.

This Preliminary Plat is generally consistent with the approved revised Concept Plat. The major difference is that 1.41 acres of common open space have been added to accommodate a stormwater management area. That acreage may increase if the island acreage is added.

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The common open space requirements were satisfied with the recordation of Section 2. Access from these proposed lots to the areas of common open space is proposed between lots 75 & 76 and 79 & 80.

No landscaping of the development envelope is required in the RR zone. Bufferyard Standard A was required along the rear/side lot lines of lots 75-79 to buffer adjacent agricultural uses. The new area of common open space renders moot the requirement for proposed Lots 76, 77, and a portion of 75. For 78, 79, and the balance of 75, the Bufferyard A requirement stands.

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.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) and PFCP have been revised and again approved on 3/20/03. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat. The proposed FRA is located south of the existing pond on the remaining lands. Staff will recommend that the FRA be shown on subsequent plat submittals.

The name Julia Marie Court will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

The owners of these lots must become members of the Sunnybrook Estate's Homeowners Association for maintenance of common open space and the landscaped island with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. Faron Pyles presented Andrews, Barry (Lands of), Liberty Grove Road, Concept Plat, Seventh District.

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Mr. Pyles stated this is a 91-acre tract in the NAR zone. It comprises three tracts, Parcels 63, 238, and 225. It is a bonus density layout showing 15% common open space, and clustering development on 40% of the property. The balance of the large remaining land lot represents 45% of the property. Perc tests have not been done yet, but based on topo, the proposed layout would probably be the most feasible. The rural character has been considered and an effort to leave the existing appearance of the property from both roadways has been made.

Mr. Woodhull stated a Stormwater Management Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.). The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This must include, but not be limited to, roadside drainage ditches and piping along Liberty Grove Road and the perennial stream, particularly at the cross culvert under Basin Run Road. Basin Run is classified as a Use III-P stream and the SWM plan must address this accordingly. 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.

The location of Craig Court on the plat appears inconsistent with the aerial photo.

The existing drive entering Dr. Jack Road appears to also serve Lands of Fincham. He asked if easements are recorded for this access. Mr. Pyles stated there are rights-of-way recorded for that. Mr. Woodhull advised that DPW would need to see those rights-of-way.

Mr. Woodhull continued: Section 3.07.15 of the Road Code directs that Liberty Grove Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Liberty Grove Road and the proposed entrance.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The challenging vertical profile south of the proposed entrance and the nature of the traffic on Liberty Grove Road must be considered in evaluating the required sight distance. In light of DPW's concerns regarding the vertical alignment of Liberty Grove Road, the minimum requirements of the Road Code will not likely be sufficient and the applicant should anticipate additional off-site improvements, if the Planning Commission approves the Concept Plat at this time. The centerline of the proposed entrance and driveways must be marked in the field. Mr. Pyles stated it is marked and that sight distance information is in the DPW office. Mr. Woodhull advised there some concern about the sight distance to the south.

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He further stated that in order to obtain good sight distance at least one utility pole must be relocated. The roadway embankment will also need to be cut back at the Owner's expense. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval.

Lot 6 frontage dimension is mislabeled.

Mr. Woodhull asked if the internal streets are proposed to be of open or closed section design? Mr. Pyles answered open. Mr. Woodhull stated if open section design is used, significant design consideration must be given to the issue of driveway pipe locations in the area of the cul-de-sac bulbs, and their impact on the storm water conveyance.

Consideration should be given to having Lot 1 and the Lands of Malone and lands of Wiseman access the internal street, thus eliminating a driveway entrance onto Liberty Grove Road, a collector road onto which ingress & egress should be minimized. All driveways must be paved at least to the right of way.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A Public Works Agreement will be required for internal streets and stormdrains and an Inspection and Maintenance Agreement will be required for all SWM facilities.

Ms. Latham advised that this subdivision will require a GAP.

Mr. Markwardt stated that due to the short distance of the proposed street, interior bus service will not be provided. He suggested a one-sided bus shelter be placed toward the corner of Liberty Grove Road in the common open space area. He questioned the size, price, and construction start date of the homes. Mr. Pyles advised the homes will be upscale, possibly 3,000 sq. ft., high \$200's to \$300's, and construction will begin in the spring.

Mr. Moore read the Health Department comments, a copy attached for reference.

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Mr. McDowell advised that he received no comments from residents. He stated that Lot 1 seems to have an extra unneeded driveway access on Liberty Grove Road, whereas it could access the proposed street. Mr. Pyles explained that there is a swale area that lies between the proposed street and the existing driveway that would have to be crossed, which would be difficult and burdensome. There is a Perpetual Road Maintenance Agreement for the existing farmhouse lane. That provides usage for the existing farmhouse, the lots labeled as Malone and Wiseman. Those are the two daughters of Mr. Lupinetti. They would probably prefer to use the existing lane.

Mr. Di Giacomo advised that SHA had no comments. He read Corps of Engineers comments, a copy attached for reference.

OPZ comments are as follows: The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 30 lots on 91.08 acres, for a proposed density of 1/3.04. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Minor Subdivisions 1337, 1624, 2459, and 2558 must be cited on the Concept Plat submitted for review by the Planning Commission.

Proposed Lot 1 has a PRMA across it to Parcels 511 and 517. That must be noted on the Concept Plat submitted for review by the Planning Commission. OPZ would prefer to see the access to lands of Malone and Wiseman off the proposed street rather than having the two entrances so close together. That would improve safety and enhance the rural character.

Proposed Lot 30 is shown with direct access onto Dr. Jack Road. Mr. Di Giacomo asked if any consideration has been given to a through road? Mr. Pyles answered no. The terrain would make it impossible because of the slopes/drop off at the rear of Lots 11 and 12-14, crossing a perennial stream through a forested area that will be placed in permanent retention, and the lack of adequate access strip to Dr. Jack Road.

Mr. Di Giacomo continued: This design includes 4 proposed lots, 1, 15, 29, & 30, that could be considered panhandle lots.

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

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activities. 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the general open space provisions of the NAR zone for bonus density eligibility. The proposed large lot, Lot 30 would consist of 40.78 acres, or 44.77%. 13.98 acres, or 15.35%, acres of common open space are proposed. Together, they total 60.12% of the total acreage.

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

Mr. Di Giacomo asked what the disposition is of the mobile homes, and are there special exceptions for them? Mr. Pyles stated he doesn't know. One is being used as a residence.

Mr. Di Giacomo continued: Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Liberty Grove Road. Rows of street trees 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.

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.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest

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Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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

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

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. Harold Harbold and Jacob Conrad presented Harbold, Conrad (Lands of), Town of Port Deposit, North Main Street, Seventh District.

Mr. Harbold advised this is a concept plat that he drew. He received plats from FWA this morning, which he brought to the Office of Planning and Zoning. This is an infill project on North Main Street in Port Deposit. There is a residence at 116 North Main Street that will remain. There are three parcels affected by this subdivision. On the other two parcels, there are old granite stone foundations along Main Street. Those parcels are used as off-street parking. They wish to build infill townhouses at this location.

Mr. Conrad advised that there are some townhouses being built on this side of the street. They are using granite from the Town of Port Deposit on the facial.

Mr. Carter stated the plan submitted falls substantially short of the minimum information requirements necessary for review by DPW. In order for DPW to make an informed review, the applicant will have to submit a plat developed by a Professional Engineer or Land Surveyor. The CCDPW recommends that the

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Town of Port Deposit require a more substantial submittal for review by the TAC, which is a moot point now since the developer submitted a new plat from FWA this morning.

Mr. Di Giacomo advised that the new plats submitted this morning could be reviewed at next month's TAC meeting, or the individual agencies could review them and send the applicant and the Town written comments. Mr. Harbold preferred the latter because the last process took nine months. They are in the final stages of their current project, and would like to begin this project by the end of the summer.

Ms. Latham advised that public water doesn't require a GAP.

Mr. Markwardt asked what size and price range the townhouses would be? Mr. Harbold advised they would be 1500-1600 sq. ft., \$175,000 to \$200,000 price range. They would like to begin construction by the end of the summer.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo read SHA comments, a copy attached for reference. He also read Corps of Engineers comments, a copy attached for reference.

OPZ comments are as follows: This subdivision is proposed in the Town of Port Deposit. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

The Office of Planning & Zoning's comments and questions relating to this Concept Plat are as follows:

- While this proposed development is located within the Town of Port Deposit, we point out that if this plat were submitted for a project in the County, it would be unacceptable. In accordance with §4.0.13(a) of the Cecil County Subdivision Regulations, this plat would be returned for completion and resubmission at a later date.

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- Town Zoning is not provided. We believe that the zoning is R-C and IDA (Critical Area Designation), but that needs to be verified.
- No vicinity map has been provided.
- No acreage figure has been provided.
- Complete property and boundary lines have not been provided.
- It is completely unclear how the rear yards of the two proposed middle townhouses would be accessed. It is strongly recommended that the Town not approve a design that would provide only front access to those two units.
- The north arrow is actually pointing south.
- It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied. If that is not the case, then it is further recommended that any plats submitted for Town review be accepted only if all such requirements are met.
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It should be confirmed that the lot sizes and lot widths are consistent with the Town's Zoning Ordinance for whatever zone(s) this is ultimately determined to be.
- No landscaping details have been shown. It is recommended that such details be shown and that it be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees in whatever zone(s) this is ultimately determined to be.

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- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- Since this proposal appears to be situated entirely within the Critical Area, it is exempt from Forest Conservation Regulations per §3.2B. A note to that effect should appear on the Plat.
- No notes have been included regarding side and rear setbacks and water and sewer service. Once that information is provided, it then should be confirmed that the lot setbacks are consistent with the Town's Zoning Ordinance for whatever zone(s) this is ultimately determined to be.
- It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works Street Code.
- It should be confirmed that the number of parking spaces falls within the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations regarding to whatever zone(s) this is ultimately determined to be.
- Consideration should be given to soliciting review and comment by the Port Deposit Volunteer Fire Company with respect to the development layout with regard to access and any possible sprinkler systems.
- Water allocation should be confirmed by the Town of Port Deposit prior to final approval.
- Sewer allocation should be confirmed by the Town of Port Deposit's Department of Public Works prior to final approval.

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- It is recommended that any necessary variance or special exception numbers be shown on the plat in the notes section.

With regard to the townhouses and rear access, the town would probably want to see an access provided in order to take a lawnmower to the rear without going through the home. Mr. Harbold advised that the rear yards would be terraced areas going up the hill and are usually maintained by weed eaters.

5. Fred Orr and Kevin Geraghty presented Pelham Manor, Section 1, Phase 1 & 2, Williams Road, Preliminary Plat, Second District.

Mr. Orr stated this is the first section of the Pelham Manor concept that was approved at the October 2002 Planning Commission meeting. The septic reserve area shown on Lots 69 and 20 of the plat do not indicate the perc test holes. Those were tested and he has the revised test locations. On Lots 40 & 39, the drafting error on installing the septic reserve areas in the location of unsuitable percs has also been revised. These revisions will be shown on the preliminary plat submitted for Planning Commission review. Section 1 will contain two phases. Phase 1 includes the initial phase for the GAP application. Phase 2 includes the lots that have received perc tests as of this date, and would complete the construction of the inner circle. During the October Planning Commission, DPW indicated that improvements to Williams Road would need to be discussed. Sight distance measurements have been provided. They are in the process of formalizing the required improvements to Williams Road and hope to have that conceptually agreed upon prior to Planning Commission review of the plat.

Mr. Woodhull stated a Stormwater Management Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.). The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance.

The approved concept plat for this development, with its dual entrances, displayed good site planning. The dual entrances are an essential component to the success of this development. As such, the ultimate completion of the Pelhamdale Road loop is of concern to the Department.

Mr. Woodhull asked what factors are driving this particular division of the project? Is it an issue of getting lots that perc? Mr. Orr stated completion of the seasonal perc testing to date is represented. Mr. Geraghty advised that they have scheduled additional percs at the end of April for the balance of the property. Mr. Orr

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stated that Section 1, Phase 1 would be the first GAP application they would make. Mr. Geraghty stated they would make application for that first phase and then make application for the balance as perc tests are done. Mr. Woodhull advised that if the perc tests result in fewer lots along the western end of Pelhamdale Road and/or the northern end of Manor Circle, DPW would like to have some assurance that these roads will still be completed.

Mr. Woodhull continued: The fee simple dedication must be consistent with the Concept Plat for Williams and Hutton Roads.

With the addition of an estimated 980 trips per day, the applicant may be required to upgrade Williams Road to a Minor Collector Road Standard between the development and U. S. Route 213. The Department has made the minimum upgrade requirements known to the engineer.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

All driveways must be paved at least to the right of way.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

Ms. Latham advised that an application for water appropriation was received, but a plat was not attached. Subsequently, a plat was received by Water Resources, but it doesn't agree with the plat submitted for TAC. Section 1 will be 57 lots, but only 45 lots were put on the GAP. Mr. Orr stated that Phase 1 consists of 45 lots.

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Mr. Markwardt informed the applicant that initially there won't be any interior bus transportation until the roads are accepted by the County. The Board of Education would like to see the looped road finished as soon as possible. Bus stops are typically placed at the corners of streets. He questioned the size, price range, and construction starting date. Mr. Geraghty advised the homes will be 2500-3500 sq. ft., cost \$250,000 to \$350,000, and they would like to begin construction this summer.

Mr. Moore read the Health Department comments, a copy attached for reference. Some of the written comments may change because more tests may be required when all swales are located, all the perc holes are put on the plat, and the holes are numbered properly. In addition, there is a 1 in 20 minutes perc on Lot 15, which will require that lot to be 150 feet wide. Further, everything that says "future lot" has to be removed from the preliminary and final plats. The Health Department requests this preliminary plat come back through the Technical Advisory review process before proceeding to the Planning Commission.

Mr. McDowell stated that a number of areas are marked as "other lands", but no open space is shown. Mr. Orr displayed the concept plat that indicated the open space areas.

Mr. Moore advised the applicant to get with Stu White to have corrections made.

Mr. Di Giacomo advised that SHA had no comments. He read Corps of Engineers comments, a copy attached for reference.

OPZ comments are as follows: The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat was approved with the bonus density of 1/3.02 on 10/21/02, conditioned on:

- 1) The Bufferyard C requirement for proposed Lot 98 being waived in favor of a modified Bufferyard A (10' wide w/o the 100' setback) along the rear lot lines of proposed Lots 6-18 and 21-23;
- 2) A Boundary Line Survey being completed prior to submission 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;

Next to proposed Lots 85 & 86 there is an area of 1.485 acres of "Other lands of Caldicot Properties." On the approved Concept Plat, this area was shown as common open space. Any reduction in total open space could void bonus density approval. What is intended for this area now? Why hasn't this acreage been included in the Lot Area Tabulation and Note # 7? It is inappropriate to seek approval of a plat that contains "remaining lands" if it is part of this section. It should be shown with a bold line around it. It tends to be confusing because those 1.485 acres are not shown anywhere.

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Note # 10 must complete the deed reference (WLB 1300/127).

Note # 11 must be changed, as its statement of the density allowed is incorrect.

Note # 12 must also be changed. This section proposes 57 lots on 55.615 acres, for a proposed density of 1/0.975, not the stated 1/5.20.

This Preliminary Plat is generally consistent with the approved Concept Plat; however, the locations of forested areas and wetlands depicted on this Preliminary Plat do not match with those on the approved FSD. That discrepancy must be resolved.

Mr. Di Giacomo advised that since the review of the Concept Plat, the total parcel acreage figure has changed slightly. Is that the result of a boundary line survey? Mr. Orr answered in the affirmative.

Mr. Di Giacomo continued: 44.41 acres (or 15%) of common open space were proposed in the approved Concept Plat. Any reduction in total open space could void bonus density approval. There should be 1.485 acres of common open space in Section 1, with the balance being provided in subsequent sections.

Section 1, Phase 1 should be more clearly differentiated from Phase 2.

If there any slopes greater than 25%, then they must be shown on the Preliminary Plat submitted for review by the Planning Commission.

Proposed Lots 20 & 69 do not show any percolation hole locations.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. If the wetlands depicted have been field-delineated, and if the wetlands are in an FRA, common open space, or the large lot, then, per policy adopted 1/16/96, no Jurisdictional Determination (JD) must be done, but the wetlands must not be disturbed. Otherwise, a JD must be done prior to the Planning Commission's review of the Preliminary Plat for that section.

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

Per condition #1 of Concept Plat approval, a modified Bufferyard A (10' wide w/o the 100' setback) along the rear lot lines of proposed Lots 6-18 and 21-23. The trees therein should be of sufficient size to adequately and effectively screen the development in lieu of the Bufferyard C. That will be worked out in the Landscape Plan.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) has been approved. It depicts the locations of forested areas and wetlands differently than those on this Preliminary Plat. That discrepancy must be resolved. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. The Landscape Plan must include trees in the Bufferyard A of sufficient size to adequately and effectively screen development in lieu of the Bufferyard C along Williams Road. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County's 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat.

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

A Homeowners' Association for maintenance of common open space and landscape islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners in all sections and all phases must become members.

Mr. Orr asked if the deadline for Planning Commission submittal is Monday noon? Mr. Di Giacomo answered in the affirmative, however, the Health Department has requested the plat come back through TAC.

Mr. Moore advised that since swales are not located, and so many holes are misnumbered, a lot more holes will probably be required. Therefore, a corrected plat must be delivered to the Health Department so holes can be marked for additional testing. By the time a corrected plat is received by the Health Department, there may not be any seasonal perc test dates available for 2003.

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6. Mike McAllister and Robert Murray presented Winfield, Section Two, Lots 12-21, Calvert Road, Concept Plat, Ninth District.

Mr. McAllister stated this is a concept plat with more information on it than is required. It consists of ten lots, eight being shown in the front coming off Pearl's Way and two large farmette type lots in the back. Perc tests are shown on this plat, which is not normally required on concept plats. The sight distance has been checked by DPW. The open space is in excess of what is required is shown. It is approximately 18%, which is based on Section 1 and Section 2 of Winfield. Bufferyard C is shown along Calvert Road. Two possible stormwater management easements are shown, one along Pearls Way and one to the rear of Lots 18 & 19. There is a 20-foot wide access strip to the open space between the panhandle lot (Lot 20) and Lot 15. The Preliminary Forest Stand Delineation has been approved. The Final Forest Conservation Plan has been approved. 18 lots are proposed, which is below the allowed density.

Mr. Woodhull stated a Stormwater Management Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

Mr. Woodhull asked where the applicant intends to locate the SWM facilities associated with this project? Mr. McAllister stated not really. There are two possible easements shown, but that is just to show some potential area.

Mr. Woodhull continued: The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

The proliferation of incremental cul-de-sac subdivisions, where basic site planning that does not allow for connectivity, runs counter to what this Department needs as an effective approach to County infrastructure development. As a result of this piecemeal approach to developing the original parcel a valuable opportunity for connectivity may have been squandered, to the County's detriment. As proposed Section's One and Two of this Development would create eight (8) points of access on to a Collector road that with good site planning could have been reduced to two. We have missed the opportunity to accomplish that but still can and will work to reduce this number to six (6). That being said, the Department finds the proposed road/lot configuration unacceptable.

To avoid over burdening Calvert Road with two driveways all lots must access Pearl's Way and must be denied access to Calvert Road. This denied access must be shown on the Plat.

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The Board of Education should comment on the need or lack thereof for an established bus stop waiting area at Pearl s Way.

Adequate roadside drainage along Calvert Road must be provided and the Lot Grading Plan should show bank grading along Calvert Road (full frontage) as necessary during design.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code.

Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval.

All driveways must be paved at least to the right of way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner s expense.

The ROW dedication should be denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A Public Works Agreement will be required for internal streets and storm drains and an Inspection and Maintenance Agreement will be required for the SWM facilities.

Ms. Latham advised that these lots will need to be added to the GAP.

Mr. Markwardt stated that bus service would be at the corner of Pearls Way and Calvert Road. There won t be any interior service. There should be a sidewalk or walking path connecting Lot 12 to Pearls Way, but if

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12 to access Pearls Way as suggested by DPW, that concern would be eliminated. He questioned the size and price range of the homes, and the construction start date. Mr. Murray advised that the homes would be 2800 - 5000 sq. ft. and cost from \$300,000 to \$500,000. They would like to begin construction immediately.

Mr. Markwardt asked if it wouldn't be better to shift Lots 15 & 16 to provide better access to the open space.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell stated this development is the second phase of the Winfield Development. He presented the concerns of the neighbors to this property when Section One was reviewed. Their concerns remain the same. Their issues are storm water management, numerous road entrances onto Calvert Road, and the piecemeal manner in which this development has been presented and reviewed.

Regarding stormwater management, there is a long-standing problem with storm water along Calvert Road. The water from the Greenhurst end of Calvert Road travels along the shoulder of the road in front of the Winfield properties and collects in front of the Winfield Section One development in the area where the mini road (Wray's Way) enters Calvert Road (across from Berkley Road). Some of the water then travels on towards Calvert continuing along the front of Winfield One, passing in front of the Ore and DeAngelis properties where it has been eroding the banks. The rest of the water crosses under Calvert Road, at the intersection with Berkley Road, passing through a culvert and then floods down a ditch along Berkley Road. It then crosses Berkley Road onto the properties along this road. During the construction of Phase One a larger pipe and a small collection area were installed and grading was done. This has not resolved the problem. One neighbor along Berkley Road had to call on the local fire department for assistance due to the heavy water flow from the rainstorm in February.

The addition now of Section Two will exacerbate the problem, with new water sources due to additional water flowing out of the new entrance road, Pearls Way, plus the two lots which have direct access onto Calvert Road. There are also three minor subdivision lots which have not yet had driveways installed. Originally, most of this water was retained in the field by a grassy berm along the edge of the field. This kept water from the field from entering the ditch along Calvert Road. However, the two developments (Sections One and Two) and the concurrent minor subdivision add eight new entrances cutting through the berm. Each drive/road forms a sloping pathway for water to flow onto Calvert Road along the frontage of one farm field. The grading done on Section One further cut back this berm to provide the sight distance needed for the Wray's Way entrance road, thus increasing the area which feeds water to Calvert Road.

The Storm Water Management Plan prepared for Section 2 should also include Section 1 and the minor subdivision lots located at each end and in the middle of these developments.

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Regarding access and driveway plans, the two new developments and the concurrent minor subdivision on this farm add eight new entrances onto Calvert Road in the length of one field. There were already four entrances, two from this field and two from the land across the road, due to previous lots divided off of this farm. Thus there will be a total of 12 entrances onto Calvert Road along this field in addition to a county road intersection, Berkley Road directly across from Wrays Way. Wrays Way (Section One) enters Calvert Road on a significant curve, requiring the banks to be cut back to provide sight distance.

If proper planning had been done for the development of the farm as a unit, only one or two new entrances would have been required and the location(s) could have been selected so it would not have necessitated cutting away the berm or placing an entrance on a curve.

It appears some relatively minor design changes for Section Two could eliminate two of the new driveways (lots 12 and 21). If the open space access were placed between Lots 16/17 or 17/18, then the entrance to Lot 21 could be placed between Lots 14 and 15 next to the panhandle for Lot 20. Also, Lot 12 could be accessed by a panhandle next to Lot 19.

The development of the Mahoney Farm is being done in a piecemeal fashion. There have been a minor subdivision and two major subdivisions presented in succession. The storm water, the driveways accessing Calvert Road, and the other impacts on the neighborhood should all have been considered at one time as a total package. A concept plat should have been presented with all the planned lots. Reviewing each development segment separately prevents the full impact from being apparent and a proper review from being done. The development of this farm should have been presented and reviewed as a single project.

Mr. Di Giacomo advised that SHA had no comments. He read Corps of Engineers comments, a copy attached for reference.

OPZ comments are as follows: The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 10 lots on an unstipulated number of acres, for an unknown proposed density for this section. Bonus density is not being sought.

The acreage must be stated on the plat submitted for Planning Commission review.

The 8 approved lots in Section 1 and the 10 proposed lots in Section 2, on the 94.6361 acres cited on the plat would yield a combined density of 1 du/ 5.26 acres. However, the Section 1 Preliminary Plat, reviewed by the Planning Commission in July 2001, indicated that there were 97.2096 total acres as does the approved FSD. He asked what accounts for this discrepancy in the acreage? Mr. McAllister stated the preliminary plat

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submitted on Section had not had a full-blown boundary survey done on the whole tract, just the acreage of Section 1. The 97 acres was based on the tax records. This acreage shown is based on a boundary survey. When the four minor subdivisions and the add-on across the street are deducted, the total acreage is what is shown on this plat. Mr. Di Giacomo advised that the FSD and this plat have to show the same acreage.

A condition of Section 1's approval was that any subsequent subdivision on the remaining lands would require the submission of a Concept Plat.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes, which the applicant has stated has been done.

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. 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'. Pursuant to the Corps of Engineers comments, intermittent streams require a 25-foot buffer unless they are in a forest retention area, in which case the buffer then expands to 50 feet.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. The wetlands shown on the FSD do not appear on the plat. A Jurisdictional Determination (JD) must be done prior to Preliminary Plat review by the Planning Commission.

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

This proposal satisfies the general open space provisions of the NAR zone. A condition of Section 1's approval was that any subsequent subdivision on the remaining lands would require common open space based upon the original total acreage. The figures presented on the plat may have to be revised, but based upon 97.2096 acres, 14.58 acres of common open space are required. 17.1 acres are proposed.

Mr. Di Giacomo asked why hasn't better, more direct access to the common open space from proposed Lots 12-14 been proposed? Mr. McAllister stated there is forest retention along Lots 16-19, and they don't want

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to disturb that. To access the open space, homeowners can walk along the outer edge of the woods. Based on percs, septic, and setbacks, the open space was placed in the only logical area.

Mr. Di Giacomo continued: No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the Calvert Road frontages. Bufferyard Standard A is required along proposed Lot 21's southern lot line, consistent with §22.4.d of the Zoning Ordinance.

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.

Rows of street trees are required, outside the right-of-way, along both sides of all proposed internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved. Wetlands depicted on the approved FSD must be shown on the plat. If the applicant cares to revise them, then a new FSD must be approved prior to the Planning Commission's review of the Concept Plat and a revised JD would need to be approved prior to Preliminary Plat review by the Planning Commission.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The number of panhandle lots exceeds the maximum recommended in §7.2.12.F.5 of the Subdivision Regulations. In addition, why hasn't the layout allowed for internal access to proposed Lot 12? OPZ would prefer to see all lots access Calvert Road via Pearl's Way.

The name Pearl's Way will need to be approved by the County 911 Emergency Center.

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

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A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot, in Sections 1 and 2, placed in escrow for improvements prior to recordation.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. McAllister advised that all non-tidal wetlands are within the forest retention areas. Mr. Di Giacomo stated they need to be shown to confirm that.

Mr. McAllister stated that as far as the comments concerning piecemeal development and design, all through the major and minor subdivisions, they addressed all County requirements. It didn't seem feasible, with the environmental features and configuration of the property, to put in a through road system.

7. Mike Burcham and Tom Montgomery presented Barry Montgomery Co., Inc. (Lands of), Bailiff Road, Concept Plat, Fifth District.

Mr. Burcham stated this subdivision consists of almost ten acres. It directly adjoins Montgomery Oaks subdivision. They plan to extend water and sewer. 20 units are shown on a cul-de-sac road. There is a mixture of dwellings -- ten single family and ten semi-detached.

Mr. Woodhull stated the Tax Map and Grid numbers are incorrect.

Reference is made to the 3/1/95 TAC submittal of a revised Concept Plat for Montgomery Oaks, wherein the build-out of this subdivision would be affected with a connection to what is now Lands of Dan Banks and a second entrance onto Bailiff Road. The redundancy in that layout is important to good infrastructure planning and should be retained. In fact, all recent interaction regarding Lands of Dan Banks and Montgomery Oaks has indicated that this design would be pursued. The Department strongly recommends this.

A Stormwater Management Plan, Road and Storm Drain Plan, Sanitary Sewer Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.). The downstream

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conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.

Section 3.07.15 of the Road Code directs that Bailiff Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Bailiff Road and the proposed entrance.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the proposed entrance and driveways must be marked in the field. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

The Cecil County Road Code requires that driveway access be no closer than 75' from an intersection. Therefore, the denied access shown on Lots 1 and 20 must be extended to include the first 75' of frontage of proposed Road A.

Closed Section design will be required.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The ROW dedication must be better defined on the plat as to its extent.

A sanitary sewer allocation request must be submitted to the CCDPW. Capacity of the existing sanitary sewer line must be verified to show its ability to handle the additional loading.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the Sanitary Sewer as well as the Roads and Storm Drains.

Mr. Montgomery questioned DPW's comment concerning interconnecting roads. Mr. Woodhull advised that previous discussions showed that there was intended connection through to the lands of Dan Banks. Mr. Montgomery stated that they had always intended to connect off of Finniger Lane. That is where they ran the water main. To cross in the area suggested by DPW would be difficult because of very defined swales and they would have to cross sensitive areas to get to that.

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Ms. Latham advised that public water does not require a GAP.

Mr. Markwardt stated there would not be any interior bus service because of the length of Road A. He questioned the size and price of the homes, and the construction start date. Mr. Montgomery informed him that the homes would have three to four bedrooms with 1500 to 2000 sq. ft. The cost would be \$175,000 to \$225,000, and they hope to start in two years.

Mr. Markwardt stated that just west of Pinecone there is a bridge that will have the weight limit dropped to 6,000 pounds. School buses won't be able to cross that bridge after that occurs.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo advised that SHA had no comments. He read Corps of Engineers comments, a copy attached for reference.

OPZ comments are as follows: The zoning is DR.

The tax map and grid numbers cited in the vicinity map are incorrect. The numbers used refer to the ADC maps for Cecil County. ADC references are not acceptable.

This part of Parcel 8 was included on a Concept Plat for Piney Ridge Estates (n/k/a Montgomery Oaks) that was approved 9/21/92. The Preliminary Plat was approved on 10/19/92, with this portion of Parcel 8 then being shown as remaining lands.

Pursuant to the provisions of §4.0.9, §4.1.10 and §4.1.17 of the Cecil County Subdivision Regulations, the Concept Plat approval that included these remaining lands is no longer valid. Therefore, this was not submitted as a revised Concept Plat. The previous Concept Plat proposed 31 lots while this one proposes only 20 lots.

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The DR zone permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 4/1 is permitted. This Concept Plat proposes 20 lots on 9.84 acres, for a proposed density of 2.03/1. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

The original concept proposed a stub road to what is now shown as Other Lands of Barry Montgomery Company, Inc. Mr. Di Giacomo asked, without expecting an answer, why a stub road hasn't been shown on this 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. 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the common open space requirements in the DR zone. 15% is required; 44% is proposed. 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those thresholds must appear on the Preliminary Plat submitted for TAC review.

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

This property is in the water service agreement area between the County and the Town of North East.

Sidewalks are recommended on at least one side of the internal streets.

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Fire hydrant locations should be selected in consultation with the Department of Public Works and the North East Volunteer Fire Company.

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

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.

Rows of street trees 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. A Forest Stand Delineation (FSD) for Montgomery Oaks was approved in September 1993 that included this site. However, FSDs are only valid for a period of five years, therefore, a new FSD must be submitted and approved prior to Planning Commission review of the Concept plat. A Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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

Water allocation from the Town of North East must be verified prior to the review of the Final Plat by the Planning Commission.

Sewer capacity and allocation must be verified by the Department of Public Works prior to the review of the Final Plat by the Planning Commission.

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. McDowell stated that the open space on the southeastern side shows access from the development road crossing a wetland. Mr. Burcham advised that the wetland delineation shown is from a 1992 delineation. It is current being re-delineated, therefore possible that the wetlands could change, and that access may have to be redesigned.

Mr. Burcham asked if a Bufferyard C is required along Bailiff Road? He thought the DR zone only required a row of street trees. Mr. Di Giacomo advised that street trees are acceptable as a buffer in the DR zone.

8. Mike Burcham and Tom Montgomery presented Crane, Mary Ann E. and William A., Sr. & Montgomery-Cecil Limited Partnership (Lands of), Wheatley Road, Concept Plat, Ninth District.

Mr. Burcham stated this is a 54-acre parcel on the northwest side of Wheatly Road in the NAR zone. The property was 74+ acres under the Estate of Frank Crane. The estate was broken up into five heirs. Two of the heirs are still in the title block because they will receive the proposed minor subdivision consisting of 20 acres. The remaining 54 acres has been transferred to Montgomery/Cecil Limited Partnership and will be developed into 18 lots. It is served by a 50-foot right-of-way cul-de-sac off Wheatly Road. Some preliminary proposed stormwater management areas are shown in the common open space areas. The property was cut into two pieces by PECO and therefore Lot 9 is a 1.5 acre parcel on the south side of the power company right-of-way. PECO is considering the applicant's request to allow one driveway to access across the right-of-way.

Mr. Woodhull stated a Stormwater Management Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.). The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

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Section 3.07.15 of the Road Code directs that Wheatley Road must be upgraded to a Minor Collector Standard for a minimum distance of 100 feet either side of the point of intersection between Wheatley Road and the proposed entrance.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the proposed entrance and driveways must be marked in the field.

Mr. Woodhull questioned the length of the cul-de-sac. Mr. Burcham advised that it is just over 1,000 feet, but under the 1200 foot maximum.

Mr. Woodhull continued: Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

Lot 5 must be denied access to Wheatley Road and the first 75 feet of frontage on the proposed road.

Mr. Woodhull asked what is proposed for the minor subdivision indicated on the remainder of Parcel 8? Mr. Burcham stated it is a minor subdivision around the existing buildings on the property. There is already an existing approved minor subdivision, and another 20-acre minor subdivision will be created around the house and barn. There is a Perpetual Road Maintenance Agreement (PRMA) to access that parcel. Mr. Woodhull stated that it appears that an opportunity for redundant access will be lost by the proposed minor subdivision. Mr. Burcham stated that there will be no further subdivision on the proposed minor subdivision.

Mr. Woodhull continued: The proliferation of cul-de-sac subdivisions where basic site planning would allow for connectivity runs counter to what this Department sees as an effective approach to County road development. Serious consideration should be given to developing a more comprehensive concept of what is proposed for Parcel 8 in its entirety.

Mr. Woodhull asked what is proposed for the area running behind Lots 5-11? Mr. Burcham stated that is part of Lot 9. The intent is to have 25-foot wide panhandle between Lots 8 & 10 to access Lot 9, and will also add 20-foot strip on the north side of the power line to Lot 9 so Lots 5-11 do not directly access the power line right-of-way. That would reduce conflicts with people using the power company's property. Lot 9 would be the only property that could use the power company's property. Lot 9 will be allowed to apply for a use

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permit to use that power company area as a pasture or crops, etc. If all the other lots back up to there, then those lots could use that same claim.

Lot 9 does not enjoy fee simple access to a public road, as required by Article VI of the Cecil County Zoning Ordinance.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the Street and Storm Drains.

Ms. Latham advised that a GAP would be required for this subdivision.

Mr. Markwardt informed the applicant that due to the length of the roads, there won't be any interior bus service. He questioned the sight distance. He asked what the size and price range of the homes would be, and the construction start date. Mr. Montgomery advised the homes would be 2,000 sq. ft., three to four bedrooms, and cost \$200,000 to \$275,000. They would like to begin construction in two years.

Mr. Moore read the Health Department comments, a copy attached for reference. He asked if seasonal testing has been scheduled? Mr. Burcham answered no.

Mr. McDowell had no comments.

Mr. Di Giacomo advised that SHA had no comments. He read Corps of Engineers comments, a copy attached for reference.

OPZ comments are as follows: The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 18 lots on 54.8 acres, for a proposed density of 1/3.04. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. Slopes greater than 25% must be shown on the preliminary plat.

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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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal does not satisfy the general open space provisions of the NAR zone for bonus density eligibility. A minimum of 15% common open space is required, and this proposal is fractionally below that threshold. Otherwise, 33 acres of open space (or 60.21%) are proposed.

No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the Wheatley Road frontages of the proposed common open space and Lots 5 & 9. Bufferyard Standard A is required along the lot line of proposed Lot 9 to buffer adjacent agricultural uses.

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.

Proposed Lot 9 is unconventionally configured in such a way that no other proposed lot would be adjacent to the PECO power lines. §7.4.1 of the Subdivision Regulations stipulates that lot shapes shall be consistent with the Zoning Ordinance. The shape now proposed does not really conform to any set forth in §12 of the Zoning Ordinance, nor is it in keeping with the spirit of §7.4.3 of the Subdivision Regulations. OPZ suggests that 20' strip of proposed Lot 9 running behind proposed Lots 5-11 become common open space.

Documentation of an agreement with PECO prior to Planning Commission approval of the final plat.

Should the Planning Commission approve a Concept Plat that incorporates the current proposed shape of Lot 9, the 20' strip area running behind proposed Lots 5-8 cannot be use as an access strip to the unnamed cul-de-sac and/or Wheatley Road.

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Proposed Lots 5 & 9 must be denied access to Wheatley Road.

Mr. Di Giacomo asked if the proposed Minor Subdivision has been submitted yet? Mr. Burcham answered no. Mr. Di Giacomo advised that eventually the minor subdivision number will have to be placed on the plat.

Rows of street trees are required, outside the right-of-way, along both sides of the unnamed cul-de-sac. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The length of the unnamed cul-de-sac does not exceed the Road Code and Subdivision Regulations threshold requiring a mid-block turnaround. The internal road name must be approved by the County's Emergency Management Agency prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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

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

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Burcham asked if the 20-foot strip is added to the open space, and Lot 9 uses the panhandle for access, then why wouldn't the panhandle be considered fee simple access? Mr. Woodhull stated it would be a 25-foot wide access easement, but not fee simple ownership. Mr. Burcham advised there would be an agreement that would be documented prior to record plat approval, and Lot 9 would still have maintenance and ownership responsibilities of the panhandle. Mr. Di Giacomo stated that a variance may be required.

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There were no further comments. Meeting adjourned at 12:10 p.m.

May 7, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Carter, Woodhull, Ouano, Roop, Latham, Markwardt, Davis, Moore, McDowell, and Graham.

ABSENT: King, Funk, Hodgson, and Hicks. State Highway Administration advised that it has no comments on any of the submittals.

School capacity and enrollment figures are attached for reference.

1. Fred Orr and Kevin Geraghty presented **Pelham Manor, Section 1, Phase 1 & 2, Lots 3-5, 8-14, 16-20, 30-33, 35-41, 46-48, 69-74, 76-97, Williams Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Second District.**

Mr. Orr stated that this is Section 1, Phase 1 of 2, that was before the TAC last month, bearing revisions based on the inconsistencies in the perc data table, as well as graphic corrections to the perc test locations shown. All perc testing is now shown on this plat. There will be changes to the plat based on additional testing. The Preliminary Forest Conservation Plan has been approved and the GAP has been updated, however it will have to be updated again.

Mr. Woodhull stated a Stormwater Management (SWM) Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

After discussions with the Health Department, DPW understands that the area of Section 2 along the proposed Pelhamdale Road may not support the number of lots (20) indicated on the approved Concept Plat. The dual

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entrances were an essential component to the success of the concept plan for this development. As such, the ultimate completion of the Pelhamdale Road loop is of concern to DPW. Furthermore there appears to be little basis in the percolation data to demonstrate that the lots in Section 1 can support houses. Because there is some question about the final configuration and number of lots, the indicated infrastructure may not be responsive to the fiduciary interests of the taxpayers. Mr. Woodhull asked if there will be a major change in the number of lots. Mr. Orr advised that at this point, they feel they are within the limits of Section 1 and the first phase for 45 lots are doable. There may be a decrease of five lots. Mr. Moore advised that there is an opportunity to revise the direction and do some additional perc tests. He feels they could lose from one to five lots in this section. There were no good percs in the looped road area, but there were some good tests on the adjacent area. The second entrance is a major issue. Some of the lots may be placed in the open space and the open space may become lots.

Mr. Woodhull continued: The fee simple dedication must be consistent with the Concept Plat for Hutton Road.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

Mr. Ouano had no comments.

Mr. Roop advised that a permit is not required and a JD has not been done,.

Ms. Latham advised that the GAP may have to be revised.

Mr. Markwardt had no additional comments from last month's TAC meeting.

Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

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Mr. Di Giacomo read a letter from David J. Meaders, Singerly Fire Company, a copy attached for reference.

He advised that OPZ comments are as follows:

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. The Concept Plat was approved with the bonus density of 1/3.02 on 10/21/02, conditioned on:

- 1) The Bufferyard C requirement for proposed Lot 98 being waived in favor of a modified Bufferyard A (10' wide w/o the 100' setback) along the rear lot lines of proposed Lots 6-18 and 21-23;
- 2) A Boundary Line Survey being completed prior to submission 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;

-

The area of common open space next to proposed Lots 85 & 86 has been reduced to 1.144 acres. Any reduction in total open space could possibly void bonus density approval.

The asterisk note at the bottom of the lot area tabulation is unnecessary, since no asterisks were used in the table.

Note # 12 should be changed. The Subdivision Regulations do not address bonus density, which, consistent with §22.2.b of the Zoning Ordinance, is granted at the discretion of the Planning Commission.

This Preliminary Plat is generally consistent with the approved Concept Plat; however, the locations of forested areas and wetlands depicted on this Preliminary Plat do not match with those on the approved FSD or the conditionally-approved FCP. That discrepancy must be resolved.

Mr. Di Giacomo asked if a boundary line survey has been done? Mr. Orr responded in the affirmative.

Mr. Di Giacomo continued: 44.41 acres (or 15%) of common open space were proposed in the approved Concept Plat. Any reduction in total open space could void bonus density approval. Any deficits in this section must be made up in future sections.

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Mr. Di Giacomo asked if there are any slopes greater than 25%? If so, then they must be shown on the Preliminary Plat submitted for review by the Planning Commission. Mr. Orr advised that the areas of steep slopes that are shown within the limits of this drawing are adjacent to the existing farm lane and the slopes off the existing farm lane are adjacent to Williams Road.

Mr. Di Giacomo continued: A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. If the wetlands depicted have been field-delineated, and if the wetlands are in an FRA, common open space, or the large lot, then, per policy adopted 1/16/96, no Jurisdictional Determination (JD) must be done, but the wetlands must not be disturbed. Otherwise, a JD must be done prior to the Planning Commission's review of the Preliminary Plat for that section.

No landscaping of the development envelope is required in the NAR zone. Per condition #1 of Concept Plat approval, a modified Bufferyard A (10' wide w/o the 100' setback) is required along the rear lot lines of proposed Lots 6-18 and 21-23. The trees therein should be of sufficient size to adequately and effectively screen in lieu of the Bufferyard C. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) has been approved. It depicts the locations of forested areas and wetlands differently than those on this Preliminary Plat. That discrepancy must be resolved. The Final Forest Conservation Plan (FCP) has been conditionally approved. It and the FSD depict the locations of forested areas and wetlands differently than does this Preliminary Plat. That discrepancy must be resolved prior to Section 1, Phase 1 or 2, Final Plat (or Section 2 Preliminary Plat) review by the Planning Commission.

The Landscape Plan must be approved prior to Planning Commission review of the Final Plat. The Landscape Plan must include trees in the Bufferyard A of sufficient size to adequately and effectively screen development in lieu of the Bufferyard C requirement along Williams Road. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names must be approved by the County's 911 Emergency Management Agency prior to Planning Commission review of the Preliminary Plat.

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

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A Homeowners Association for maintenance of common open space and landscape islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners in all sections and all phases must become members.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

2. Stanly Granger and Barbara Rose presented *Rose, Barbara C., et al. (Lands of), Arundel Lane, Preliminary-Final Plat, American Engineering & Surveying, Inc., Fifth District.*

Mr. Granger stated one additional lot is proposed on this property, but there is no additional minor subdivision potential, therefore it must be presented as a major subdivision. The remaining lands are owned by Mrs. Rose's daughter. The septic system is on part of a property in Maresfield, which is not to be further subdivided.

Mr. Woodhull asked if the applicant anticipates that this construction will be exempt from SWM? Mr. Granger stated yes, because it is less than 5,000 sq. ft. Mr. Carter stated that a note needs to be placed on the plat to that effect.

Mr. Woodhull asked if Lot 4A will continue to use the existing driveway access to Arundel Lane? Mr. Granger answered in the affirmative. Mr. Woodhull advised that the deed for Lot 5 must include language providing right of egress, ingress, and regress for Lot 4A.

Mr. Ouano had no comments.

Mr. Roop advised that according to the quad maps and plans, there are no wetland constraints, therefore nothing is required from the Corps of Engineers. A JD has not been done yet.

Ms. Latham stated that a GAP is not required.

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Mr. Markwardt, and Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference. He advised that if a public water line is available, then it has to be shown for Lots 5 and 4A on the preliminary plat. If not, then a proposed well needs to be shown for Lot 5.

Mr. McDowell stated that the connection between the two portions of Lot 4A appears to be only ten feet wide, which is very narrow to move farm equipment. Mr. Granger advised that it is currently an intra-family transfer and the field is only used for horses. If that changes in the future, the farmland could be accessed by going out onto the road and coming back in, or use the ten-foot wide access strip.

Mr. Di Giacomo stated the property is zoned SR & LDA. The SR zone permits a maximum base density of 1 du/ 1 ac. This Concept Plat proposes 2 lots on 36.914 acres, for a density of 1/18.457, as proposed. However, Parcel 542 is the remaining lands from the Maresfield subdivision, on which no further subdivision is permitted. Therefore, no development (i.e., dwelling) is permitted on Parcel 542, regardless of whether it is proposed on a new lot. Since no new development can be situated on Parcel 542, the density calculation must then be based upon the total acreage of Parcels 510 and 540. Those lots are 2 and 16 acres, respectively, so the proposed density resulting from a new lot 5 would be 1/9.

Minor subdivision #889 (2/27/81), which combined Parcels 510 and 540, must be cited among the general notes.

The depicted configuration of the adjacent Maresfield subdivision does not match our records, which show lot 4 having road frontage on Oldfield Point Road. The correct configuration must be shown on the plat submitted for review by the Planning Commission.

Part of the proposed development is within the Chesapeake Bay Critical Area. On the plat submitted for review by the Planning Commission, the following must be included:

- 1) The depiction of the LDA boundary;
- 2) The citing of LDA zone among the Site Data;
- 3) The Critical Area acreage; and
- 4) A note indicating that the Critical Area portion is exempt under §3.2B of the Forest Conservation Regulations.

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If it happens that the actual development is proposed in the Critical Area, an Environmental Assessment must be done.

Lot numbers are based upon Minor Subdivisions 683 and 469, which, therefore, must be referenced on the 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.

Mr. Di Giacomo asked if there are any slopes greater than 25%. Mr. Granger responded no.

Mr. Di Giacomo stated a 110' perennial stream buffer is required from any 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 any intermitted streams present.

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

No common open space is required.

20% landscaping of the development envelope is required in the SR zone. As Arundel Lane is a local street, a Bufferyard Standard C is not required. A Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Note # 6 indicates that this proposal is exempt under §3.2K of the Forest Conservation Regulations. It should be confirmed that the proposed subdivision is a bona-fide intra-family transfer. In addition, it must be noted that the Critical Area portion of the property is exempt under §3.2B.

The prohibition of the subdivision of Parcel 542 must be noted on the plat prior to Planning Commission review.

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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. Di Giacomo further stated that there appears to be a strip of land, within this property, inside the western edge of Parcel 542. Mr. Granger advised that is an old add-on from Minor Subdivision No. 889. It was an original panhandle.

Mr. Di Giacomo continued: Article 66B, § 5.03 stipulates that an easement must be provided for access to any burial site located on land proposed for subdivision. A note must be placed on the plat accordingly (An easement is hereby provided form egress and ingress to the burial site for persons related by blood or marriage or persons in interest as defined in Section 14-121 of the real property article.).

It appears that the graveyard and several structures on proposed Lot 4A are accessed via proposed Lot 5. Mr. Di Giacomo asked if that access is proposed to continue across the new lot? Ms. Rose answered yes, the road will stay. Mr. Granger stated there will be an easement for that road. Mr. Moore advised that the road appears to go through the sewage area and the easement cannot be placed in that sewage area, therefore the easement must be placed outside the sewage area.

Mr. Di Giacomo asked what will be the disposition of an existing structure on proposed Lot 5? Ms. Rose stated that is an empty shed that will probably be removed at some point.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

3. Donnie Sutton presented *Susquehanna River View, Lot 23, Liberty Grove Road, Preliminary Plat, McCrone, Inc., Seventh District.*

Mr. Sutton stated this is a preliminary plat of Lot 23, Susquehanna River View. Wet season testing has been approved. He realizes that he has to add the number for Lot 24 to the plat. Also, the note under the vicinity sketch should read Lot 20-22 and 24-39 .

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Mr. Woodhull stated the SWM submittal for the entire development must be approved by the DPW prior to submittal for Final Plat approval. He asked if the existing swales located on Lot 23 are part of the SWM Plan for this development? Mr. Sutton stated those are currently existing and may be revised. Mr. Woodhull stated the driveway will probably need to be piped.

Mr. Woodhull further stated that the street and storm drain submittal for the entire development must be approved by the DPW prior to submittal for Final Plat approval.

An Inspection and Maintenance Agreement will be required for the SWM facilities for the entire development and a Public Works Agreement will be required for internal streets and storm drains for the entire development.

Mr. Ouano had no comments.

Mr. Roop advised that there is a blue line stream that shows up on the quad maps. Mr. Sutton stated they are well below that stream.

Ms. Latham stated no additional permitting is required.

Mr. Markwardt, Mr. Davis and Mr. McDowell had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac., or bonus density of 1/3.

This proposed lot was included in a Concept Plat that was approved on 12/17/01 with a bonus density of 1/3, conditioned on:

- 1) The sensitive species survey being completed prior to Planning Commission review of the Preliminary Plat, -- DONE none found and
- 2) The relocation of Lot #32 occurring and being placed next to the then-current Lot #30. DONE

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The Preliminary Plat for proposed Lots 1-22 & 24-39 was approved on 5/20/02, conditioned on:

- 1) Health Department requirements being met;
- 2) Department of Public Works requirements being met;
- 3) A Homeowners Association being established for maintenance of common open space and turn-around and cul-de-sac islands with \$50 per recorded lot placed in escrow for improvements prior to recordation;
- 4) A Maintenance Association for the lots accessing the mini-road being established and those lots becoming members of that association;
- 5) Deed restrictions for long-term protection of the forest retention areas being recorded prior to recordation of the plat. The metes and bounds description of the FRA must be shown on the record plat;
- 6) The Forest Conservation Plan being approved prior to Final Plat review;
- 7) The Landscaping Plan being approved prior to Final Plat review;
- 8) A Landscape Agreement being executed prior to recordation;
- 9) Covenants prohibiting the subdivision of the large lot being recorded and noted on the plat prior to recordation;
- 10) All tree lines on the FSD, the FCP, and the Final Plat matching; and
- 11) The Susquehanna 2 record plat being signed prior to final plat approval of Susquehanna Riverview.

The unnumbered note beneath the vicinity map indicates that only proposed Lots 1-22 & 24 have Preliminary Plat approval. That note must be corrected.

Since the acreage on proposed Lot 23 has decreased, and apparently going to Lot 29, technically, this plat revises the previous Preliminary Plat.

Proposed adjacent Lot 24 has not been numbered. That must be numbered prior to Planning Commission review.

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

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The open space requirements are proposed to be satisfied in the balance of the development.

No landscaping of the development envelope is required in the NAR zone. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) and PFCP have been approved. The Final Forest Conservation Plan (FCP) and possibly Landscape Plan must be approved prior to Planning Commission review of the Final Plat. Any Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of any Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The owners of this lot must become members of the Homeowners Association that must be established for maintenance of common open space and turn-around and cul-de-sac islands, with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Because the subdivision of which this lot is a part will be accessed through Susquehanna, the Susquehanna Section II record plat must be signed (because of the Public Works Agreement) prior to the Final Plat approval.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

4. Tim Granger and Doug Day presented Autumn Woods (The Estates of), Shady Beach Road, Preliminary Plat, American Engineering & Surveying, Inc., Fifth District.

Mr. Granger stated this is a preliminary plat for Autumn Woods. The concept plat was approved on 1/21/03. One of the contingencies of concept approval was that the driveway on Parcel 643 be moved. Minor Sub approval has been received and that driveway is no longer in the common open space. The road alignment is slightly different than the concept. An existing dirt trail is shown encompassing the whole property. It is not to be driven on. Open space is provided around the perimeter anticipating the dirt trail be used as a walking trail. Mr. Di Giacomo asked if it is in proximity to the Elk Neck Trail. Mr. Granger advised that he didn't know, but he would find out.

Mr. Granger continued: There is a stream shown along Shady Beach Road. The quad maps show it to be a perennial stream, however the applicant doesn't feel that it is because it does not run water year round.

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Determining that it is not a perennial stream would make a difference in the buffer requirements. There is stormwater management area to the north of Autumn Woods Drive and if it is determined to be perennial, then the 110-foot buffer would interfere with the stormwater management. In order to designate it as an intermittent stream, the applicant met on site with Corps of Engineers to make a determination. Mr. Roop advised the applicant that he must deal with MDE on the issue of whether the stream is perennial or intermittent. Subsequently, the applicant met with Aaron Brown from MDE, David Black from OPZ, and Chuck Schneider from Frederick Ward Associates. Mr. Brown agreed that it is not a perennial stream, but he couldn't send a letter stating that. The stream is shown on the plat as Waters of U.S. and not as a perennial stream.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.) The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. DPW is concerned with the possibility that the southern SWM facility will discharge a concentrated outflow on to adjacent property owners. He asked where the southern SWM facility will discharge? Mr. Granger stated there is somewhat of a stream channel that runs parallel to Shady Beach Road. There is a stream to the southeast of Lands of Wells that ties back in with that stream channel. It is real close to the property line but there may be one or two owners that need to be involved with that. Mr. Woodhull advised if the SWM discharge 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.

Mr. Woodhull continued: Section 3.07.15 of the Road Code directs that Shady Beach Road must be upgraded to a Minor Road Standard for a distance of 100' either side of the point of intersection between Shady Beach Road and the proposed entrance. In addition 5'-wide shoulders must be provided on both sides of the road along the property's entire frontage on Shady Beach Road. Sight distance measurements must be provided to the CCDPW to establish compliance with the Cecil County Road Code. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location.

A private maintenance easement is needed to run sanitary sewer under Autumn Woods Drive for Lot 3. In addition, the line under the road must be an 8" diameter ductile iron or welded steel sleeve with at least 42" of cover and removable watertight seals at either end. The sleeve must extend at least two feet outside the right-of-way and be marked with concrete monuments. The monuments may be offset with a brass plate or other marking indicating a septic line and the amount of offset, if any.

The driveway locations for Lots 5, 6, 13, 23, & 24 must conform to the restrictions set in Standard Detail R-16 of the Road Code. The areas of denied access at the intermediate turnarounds must be identified on the plat.

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An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required the Autumn Woods Drive and storm drains.

Mr. Ouano stated it is the intent of the power company to extend the pole line on Shady Beach Road. How the development is served will be considered later.

Mr. Roop advised that any filling in the non-tidal wetlands would require a permit. The applicant should contact USGS to determine if the stream is perennial. Mr. Granger responded that he has done that.

Ms. Latham conveyed that a GAP would be required.

Mr. Markwardt questioned the length of the road. Mr. Granger advised that it is approximately 3,000 feet long. Mr. Markwardt stated that interior bus service would be provided based on the number of students. He questioned the size of the homes and beginning construction date. Mr. Day informed him that the homes would be four bedrooms, 2500 sq. ft., and they would begin construction right away.

Mr. Davis and Mr. McDowell had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR. This Preliminary Plat proposes 4 minor subdivision lots and 27 major lots on 87.5282 acres for a density of 1:3.09, which is consistent with the bonus density of 1/3.05 granted with Concept Plat approval on 1/21/03, conditioned on:

- 1) The boundary line survey being completed prior to Preliminary Plat submittal;
- 2) A JD being completed prior to preliminary plat review by the Planning Commission;
- 3) The Preliminary Plat s showing the relocation of the driveway to P. 649 out of the area proposed as common open space;

Since the 4 minor subdivision lots are proposed to access the proposed Autumn Woods Drive, they were included in the major subdivision. Thus, the maximum number of lots can be 31.

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Mr. Di Giacomo asked if a boundary line survey has been done? Mr. Granger answered in the affirmative. Mr. Di Giacomo questioned the boundary discrepancy with Minor Subdivisions 2250 & 3194? Mr. Granger advised that Minor Subdivision #2250 shows that he recognizes something back beyond where the property line is shown to be. The back property line is well marked with a stone and cap pins.

Mr. Di Giacomo continued: The layout is generally consistent with that of the approved Concept Plat. Slight redesign has eliminated the proposed Autumn Woods Court cul-de-sac.

As noted during Concept Plat review, Minor Subdivision #3089 must be referenced on the plat submitted for Planning Commission review. Parcel 159 need not be referenced in Note # 1 since Minor Subdivision #3420 has been referenced in the acreage data table. Minor Subdivision 3340 must be referenced on the plat submitted for Planning Commission review.

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. Slopes greater than 25% have been shown. Proposed lots 1-4, 13 & 25-31 are depicted to have steep slopes greater than 25%. Proposed lots 1, 13 & 26-27 show dwelling locations situated partially on steep slopes greater than 25%. The dwellings will need to be relocated in order to avoid negative impacts on these slopes.

In addition, proposed lots 2, 4, 11, 25 & 31 show dwelling locations situated partially on steep slopes (15-25%). 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.

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'. Based upon examination of the USGS Quad maps, Jones Creek, a perennial stream, appears to run through the proposed common open space adjacent to Shady Beach Road. It has been depicted, but its stream buffers have been depicted only in the southern area of common open space.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. If the wetlands depicted have been field-delineated, and if the wetlands are in a forest retention area, common open space, or the large lot, then, per policy adopted 1/16/96, no Jurisdictional Determination (JD) must be done, but the wetlands must not be disturbed. Otherwise, a JD must be done prior to the Planning Commission's review of the Preliminary Plat, as was conditioned on Concept Plat approval.

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No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Shady Beach Road. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) was approved 1/21/03. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and the Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The internal road name has been approved.

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

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

A Homeowners Association for maintenance of common open space and landscaped islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners must become members.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Woodhull stated that the right-of-way lines on the islands need to be shown and the circle lines needs to be darkened.

Mr. Carter asked how the boundary discrepancies are worked out. Mr. Granger stated that with the evidence, it is fairly clear what the boundary is. Mr. Di Giacomo advised that possibly it may have to be adjudicated prior to recordation. Mr. Carter suggested that the stormwater management pond be kept back away from the boundary line.

Mr. Roop informed the applicant that if he sends him a request for a JD, he can probably get something stating the stream is not a blue line.

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5. Michael McAllister presented *Irishtown Mews, Lots 1-5, Irishtown Road, Concept Plat, Michael S. McAllister, Fifth District.*

Mr. McAllister stated this is a concept plat consisting of 25.4 acres, to be served by a mini road, proposing five lots. Several perc tests have been done, which will be shown on the preliminary plat. The FSD has been completed and submitted. The front portion that is zoned RR is an add-on to the 25 acres. The bulk of the parcel is zoned NAR. They are in the process of addressing sight distance. An angle of an entrance is not supposed to be less than 75 degrees. The boundary lines show the angle at 61 degrees. The proposed entrance where the mini road is proposed to be 25-foot wide makes a 75-degree angle. The density is one acre per 5.08 acres. It is a minor subdivision, but must be heard by the Planning Commission because it is a mini road subdivision.

Mr. Woodhull stated a SWM Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.). The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

Obtaining proper sight distance for the proposed entrance will be challenging, as such, it will be a major concern to DPW. However, after an on-site investigation by DPW in conjunction with Mr. McAllister, it is DPW's opinion that adequate sight distance can be achieved through good design of the entrance to the proposed Mini-Road.

Section 3.07.15 of the Road Code directs that Irishtown Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Irishtown Road and the proposed entrance. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense.

The ROW dedication should be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

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The internal road is proposed as private, as such, a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.). The private mini-road must be paved in accordance with Section 2.13 F. of the Road Code due to excessive slope. The proposed private mini road must meet the requirements set forth in Section 2.13 of the County Road Code.

The driveways for Lots 2, 3, & 4 must be paved in accordance with Section 3.08 D. of the Road Code due to excessive slope. The Developer must also install these specific driveways at the time of construction of the mini-road.

A Public Works Agreement will be required for the private mini road and storm drains and an Inspection and Maintenance Agreement will be required for the SWM facilities.

Mr. Ouano had no comments.

Mr. Roop advised there are not streams or wetlands, then nothing is required from the Corps of Engineers. Mr. McAllister informed Mr. Roop that there is a stream across the front of the property. Mr. Roop responded that the USGS quad sheets don't show it.

Ms. Latham stated that a GAP is not required.

Mr. Markwardt stated that transportation will be at the corner of the mini road and Irishtown Road. He questioned the size of the homes and the beginning construction date. Mr. McAllister advised that the homes will be fairly large and cost \$200,000 to \$300,000 at a minimum. They would probably begin within a year.

Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

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Mr. McDowell advised that he has been contacted by the owners of the properties abutting the access mini-road and abutting the tract being developed. They have a number of concerns regarding the proposed development.

The proposed mini-road will be built on land that is part of the lot of the adjacent property at 1132 Irishtown Road. This lot originally consisted of two parcels, one containing 0.79 acres and one 0.42 acres. The 0.42-acre parcel contains the paved asphalt driveway providing access to the home and to the garage under the house. The 0.79-acre parcel contains the house. The house with just the 0.79-acre parcel was sold to the current owners with the understanding that the full driveway was part of their usable lot. Their deed gives them a right-of-way across the 0.42-acre parcel of land and their contract of sale also prohibits any improvements on the 0.42-acre parcel within ten feet of their property line. This 0.42-acre parcel is where the developer proposes to place the mini-road. The property line passes approximately 12 feet from the back corner of the house and the garage entrance, which is on the side of the basement. Thus, there is no room for vehicle access without using the right-of-way. The new road will require removal of the current paved driveway and exiting the garage will then require backing directly into the mini-road. The proposed mini-road is a serious encroachment on the right-of-way granted by deed to this property owner. This owner has four small children and is concerned about their safety due to traffic in and out of the development, with the road so close to their home. The loss of the driveway access, and the proximity of the road to their home, will severely impact the value of the property and will also devalue the adjacent property at 1124 Irishtown Road.

The previous owner apparently purchased the lot and then retained the 0.42-acre parcel to serve as an access to the land-locked 25 acres he purchased separately in the back. That 25 acres is the land now proposed for development. The plat shows the width of the 0.42-acre parcel as only 45 feet at Irishtown Road, however, and so it appears to be inadequate for an entrance. Also the width at the rear of the parcel does not seem to agree with previous surveys and set pipes, and may also be only 45 feet. Three of the neighbors contend that their surveys, or existing property markers, do not agree with this plat and survey. Several of these were recent surveys.

Irishtown Road is a very hilly, winding road with no shoulders and with trees close to the side ditches. There have been a number of accidents on the short stretch of road in the immediate area of the proposed mini-road. In two of the accidents, trees bordering the road were hit. The proposed location of the mini-road entrance is at a low point and near a curve on the south side. There is not adequate sight distance for safety. Recently a car was rear-ended waiting to turn into the adjacent drive at 1132 Irishtown Road. This was due to the curve and hill to the south. The proposed location is a severe safety hazard to the current residents, the motorists on Irishtown Road, and the future occupants of the new development.

The mini-road will have to cross a creek for entrance to the development. This stream is shown as a ditch on the plat. However, it is an active stream that runs continuously except in the driest times of the year. It feeds into Plum Creek and then on into the Elk River. The stream is currently running and in heavy rains it overflows the culverts under the driveway to the home at 1124 Irishtown Road and covers the road. The mini-road will require a bridge with side banks graded up to the roadway to provide access. Construction of the road will also require removal of many trees, mostly hardwoods, since that area is totally wooded, as well

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as several utility poles carrying power to the house at 1124.

The proposed development is wooded and the residents are concerned about removal of the trees and the potential for soil erosion on the steep hillside (50 foot rise in 200 feet) and water washing down onto their properties. There should be careful attention paid to stormwater management, starting before the construction phase.

The neighbors are concerned about the impact of the development and what it will have on their wells and septic systems. The plat identifies eight soil types on the property; seven of these are listed in the Soil Survey of Cecil County as having severe limitations for the use of septic tank systems. The testing of these soils for adequate percolation should be very thorough.

Due to the narrow width of Irishtown Road, the neighbors are concerned about the traffic, noise and hazards of construction vehicles and heavy equipment. The narrow road has no shoulders and there are no other areas where vehicles can park without encroaching on their properties. They are concerned that the strict conditions of the new (2002) Cecil County Road Code be met, particularly the requirements of Section 14.C *Construction in Easements and Rights-of-Way* and Section 15-14 *Preservation and Restoration of Property, Trees, and Monuments*, etc. These require a minimum of disturbance of the property crossed by a right-of-way, permission to enter private property, and preservation of property, trees, and property markers along and adjacent to the work.

The neighbors request that this development not be approved unless the problems cited are resolved.

Mr. McAllister responded that all the regulations will be conformed to. The neighbors will not lose anything as far as the right-of-way. The status of the right-of-way should only improve. He read from the owners deed: Also, together with a right-of-way for the purpose of ingress, egress, and regress over the existing right-of-way they use from Irishtown Road to and from the parcel herein conveyed. They actually have a right to use a portion of this strip. The deed goes on to say Reserving however unto the Grantors of the deed or to Conwest Corporation, its successors and assigns, the right to improve and/or relocate said right-of-way. Mr. McDowell advised that he has a signed contract of sale as an amendment to the purchase that has a restriction of where that can take place. Mr. McAllister stated that the deed is the official document.

Mr. Di Giacomo stated the zoning is NAR & RR. The NAR & RR zones permit a maximum base density of 1 du/ 5 ac. Bonus density is not being sought. This Concept Plat proposes 5 lots on 25.42 acres, for a proposed density of 1/5.08.

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A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Mr. McAllister advised that the north and west lines have been done, but the south line is not officially surveyed, but as shown on the plat, it is very close.

Mr. Di Giacomo continued: 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. Slopes greater than 25% must be shown on the preliminary plat.

A perennial stream is depicted on the USGS Quad map in the approximate location of the ditch depicted on the plat. This will need to be indicated on the Concept Plat submitted for Planning Commission review.

Mr. Di Giacomo asked what are the scales of the vicinity maps? Mr. McAllister stated the tax map scale is 1" = 600'.

Mr. Di Giacomo continued: A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. The USGS Quad map indicates that a perennial stream may be on site.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No open space is required for only 5 proposed lots.

No landscaping of the development envelope is required in the NAR & RR zones. If approved as submitted, Bufferyard Standard C would not be required, since only 44.69' of road frontage is proposed. Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road. Given the proximity of existing adjacent homes, staff recommends a denser vegetative screen, such as Leyland Cypress. If feasible, the natural vegetative equivalent may be used to satisfy the street tree buffer requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

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In addition to Minor Subdivision # 1701, reference should be made to NDS 256/282, a recorded boundary line agreement between Cam-Ron and Spence.

§7.2.12.E.1 of the Cecil County Subdivision Regulations stipulates that intersections at angles less than 75° shall not be considered. The intersection of the unnamed proposed mini-road and Irishtown Road is at an angle of 61°. In addition, §2.7.1 of the Subdivision Regulations stipulates that entrances must not be hazardous and unsafe.

It appears that the current driveway for Parcel 337 accesses Irishtown Road on the proposed mini-road right of way on Parcel 573. Three access points in such close proximity may create a safety hazard. Mr. Di Giacomo asked if a combined access on the private mini-road has been considered? Mr. McAllister advised that the number of entrances isn't being increased.

Mr. Di Giacomo asked why a proposed fee-simple road widening dedication hasn't been shown? Mr. McAllister stated that will be done prior to Planning Commission review.

Mr. Di Giacomo continued: The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) must be approved prior to Planning Commission review of the Final Plat. A Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed mini-road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

A Mini-Road Maintenance Association for maintenance of the proposed mini-road must be established with all lot owners becoming members.

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.

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Mr. Di Giacomo asked if the lot owner who would continue to come out of the access point be a member of the Mini Road Maintenance Association. Mr. McAllister stated that would be up to them. They have an existing access, and it is paved. It shouldn't be a requirement that they become a member since their access is already recorded.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore advised that approximately 31 of the 57 test holes are satisfactory and those should be surveyed and shown on the preliminary plat. Mr. McAllister responded that will be done.

Mr. Woodhull informed the applicant that the adjoining owner Bishop should be Boyer.

6. Michael McAllister presented Old Hubis Homestead, Fair Hill Drive, Preliminary-Final Plat, Michael S. McAllister, Fourth District.

Mr. McAllister stated this is a preliminary-final major subdivision plat depicting two lots located on the north side of Fair Hill Drive. An afforestation area is shown to the westerly side of Lot 10, which should suffice for the landscaping requirements. The density is one unit per 1.46 acres. The allowed density is 1:1 in the DR zone. This whole property is part of an approved add-on Minor Subdivision #2284, and amended by #2284A. Lot 2 is exempt from the forest regulations because there are existing improvements on it. A front setback modification will be requested at the Planning Commission meeting for Lot 2 because the two-story old farmhouse has been there for years.

Mr. Woodhull stated a SWM submittal has been received and is currently under review.

The ROW dedication should be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. This is a major subdivision, and that is DPW's normal approach with major subdivisions. Mr. McAllister requested DPW discuss that with him because historically DPW has only required an easement where there is no new road.

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Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense. There is a pole that may be required to be moved when the bank is laid back to get sight distance. That pole has a substantial amount of wires on it and it may be a rather complicated move, therefore applicant may want to consider another driveway location. Show existing utility pole locations on the concept plat prior to consideration by the Planning Commission.

If the driveway slopes to Old Fair Hill Drive at a slope greater than 5%, it must be paved to the crest.

Mr. Ouano asked what the address is of the existing building. Mr. McAllister stated it is 265 Fair Hill Drive.

Mr. Ouano advised that there are no non-tidal wetlands on the property, therefore no permits are required from the Corps of Engineers. A JD has not been done.

Ms. Latham stated a GAP is not required.

Mr. Markwardt stated that due to the proximity of the proposed lane to the driveway, the bus would not stop at both homes. He suggested a walkway to connect the two driveways.

Mr. Davis and Mr. McDowell had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is VR (Village Residential) the purpose of which is to provide for the protection of existing villages by allowing limited development consistent with the character of these villages.

The VR zone permits a maximum base density of 1 du/ 1 ac. in areas without community facilities. A maximum density of 4 du/ 1 ac. is permitted in areas with community facilities. This Preliminary-Final Plat proposes 2 lots on 2.9154 acres, for a proposed density of 1/1.456.

Mr. Di Giacomo asked if a boundary line survey has been done? Mr. McAllister answered in the affirmative.

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Mr. Di Giacomo continued: 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.

Mr. Di Giacomo asked if slopes greater than 25% have been depicted? Mr. McAllister responded that he doesn't think there are any, except along the bank, which wouldn't show on the aerial topo. The only disturbance to that would be the driveway. Mr. Di Giacomo advised that those should be noted.

Mr. Di Giacomo continued: §28.3 of the Zoning Ordinance stipulates that there be flexibility in lot, yard, open space and setback requirements and to encourage innovative and creative design in order to meet the objectives of this district. It goes on to say that such requirements in the Village District may be varied for each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project, the existing character of the village, and all other County, State, and federal requirements.

No open space is required.

20% landscaping of the development envelope is required in the VR zone. Bufferyards are not required in the VR zone, however landscaping equal to 20% of the development envelope is required. This should be visually harmonious and compatible with adjoining lots to help maintain the existing character of that village.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. Proposed Lot 2 is exempt under provisions of §3.2N. The Forest Stand Delineation (FSD), the Preliminary FCP, the FCP and the Landscape Plan for proposed Lot 1 must be approved prior to the Planning Commission's review of the Preliminary-Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. McAllister advised that the adjoining houses are more contemporary style than they are village style. Mr. Di Giacomo advised that OPZ comments are more toward the landscaping, not the construction or

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architecture.

There were no further comments.

Meeting adjourned at 11:00 a.m.

June 4, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Carter, Woodhull, Roop, McDowell, Moore and Graham.

ABSENT: King, Funk, Hodgson, Ouano, Latham, Markwardt, Davis, and Hicks. Soil Conservation Service submitted soils map and report, a copy in the file for reference.

1. Donnie Sutton and David Dodge presented **Murphy s Run, Lots 1-43, New Valley Road, Basin Run Road, and Liberty Grove Road, Concept Plat, Sixth District.**

Mr. Sutton stated this proposal consists of 43 lots on 131.2 acres. They have tried to maintain the rural character as much as possible. The entrance design will need to be graded quite extensively to provide adequate sight distance. Most of the development has been placed in the middle of the property. Lot 1 will be the large lot and will make adequate use of the existing pastureland that is fenced off. A centralized village green common open space is provided, as well as walking paths throughout the property. A through road system to New Valley Road is not feasible because of the steep slopes, wooded areas, and intermittent stream buffer along New Valley Road. Mr. Dodge advised that the homes would be a minimum of 2600 sq. ft., with the average home being between 3,000 and 4,000 sq. ft. The cost of the homes will be from \$350,000 to \$400,000. Construction is anticipated to begin in early 2004.

Mr. Woodhull stated a Stormwater Management (SWM) Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance. This must include, but not be limited to, roadside drainage ditches and piping along New Valley, Liberty Grove, and Basin Run Roads, and the intermittent stream, particularly at Basin Run Road. Basin Run is classified as a Use III-P stream and the SWM Plan must address this accordingly.

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DPW is concerned with the possibility that the SWM facilities will discharge a concentrated outflow on to an adjacent property owner. Mr. Woodhull asked where the SWM facilities will discharge. Mr. Sutton advised that the downstream pond on the Truslow property has a blown out dam portion on it. The proposed subdivision will hold stormwater on its property as long as possible, and release it at a slower rate. The proposed ponds were placed at the location shown in order to collect stormwater before it hits the adjoining property. Everything possible will be done not to impact that downstream pond and to direct stormwater away from that it. Mr. Woodhull stated if SWM discharge is directed off 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.

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. Mr. Sutton advised that one, maybe two, ponds will be wet.

Mr. Woodhull continued: Section 3.07.15 of the Road Code directs that Liberty Grove Road must be upgraded to a minor collector standard for a minimum distance of 100 feet either side of the point of intersection between Liberty Grove Road and the proposed entrance. The challenging vertical and horizontal profiles north of the proposed entrance and the nature of the traffic on Liberty Grove Road must be considered in evaluating the required sight distance. In light of these significant factors, the minimum requirements of the Road Code will not likely be sufficient and the applicant may be required to provide additional off-site improvements. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense. As it appears now, at least one pole, south of the proposed entrance, will require relocation. Entrance geometry should be coordinated with DPW prior to significant engineering efforts.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The ROW dedication must be extended to include the Basin Run and southern end of the New Valley frontage.

DPW strongly recommends that Lot 1 access Gerald's Way only and that the existing driveway entrance to Liberty Grove Road be eliminated. Mr. Sutton stated he would like to leave that open for discussion. They would like to retain the existing driveway entrance.

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Mr. Woodhull continued: The driveway location for Lot 2 must conform to the restrictions set in Standard Detail R-16 of the Road Code. The areas of denied access at the intermediate turnaround must be identified on the plat. All driveways must be paved at least to the right-of-way.

If advised by the serving fire company and/or County EMS that a second entrance accessing New Valley Road would provide an increased ability to respond to emergencies, then connectivity would be encouraged by DPW.

Mr. Woodhull asked if the internal streets are proposed to open or closed section design? Mr. Sutton replied open section. Mr. Woodhull advised that if open section design is used, significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulbs, and their impact on the stormwater conveyance.

If the Planning Commission requires sidewalks, the final plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

Mr. Carter asked if the intermittent turnaround is desired from a planning perspective? It is not necessary per the Road Code. Mr. Sutton responded that it is 1300 feet from Liberty Grove Road to that turnaround. He would have to discuss that with the developer.

Mr. Roop advised that any filling of Basin Run or intermittent stream and adjacent wetlands would require a permit. He also stated that he has not done a jurisdictional determination (JD) yet. Mr. Sutton stated that currently the wetlands are being flagged and occur mostly in the open space areas.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell asked if the proposed walking path is existing or would it be constructed? Mr. Sutton advised that it will be a combination. There is an existing gravel lane that goes back to where the old tree farm was, as well as some existing paths through the woods that would be used. The darker, bolder lines shown on the plan indicate paths that will be constructed.

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Mr. Di Giacomo advised that SHA had no comments since the property is not located on a state highway. MDE submitted a letter advising that a water appropriation and use permit will be required.

He advised that OPZ comments are as follows:

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 43 lots on 131.2 acres, for a proposed density of 1/3.05. A boundary line survey must be done for the preparation of the preliminary plat for density calculation purposes. Tax records show that Parcel 9 consists of only 130.133 acres.

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. 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'. Intermittent stream buffers need be only 25 feet, unless they are in a forest retention area.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A JD must be done prior to preliminary plat review by the Planning Commission.

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

The open space requirements for bonus density eligibility in the NAR zone are satisfied. However, the aggregate common open space acreages do not agree with the Area Table's 64.4 acres. Mr. Sutton advised that there are two areas of open space that are too small to show acreage. Those two areas are included in the open space calculations. Mr. Di Giacomo recommended in that case a note be placed on the plat.

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

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Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Basin Run, Liberty Grove, and New Valley Roads. Where feasible, the natural vegetative equivalent may be substituted to meet the street tree and bufferyard requirements.

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.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the preliminary plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the final plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names have been approved by the County 911 Emergency Center. Mr. Di Giacomo stated that from a planning perspective, OPZ would like to see connectivity to New Valley Road. Mr. Sutton stated it would become a cut through road. In addition, the 50-foot intermittent stream buffer comes onto this property that would have to be disturbed.

Mr. Sutton advised that they would be seeking a waiver of the Bufferyard C requirement along Liberty Grove Road. None of the houses will be visible from the road because of the steep slopes.

Mr. Carter asked if there would be any significant challenges with grade limitations coming into the development? Mr. Sutton replied not where the entrance is proposed. Mr. Carter stated that the Road Code requirements could be altered slightly to protect natural resources.

Mr. McDowell asked what is the 7.5 acres of right-of-way shown in the notes? Mr. Sutton advised that is the roads and cul-de-sacs, excluding the cul-de-sac islands.

Mr. Carter asked how the existing lane across Baltimore Gas & Electric property would be dealt with in terms of fee simple dedication of the internal roadway? Mr. Sutton advised that he would be working with DPW

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and BG&E on that.

Mr. Di Giacomo stated there are two areas on New Valley Road that may be part of Parcel 9. One is proposed to be dedicated in fee simple to the Board of County Commissioners. Mr. Di Giacomo questioned the other one. Mr. Sutton advised that both will be dedicated to the Board of County Commissioners.

Mr. Di Giacomo asked why the segment of Basin Run Road and the adjacent frontage hasn't been proposed for dedication in fee simple to the Board of County Commissioners? Mr. Sutton stated that he would revise that.

Mr. Di Giacomo asked if Baltimore Gas & Electric/Constellation has been approached regarding the proposed access easement across their property? Mr. Sutton responded that he has not contacted anyone yet.

Mr. Di Giacomo further stated that OPZ would probably recommend, or consult with DPW, that proposed Lot 1 be denied direct access onto Liberty Grove Road, however it is open for discussion.

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

Mr. Di Giacomo asked why there are gaps depicted in the proposed walking paths? Mr. Sutton stated that is where it is connecting into the existing gravel lane.

Mr. Di Giacomo asked if the landscaped islands acreage is included in the right-of-way or common open space total? Mr. Sutton stated it is included in the common open space, per DPW wishes.

Mr. Di Giacomo stated that covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

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

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OPZ reiterates the concerns voiced by DPW for dry hydrants in any of the stormwater management ponds that are actually wet.

Mr. Carter suggested lot lines be centered on Finnegan's Place so headlights don't shine into someone's home (Lots 8 and 12).

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

July 2, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Carter, Woodhull, Markwardt, Roop, Davis, McDowell, Moore and Graham.

ABSENT: King, Funk, Hodgson, Ouano, Latham, and Hicks.

1. Hopewell Ridge, Craigtown Road and Camp Meeting Ground Road, Preliminary Plat, Larson Engineering, Inc., Seventh District.

WITHDRAWN.

2. Fred Orr and Steve L Oreal presented Pheasant Run, Blue Ball Road and MD Rte. 273, Concept Plat, Morris & Ritchie Associates, Inc., Ninth District.

Mr. Orr stated this project has two zonings, NAR and BG. 35 lots are proposed on 98.2 acres zoned NAR. Lot 34 comprises the existing farmstead and buildings. No minor subdivisions have been taken from this parcel. The density reflects the four lot minor subdivision potential with the remaining density reflecting major subdivision potential. Sight distance measurements were submitted to DPW on 6/25/03 for both entrances.

Mr. Woodhull stated a Stormwater Management (SWM) Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. Note 10 of the General Notes must be changed to read, 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.

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The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

Mr. Woodhull asked where the applicant intends to direct the SWM discharge? Mr. Orr stated the site will discharge from two locations. One is the northeast corner -- the existing culvert that is shown just west of Lot 9 of Blue Ball Village, Section 2. The remainder of the site discharges to the south under MD Rte. 273 culvert. A small area in the northwest corner will drain to Mackie/Russell. Mr. Woodhull advised that the stormwater management area, especially by Lots 11 and 12, will be examined to see how that is routed to the intermittent streams. DPW will be looking at the discharge to possibly have a more direct discharge route. Mr. Orr informed him that they would be looking at that when they get into the design stage and fun field topo. Mr. Woodhull further advised that if discharge is directed off 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.

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.

He asked if it is the developer's intention is to designate the BG-zoned portion of this parcel as common open space? Mr. Orr stated that the BG zoned portion of the property is not included in the common open space.

Mr. Woodhull continued: Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Alignment of the development's southern entrance with Blue Ball Village Road should be given consideration.

Section 3.07.15 of the Road Code directs that Blue Ball Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Blue Ball Road and the proposed entrances.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense. Utility poles near the proposed entrances will need to be relocated, especially by the Mendenhall Road entrance.

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The northern entrance road will be considered a separate street from Blackborne Drive. Mr. Orr stated that at this point, that road is proposed to be Mendenhall Road, perhaps Mendenhall Road West.

Mr. Woodhull further stated that sight distance measurements have been provided. The target height used (0.5) is not the height established by AASHTO Guidelines. Page 127 sets the criteria for stopping sight distance as 3.5 eye height and 2.0 target height. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location. Mr. Orr advised that the Blackborne Drive centerline is 258 feet south of the Blue Ball Village Road right-of-way centerline.

Mr. Woodhull continued: Lot 35 must access off Blackborne Drive. The lot must be denied access along its entire Blue Ball Road frontage. Lots 1 and 33 must be denied access to the northern entrance road along their frontage. Lot 28 must be denied access to Blackborne Drive except for the westernmost 30 to avoid conflict with proposed boulevard entrance.

All driveways must be paved to the ROW. The ROW dedication on Blue Ball Road should read, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Mr. Woodhull asked what is the anticipated timing of construction, and is phasing being considered? Mr. L Oreal stated they would like to construct everything without phasing.

Mr. Woodhull stated that consideration should be given to using the northern access as a construction entrance or beef-up the base to 5 of asphalt installed in two lifts.

It appears that open section road design is proposed. Mr. Orr advised that no decision has been made at this point concerning open or closed road section. Mr. Woodhull advised that if it is open, significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulbs, and their impact on the storm water conveyance.

A pedestrian crossing of the storm drain ditching must be provided at any open space access point crossing a drainage swale. Provision must also be made for a vehicular crossing point to provide access to the SWM areas. If access is to be provided between Lots 16 & 17 and 25 & 26, the width may need to be increased to accommodate both the road and any conveyance system used. If the point of access is located between Lots 11 & 12, very careful consideration must be paid to the potential effect it will have on drainage in the cul-de-sac, specifically with driveway locations for Lots 10 12.

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If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities, and a Public Works Agreement (PWA) will be required for the road and storm drains.

Mr. Markwardt advised that the Board of Education would support DPW's suggestion for placing Blackborne Drive across from Blue Ball Village Road in order to have a combined bus stop. He questioned the size of the homes, pricing, and construction commencing. Mr. L. Oreal stated the homes will be four bedrooms, 2½ baths, 3,000 sq. ft. and larger, and start in the upper \$300,000. Construction will begin in the fall of 2004.

Mr. Roop stated that all streams and wetlands are in the open space, therefore, no permit would be required.

Mr. Davis, Armstrong Telephone and Cable had no comment.

Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Moore asked if the BG portion will be subdivided off as a minor subdivision. Mr. Orr stated that if it is to be conveyed, it will be subdivided at that time.

Mr. McDowell read a letter submitted by an adjoining property owner (Roman Grypa), a copy attached for reference.

Mr. McDowell asked what the plan is for accessing Lot 34. Will it access Blue Ball Road via the existing driveway? Mr. Orr advised that there is no proposal to deny access to either road for that lot. DPW has made some recommendations, but there is no proposal to remove the existing driveway. Mr. McDowell asked if Lot 35 will directly access Blue Ball Road. Mr. Orr answered in the affirmative. Mr. McDowell stated this development will add four new access points to Blue Ball Road, plus future potential accesses for the BG zoned portion of the property. Mr. Orr stated that they are proposing a new access for Blackborne Drive. At Mendenhall, they are not creating a new entrance because it is mirroring the access on the opposite side of the road. They intend to provide a looped road. It won't be out of character for Lot 35 to have an access onto Blue Ball Road since there are several existing lots on the west side that have single driveways. Mr. Woodhull advised that DPW recommends that Lot 35 be denied access to Blue Ball Road, and that it access Blackborne Drive. Mr. Orr stated they are proposing two new access locations, one of which would be Blackborne Drive.

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Mr. Di Giacomo read MDE, Community Fire Company, and SHA comments, copies attached for reference. He advised that he also received a letter from Mr. Grypa, verbatim of Mr. McDowell's letter, a copy in the file for reference.

OPZ comments are as follows:

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. It appears that 4 minor subdivision lots are proposed. If so, then that must be stated on the plat. Based upon that assumption, this Concept Plat proposes 31 lots on 94.2 acres, for a proposed density of 1/3.039.

DENSITY CALCULATIONS:

Total site area is	111.05 ac.
BG site acreage	-12.85 ac.
4 potential minor sub lots	<u>- 4.00 ac.</u>
Remaining site area	94.20 ac.

Base density = 1 unit/5 acres: $94.20 / 5 = 18$ lots + 4 minor sub lots = 22 total lots

Bonus density = 1 unit/3 acres: $94.20 / 3 = 31$ lots + 4 minor sub lots = 35 total lots.

Tax records indicate that the parcel consists of 116.25 acres. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

It is not completely clear whether the BG-zoned portion of the property is intended as part of the common open space, remaining lands, or an individual lot. That must be clarified on the plat submitted for Planning Commission review.

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

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activities. 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal appears to satisfy the open space bonus density provisions of the NAR zone. Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. It must be verified that proposed Lot 35 is at least 10 ac. in size. Staff will recommend that proposed Lot 35 be denied direct access onto Blue Ball Road.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball and Telegraph Roads. Why hasn't it been shown along Telegraph Road and why hasn't it been shown along proposed lot 34? Mr. Orr answered it isn't shown because of the existing use of Lot 34, and because of the distance between Telegraph Road and the proposed lots. No impacts to that road are proposed. Mr. Di Giacomo stated that the applicant may want to request a waiver of the bufferyard requirements from the Planning Commission. Mr. Orr stated that if the BG is developed, a bufferyard would be required between that use and the residential lots. Mr. Di Giacomo stated that since Lot 34 will access Blue Ball Road, then staff will recommend waiving Lot 34's Bufferyard C requirement along Blue Ball Road and street tree requirement along Blackborne Drive in favor of a 15' Bufferyard B or a row of white pines along the side and rear lot lines. This would help preserve rural character without looking too contrived.

Mr. Di Giacomo continued: One of the existing buildings on proposed Lot 34 will require approval of a setback modification.

Bufferyard Standard A is shown to buffer adjacent agricultural uses on the lands of Russell. There should also be a Bufferyard A along the lands of Harrison, adjacent to proposed Lot 35. Mr. Orr stated that he is not sure that Harrison's property is in ag use. He will confirm that prior to the Planning Commission meeting.

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Mr. Di Giacomo advised that 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.

Rows of street trees 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The road name Blackborne Drive has been approved. The access road directly aligned with Mendenhall Road has not been given a proposed name. Staff will recommend that the proposed Blackborne Drive entrance be directly aligned with Blue Ball Village Road.

Staff will recommend a TIS.

Mr. Di Giacomo asked what is proposed for the BG portion of the property? Mr. Orr answered nothing is proposed. Mr. Di Giacomo stated that when it is, a detailed site plan must be submitted for that development. The site plan must meet site plan requirements stipulated in §291, and the proposed development must be consistent with §32 and all other applicable sections of the Zoning Ordinance. The issuance of a building permit(s) will be contingent upon site plan approval.

The Community Fire Co. of Rising Sun Fire Chief has requested a 30,000-gallon drafting tank.

Mr. Di Giacomo asked if any consideration has been given to the installation of dry hydrants in conjunction with the stormwater management ponds? Mr. Orr advised that they will look at that. The drafting lengths from a tanker access on Blackborne Drive would be over 300 feet minimum. There would be some concern as to whether or not the tanks could draft that far.

Mr. Di Giacomo asked if any consideration has been given to future pedestrian access to the BG portion of the parcel? Mr. L. Oreal answered no.

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Mr. Di Giacomo continued: A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners, including the minor subdivision lot owners, must become members.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Orr questioned the requirement for a JD. He understood that as long as wetlands, waters and buffers, are shown in common open space or on the large lot, for NAR and SAR, then a JD letter would not be required. Mr. Roop advised that a letter would be for the developer's protection. Mr. Orr stated that it has been field reviewed but not flagged. Mr. Roop advised that the applicant must send him a letter and he would inspect the property.

Mr. Orr explained that Blue Ball Village Road is a private mini road, therefore they did not mirror the entrance alignments. Mr. Carter stated that the separation distance is good, but the applicant should consider alignment with Blue Ball Village Road. Mr. Di Giacomo advised that Lot 6 may want lights shining onto Blue Ball Village Road rather than their home. Mr. Orr stated that Lot 6 improvements and driveway are north of the proposed entrance. Mr. Markwardt stated there would be an advantage to providing a bus stop at an existing location rather than create an additional stop.

Mr. Carter stated it would be reasonable to assume that the BG portion will have stormwater management facilities in the future. The applicant should think about providing stormwater management for the BG portion in conjunction with the NAR portion. Also, an easement from the BG portion to the intermittent stream should possibly be created.

3. Mike Estes presented New Bridge Farm, New Bridge Road, Preliminary Plat, Northern Bay Land Planning, Eighth District.

Mr. Estes stated this is a total of ten lots on 51.439 acres.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the DPW prior to submittal for Final Plat approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (A Lot Grading Plan has been approved by the

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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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This will be very important since discharge will be into Octoraro Lakes. Mr. Estes stated that the adjoining property is all steep slopes, but they anticipate a decrease in the runoff from the site.

Mr. Woodhull continued: If the SWM discharge is directed off 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. 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.

New Bridge Road over Octoraro Creek (CE007) is currently limited to no more than 6,000-pound loads. The steel truss bridge dates to 1884 and the historic nature will likely limit the County to repair rather than replacement. As such, the 16'-5" travel way will not be widened. Most ambulances, fire trucks, school buses, and fuel delivery trucks may not legally use the bridge. Rehabilitation is currently planned for Fiscal-Year 2006 at an estimated cost of \$400,000. Therefore, until at least FY 2006, major traffic loads will enter and exit from the west (Roop Road), including most emergency response vehicles.

Section 3.07.15 of the Road Code directs that New Bridge Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between New Bridge Road and Meadow Lane. New Bridge Road is only 18' wide with no shoulders. Widening is not planned or recommended because of the limitations of the bridge. Pavement distress (including alligator cracking) is evident. Required off-site improvements will include milling, sub grade repair (as necessary), wedge/level to 2%, a 1.5" surface course and 18" graded aggregate sub base shoulders.

Sight distance measurements have been provided and reviewed. This review indicates that adequate sight distance can be obtained at the proposed entrance location, however the removal of trees and shrubs along New Bridge Road will be required to verify this.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense. Utility poles near the proposed entrances will more than likely need to be relocated.

All driveways must be paved to the ROW.

July 2, 2003, 9:00 a.m.

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Lot 1 must be denied access to New Bridge Road except for the existing driveway. Lot 2 must be denied access to New Bridge Road except for the easternmost 12' of frontage.

The use of open section road design requires that significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulb, and their impact on the storm water conveyance. Driveway entrances for Lots 6 and 7 must be installed, to the edge of the ROW, at the time of construction of Meadow Lane.

A pedestrian crossing of the storm drain ditching must be provided at the open space access point between Lots 7 & 8.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a PWA will be required for internal street and storm drains.

Mr. Estes questioned upgrading the road to minor collector standards. Mr. Woodhull advised that the road would not have to be widened. The pavement section and establishment of a shoulder within the right-of-way would have to be to minor collector standards. Mr. Carter stated the entrance would have to be upgraded 100 feet on either side for the turning radius.

Mr. Markwardt advised that there will be no interior bus service on Spring Meadow Lane due to the short distance -- all service will be provided at New Bridge Road and Spring Meadow. He questioned the size of the homes and construction commencement. Mr. Estes assumes the homes will be in keeping with the general area, but he will check with the developer. Construction will probably begin in the spring of 2004.

Mr. Roop advised there is no proposed filling of perennial stream or adjacent wetlands, therefore a permit will not be required. The Corps has not done a JD yet.

Mr. Davis stated that Armstrong Telephone has existing utility lines on the property and may have to meet with the applicant prior to construction phase.

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Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo read MDE comments, a copy attached for reference.

OPZ comments are as follows:

The zoning is RR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3.

The Concept Plat proposed 17 lots on 51.43 acres, and on 1/21/03 it was approved for a density of 1/3.03, conditioned on:

- 1) A boundary line survey being complete prior to the TAC's review of the Preliminary Plat;
- 2) The common open space sensitive area thresholds being calculated and included on the Preliminary Plat submitted for TAC review; and
- 3) The adjacent property owners' names being corrected.

This Preliminary Plat proposes only 10 lots on 51.43, for a proposed density of 1/5.143.

Has a boundary line survey been completed? Mr. Estes answered in the affirmative.

There are 2 wells shown on proposed Lot 10.

Slopes greater than 15% and 25% have been shown. The dwelling locations on proposed Lots 4 & 7 are shown situated partially on steep slopes. 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.

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The topo detail shows that the topography in the area of the cul-de-sac to be inconsistent with §7.2.12.B.9 of the Cecil County Subdivision Regulations.

The perennial stream buffer has been shown.

This proposal satisfies the open space provisions of the RR zone. 60% is required for bonus density eligibility, including 15% common open space. 61.46% is proposed.

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

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands.

No landscaping of the development envelope is required in the RR zone. Bufferyard Standard C is required, outside the right-of-way, along the New Bridge Road road frontages. The Bufferyard C to the east of the proposed 20' wide common access easement has not been shown. It must be shown on the plat submitted for Planning Commission review.

A row of street trees is required, outside the right-of-way, along both sides of the proposed Spring Meadow Lane. If feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

The Forest Stand Delineation (FSD) was approved 1/17/03. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to preliminary plat review by the Planning Commission.

The Natural Heritage Service has indicated that eight rare, threatened, and/or endangered species are known to occur within the vicinity of the project site, and they recommend that a species survey be conducted. Has a sensitive species survey been conducted? Mr. Estes advised that all but one species was directly related to the Octoraro Creek area and stream banks and forested area. Mr. Di Giacomo stated that if a sensitive species survey hasn't been done, then, contrary to note # 4 in the Data Column, it cannot yet be determined if this design is in compliance with §176.2.d of the Zoning Ordinance.

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The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The road name Spring Meadow Lane has been approved.

Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation. A Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. Mike Burcham and Barry Montgomery presented Crane Fields, Lots 5-10 & 21-22, Wheatley Road, Preliminary Plat, McCrone, Inc., Ninth District.

Mr. Montgomery stated this is a preliminary plat for Phase 1 consisting of seven lots. Seasonal testing has not been completed, therefore they are only requesting preliminary review of this phase.

Mr. Woodhull stated a SWM Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. If the SWM discharge is directed off 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.

DPW has concerns that Frank Crane Drive may not be completed in accordance with the approved Concept Plat if the additional building lots are unobtainable. If this occurs, the temporary tee turnaround will have to be replaced with a cul-de-sac bulb.

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Due to the nature of the layout proposed, Frank Crane Drive would be installed and be in use by the residents of Lots 5-10 and 21-22 while being used as a construction entrance accessing the remainder of the lots in the development. The proposed road section thickness is insufficient to serve this purpose without serious road surface damage occurring. As such, DPW requires that a separate construction entrance be provided to service Lots 11-20, or that the base course of the road be increased by 2" for a total of 5" installed in two lifts.

Section 3.07.15 of the Road Code directs that Wheatley Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Wheatley Road and the proposed entrance.

Sight distance measurements must be provided to DPW to establish compliance with the Cecil County Road Code.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense.

Lot 5 must be denied access to Wheatley Road and the first 75' of frontage on Frank Crane Drive. Lot 9 must be denied access to Wheatley Road.

It appears that an opportunity for redundant access will be lost by the proposed minor subdivision. DPW recommends, as a condition of preliminary approval, that a 50' wide strip be dedicated to the owners of the other lands of Mary Ann E. Crane to assure any future development of this property can access Frank Crane Drive. The location of this strip should be in the area of the southeastern property line of Lot 22 and the common open space immediately adjacent.

The 25' wide perpetual access easement for Lot 9 on the lands of PECO must be recorded in Land Records.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a PWA will be required for the street and storm drains.

Mr. Markwardt advised that at this time, there will be no interior bus service. Bus service will be at Frank Crane Drive and Wheatley Road until the number of students warrant interior bus service. He questioned the

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size of the homes, price range, and construction commencement. Mr. Montgomery informed him that the homes will be 3 to 4 bedrooms, 2,000-3,000 sq. ft. and cost \$250,000-\$400,000. Construction will hopefully begin in 2005.

Mr. Roop stated that there are no wetlands, therefore no permit is required. A JD has not been done.

Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell stated that since this is a phased development, he would recommend a portion of the common open space be provided in this phase, or at least access be provided to open space.

Mr. Di Giacomo read MDE comments, a copy attached for reference.

OPZ comments are as follows:

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density of 1/3.04 was granted on 4/21/03 with approval of the Concept Plat for 18 lots on 54.8 acres, conditioned on:

- 1) The Frank Crane Drive road name being approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat;
- 2) The intermittent stream and wetland areas being shown, consistent with the FSD, on the Preliminary Plat submitted for TAC review;
- 3) A survey for the bog turtle being conducted prior to the Planning Commission's review of the Preliminary Plat;
- 4) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat; and
- 5) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes.

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This is generally consistent with the approved Concept Plat.

Has a boundary line survey been completed? Mr. Burcham answered in the affirmative.

Has a JD been completed? Mr. Burcham stated no.

Mr. Di Giacomo continued: Slopes 15% or greater have been shown. 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.

Some non-tidal wetlands and stream buffers may extend onto proposed Lots 10 and 21. If so, then those buffers must be shown on the plat submitted for Planning Commission review. The intermittent stream and wetlands depicted on the FSD should have been reflected on the Preliminary Plat submitted for TAC review.

The habitats of rare, threatened, and endangered species must be avoided. The Natural Heritage Service recommends that a species survey for bog turtles be conducted. It must be conducted prior to the Planning Commission's review of the Preliminary Plat.

Should this section be approved, then approximately 7.4 additional acres of common open space will be required in subsequent sections.

No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the Wheatley Road frontages of the proposed common open space and Lots 5 & 9, as shown.

What progress has been made with PECO regarding the proposed access easement across their property? Mr. Montgomery stated they have been in contact with PECO.

Mr. Di Giacomo continued: Proposed Lots 5 & 9 must be denied direct access to Wheatley Road, as noted.

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What is the current status of the proposed Minor Subdivision? Mr. Burcham advised they are in the process of getting the owners to sign that minor subdivision plat and road widening easement agreement. It will be submitted for review and approval shortly.

Mr. Di Giacomo further stated that rows of street trees are required, outside the right-of-way, along both sides of Frank Crane Drive. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) has been approved. The Natural Heritage Letter recommends a survey for bog turtles be conducted. It must be conducted prior to the Planning Commission's review of the Preliminary Plat. The Preliminary Forest Conservation Plan (PFCP) has not yet been submitted. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The Frank Crane Drive road name has been approved.

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

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

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Montgomery asked when is a good time to look for bog turtles. Mr. Roop stated they move in the spring or summer, which is the best time to find them.

4. Mike Burcham and John Cantelora presented Crossings at Cherry Hill, Lots 1-31, Leeds Road, Concept Plat, McCrone, Inc., Third District.

Mr. Burcham stated this is a 31.2 acre parcel on the northwest side of MD Rte. 213 and Leeds Road. The property currently has old mushroom houses on it. On-site wells and public sewer are proposed for 31 lots.

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Sewer will drain to the Cherry Hill treatment plant. They are restricted to one-acre density due to MDE regulations. He advised that they met with SHA in the field to make sure this is the best location for access. Denied access is shown to MD Rte. 213. Bufferyard C is proposed along Lots 1 and 31. Most of MD Rte. 213 frontage has non-tidal wetlands, and the stormwater management pond. Due to this, they will be requesting a Bufferyard C waiver along the rest of this property. They will also be requesting a waiver along Leeds Road since the development is not close to that area and the existing vegetation will be retained along Leeds Road.

Mr. Woodhull stated Parcel numbers must be changed to 21 & 171.

A SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The final plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance. This analysis must address the adequacy of the existing culvert under Leeds Road adjacent to the existing pond.

Mr. Woodhull asked where the applicant intends to direct the SWM facility discharge? Mr. Burcham answered they will come off the pond, across the proposed sanitary sewer, and outfall to the buffer of the existing woods and toward the wetland area along the State highway. There is an existing perennial stream under MD Rte. 213. Mr. Woodhull asked if the applicant knows what purpose this pond was built to serve and who owns it? Mr. Burcham stated that he is not sure who owns it since it is dissected by the property lines. Mr. Woodhull advised that the Homeowners Association needs to know if they will have some responsibility for that pond.

Mr. Woodhull continued: If the discharge is directed off 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.

Mr. Woodhull asked if the proposed swale located behind Lots 17-19 is intended to convey runoff to or from the pond? Mr. Burcham answered to.

Mr. Woodhull further stated that 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

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sufficient volume to support dry hydrants. The existing pond may also be considered as a potential dry hydrant source. Access would be available from MD Route 213.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Furlong Drive must be a closed section road design per Section 2.07 of the Cecil County Road Code, which states the minimum lot frontage must be 75' to qualify for open section.

Lots 1 and 31 must be denied access to Furlong Drive except for the westernmost 30'.

All driveways must be paved to the ROW.

Mr. Woodhull asked how the developer intends to drain the roadway and where they envisioned locating the storm drain conveyance to the pond? Mr. Burcham stated that at this stage, they haven't analyzed the exact location of the road drainage yet. Mr. Woodhull stated that DPW doesn't want it all to come down to the cul-de-sac. Intermediate storm drains in the ditch line are needed. Mr. Burcham advised that they anticipated this being open section roadways. Per the ordinance, they need 75 feet of road frontage on all lots except those that front the cul-de-sac. They have met that requirement. Mr. Woodhull stated that several lots are less than 75 feet. Mr. Burcham stated that it is less than 75 feet at the right-of-line, but the definition of road frontage in the Zoning Ordinance states that it is measured at the building restriction line. The County's Road Code does not have any road frontage dimension definition to say otherwise. All of the lots are laid out at 75 feet wide at the building restriction line. Mr. Woodhull advised that he would get clarification on where DPW measures.

Mr. Woodhull continued: The applicant must request sanitary sewer allocation for this development from DPW. The proposed sanitary sewer line routing will cross any possible SWM pond discharge conveyance route. Special consideration will be required during design and installation of this pipe. This also applies to where it crosses the proposed swale.

A utility easement wide enough to accommodate the required 10' access road and the sewer line must be provided along the entire length of sanitary sewer line from the cul-de-sac to the ROW for MD Route 213. State Highway Administration must approve the crossing of MD Route 213 and provide CCDPW an easement to maintain the sanitary sewer line within their ROW. The applicant will be responsible for obtaining the required permits from SHA to work within their ROW.

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If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a PWA will be required for the road and storm drains and sanitary sewer line.

The developer should examine the possibility of sleeving the sewer line wherever it would go underneath the stormwater discharge point of the pond and where it crosses the swale. That should be marked with concrete markers so that any future maintenance on the swale or discharge point, the crews will know there is a sewer line there.

Mr. Markwardt asked if there will be decel and accel lanes at the intersection. Mr. Burcham answered in the affirmative. Mr. Markwardt advised that no interior bus service will be provided due to the short nature of Furlong Drive. He questions the size, price, and construction commencement. Mr. Cantelora informed him that the homes would start at 00 2600 sq. ft., cost \$270,000, and construction would begin in the fall of 2004 or possibly the spring of 2005.

Mr. Roop stated that wetlands and perennial streams are in open space, except a small area on Lots 27 and 28. Any filling of that would require a permit.

Mr. Davis had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference. The sewer line must be available to all lots offered for sale and that must be noted on the final and record plats.

Mr. McDowell had no comments.

Mr. Di Giacomo read SHA and MDE comments, a copy attached for reference.

OPZ comments are as follows:

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The zoning is VR (Village Residential) the purpose of which is to provide for the protection of existing villages by allowing limited development consistent with the character of these villages. The VR zone permits a maximum base density of 1 du/ 1 ac. in areas without community facilities. A maximum density of 4 du/ 1 ac. is permitted in areas with community facilities. This Concept Plat proposes 31 lots on 31.2 acres, for a proposed density of 1/1.006.

The parcel numbers must be corrected on the plat submitted for Planning Commission review.

A boundary line survey must be done for the preparation of the preliminary plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. Any slopes greater than 25% must again 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'. Due to the presence of hydric soils, a portion of the stream buffer has been expanded to 160'.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to Preliminary Plat review by the Planning Commission.

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

The Zoning Ordinance has created VR districts for each of the 19 Villages named in the Comprehensive Plan. Cherry Hill is one of the Crossroad Villages, situated on the border between the Rural Conservation District (to the north) and the Suburban District (to the south). The requirements for the VR districts are established in §28 of the Zoning Ordinance.

§28.3 of the Zoning Ordinance stipulates that there be flexibility in lot, yard, open space and setback requirements and to encourage innovative and creative design in order to meet the objectives of this district. It goes on to say that such requirements in the Village District may be varied in each individual project by

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the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project, the existing character of the village, and all other County, State, and federal requirements.

With respect to lot and yard requirements, this proposal is generally consistent with the Schedule of Zone Regulations for the VR district, set forth in the Zoning Ordinance.

Proposed Lots 9, 10, & 13 exceed the recommended 3:1 length-to-width ratio.

With respect to open space, this proposal provides for approximately 55% common open space. Access to common open space between lots must be marked with concrete monuments.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those percentages must be provided on the Preliminary Plat submitted for TAC review.

With respect to the proposed intensity of the project being consistent with the existing character of the village, the proposed density is generally consistent with that of the existing village.

With respect to the existing character of the village, this design is more typical of a suburban or even rural development than a village development. Staff recommends possibly extending the proposed Furlong Drive to Leeds Road and possibly providing stubs to the adjacent lands of Milburn and Mackie.

This proposal satisfies the general open space provisions of the VR zone.

Landscaping in the VR zone is required to provide a minimum of 20% landscaping that must be visually harmonious and compatible setting consistent with the existing character of the village. The required greenbelt around the VR zone's perimeter can be addressed in the FCP or Landscape Plan. The immediately adjacent M1, NAR, and RM zones must be indicated on the plat.

Sidewalks are recommended on both sides of all internal streets.

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Bufferyard Standard C is required, outside the right-of-way, along the road frontages of roads. Bufferyard Standard C has been shown for only a portion of the road frontage on Singerly Road. Why hasn't a Bufferyard C been shown on all road frontages? Mr. Burcham stated that the entire frontage is common open space and two areas are protected by wetlands and buffers. They will request a bufferyard waiver from the Planning Commission for the remainder of the MD Rte. 213 frontage. A waiver for the bufferyard along Leeds Road will also be requested since it will be protected in their forest retention plan. Mr. Di Giacomo advised that the existing vegetation equivalent can be used to satisfy the bufferyard requirement, but there is still a bufferyard requirement that should be noted as Bufferyard C. The natural vegetated equivalent would satisfy that and a waiver won't be necessary.

Mr. Di Giacomo continued: §28.2.d of the Zoning Ordinance requires a greenbelt around the VR zone's perimeter. That must be shown on the plat submitted to the Planning Commission.

Bufferyard Standard A has been shown along the common boundary lines of the lands of Milburn to buffer adjacent agricultural uses.

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.

Rows of street trees 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) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

Sewerage capacity must be verified by the Department of Public Works prior to Final Plat approval.

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. The metes and bounds description of the FRA must be shown on the record plat.

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The road name Furlong Drive has been approved.

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

Has any consideration been given to the installation of dry hydrants in connection with the stormwater management pond or perennial stream? Mr. Burcham stated that until the stormwater management calculations are done, they won't know if there will be wet or dry pond at this location.

Mr. Di Giacomo further stated that a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Moore asked if there is a well and septic system on this property. He thinks there was a restaurant on the property in the 60's. If so, the applicant should try to locate those, and a note placed on the plat that the existing well and septic tank will be abandoned and sealed, unless the well is drilled and is in a location that can be used for one of the lots.

Mr. Di Giacomo advised that a citizen phoned OPZ stating that a blue jeep with Delaware tags was seen removing the public notice sign from the property.

There were no further comments.

August 6, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Carter, Woodhull, Latham, Mark Ancell (Verizon Wireless), Roop, McDowell, Harmon (Health Department) and Graham.

ABSENT: King, Funk, Ouano, Markwardt, Davis, and Hicks.

Mr. Di Giacomo advised that State Highway Administration (SHA) had no comments on any of the agenda items except Crossings at Cherry Hill, which will be read at the appropriate time. The Board of Education has submitted no comments.

1. Patrick and Chris McClary presented *francis h. otenasek, et ux., land of, cassidy wharf road, concept plat, first District.*

Patrick McClary advised that the subdivision consists of four lots with one large lot and three waterfront lots. Lot 4 contains the existing improvements. The Otenasek's will probably keep the lots for family members, but wanted to subdivide now to protect their rights to subdivide. The Land Records show the property to contain 115 acres. However, a boundary line survey indicates it to be 96 acres. The reason for that is Hurricane Floyd, which flooded out a lot of the marsh lands.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by DPW prior to submittal for final plat approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

Section 2.13 of the Road Code must be adhered to for the construction of the private road. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems, and must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance

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Association shall retain title to the road and all maintenance responsibilities.).

A Private Road must be 12' wide per Standard R-1 of the Road Code; therefore the existing private road will require a Road Code Variance due to width. This variance must be requested prior to submittal for Preliminary Plat approval.

An Inspection and Maintenance Agreement will be required for the SWM facilities and two Public Works Agreements will be required for the extension of Cassidy Wharf Road and the proposed Private Mini-Road.

Ms. Latham advised that a groundwater appropriation permit (GAP) is not required.

Mr. Roop stated that any structures or filling of Cox Creek or the Sassafras River will require a permit, as well as any filling in the pond if it is tidal. A JD has not been done.

Mr. Harmon read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo advised that the Chesapeake Bay Critical Area Commission has not forwarded any comments at this time.

OPZ comments are as follows: The zoning is SAR & RCA. The SAR zone permits a maximum base density of 1 du/ 8 ac. Bonus density is not being sought. This Concept Plat proposes 4 lots on 95.965 (was 94.478) acres. Because this property is part of the remaining lands of the Jess subdivision (signed 4/7/97), and because of condition of its approval was that those lots be included in any future density calculations relating to the remaining lands, the overall proposed density is 1/13.71.

88.163 acres are designated RCA. The RCA zone permits a maximum density of 1/20. The proposed density for the Critical Area portion is 1/22.04.

The spelling of Johns Hopkins must be corrected.

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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. Any slopes greater than 25% must again be shown on the preliminary plat.

A 110' perennial stream buffer is required from any 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 any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. The Natural Heritage letter noted three potential habitats, two known Habitat Protection Areas (HPAs), and a known Blue Heron colony situated in the approximate location of the building pad on proposed Lot 2. Construction activities, including clearing, grading, and building should not occur in protective Zones 1 (330') or 2 (660').

An environmental assessment is required and must be submitted. A Forest Stewardship Plan has been submitted. Mr. Di Giacomo asked if that is intended to serve as the environmental assessment? Mr. McClary stated no. An environmental assessment will be done if required.

Mr. Di Giacomo continued: No open space is required.

No landscaping of the development envelope is required in the SAR zone. As Cassidy Wharf Road is a local County road, a Bufferyard Standard C is not required. Bufferyard Standard A is required along the lot lines of proposed Lot 1 to buffer adjacent agricultural uses. 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.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed Cassidy Wharf Farm Lane mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

TECHNICAL ADVISORY COMMITTEE 2003

A 110 tidal wetland and tidal waters Buffer shall be established in natural vegetation.

Per § 196 of the Zoning Ordinance, the Critical Area 110 Buffer must be expanded to include contiguous sensitive areas such as steep slopes, hydric soils, or highly erodible soils. In the case of steep slopes, the Buffer must be expanded 4 for every 1° of slope or to the top of the slope, whichever is greater in extent. No development, including septic systems, impervious surfaces, parking areas, roads, or structures, is permitted in the Buffer.

The 100-year floodplain must be shown, consistent with FEMA FIRM map 240019 0072B.

No more than 15% of the surface area can be converted to impervious surface in the RCA. No more than 20% of the forest or developed woodland may be removed. The environmental assessment must include this information.

In the Critical Area, no structure shall exceed 35 in height.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The portion of the property that is not in the Critical Area is exempt per §3.2.B; that must be noted on the plat.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The mini-road name will need to be approved by the County 911 Emergency Center. They recommend keeping the name Cassidy Wharf Road. A Mini-road Maintenance Association must be established w/ all lot owners becoming members.

The name of the owner/developer must be included on the plat submitted for Planning Commission review.

TECHNICAL ADVISORY COMMITTEE 2003

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. McClary advised that the blue heron rookery may not be there anymore since most of the marshes are no longer there. He would like to have DNR walk the site with him to make that determination. Mr. Di Giacomo requested the applicant have Joe Johnson, OPZ, be on site with DNR.

2. Ken Cantera and Mickey Temple presented **hopewell ridge, craigtown road, preliminary plat, seventh District.**

Mr. Cantera advised that perc tests have been finalized.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The final plat must include a note recognizing the applicability of the Lot Grading Plan.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance.

Mr. Woodhull asked where the SWM facility will direct discharge? Mr. Cantera answered they will probably place a retention area behind Lot 17 in the natural low area where the water currently flows. Mr. Woodhull advised if it is directed off 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.

Access to the SWM facility is required for I&M. This access should be a minimum of 12' wide and be appropriately stabilized to withstand maintenance equipment and vehicles, as required in Section 3.1.6 of the 2000 Maryland Stormwater Design Manual Volume I. Due to the nature of this access, it would be better routed through common open space than through an easement shared by Lots 14 & 15. The maintenance of this access way will be the responsibility of the Homeowners Association. The storm water must be piped from the proposed catch basin to at least the rear property lines of Lots 13 & 14 and beyond the septic reserve area for Lot 12. The associated easement may need to be wider depending on the pipe size and depth.

TECHNICAL ADVISORY COMMITTEE 2003

Mr. Woodhull stated the storm drain conveyance crosses the AT&T ROW. He asked if that right-of-way is owned in fee simple. Mr. Cantera stated AT&T has been contacted concerning the procedure to cross that right-of-way with a storm drain pipe and with septic lines. He has been advised that there are procedures in place for what is being proposed. Mr. Woodhull advised that considerable engineering will be required to design an acceptable approach for both AT&T and DPW.

Easements for the access and conveyance across the AT&T ROW must be prepared by the developer and agreed to by AT&T.

The septic line for Lots 12 and 18 also cross the AT&T ROW and will require an easement.

Lots 16 & 17 appear not to have fee simple access to Marian Drive due to the presence of the AT&T ROW. If this ROW is held in fee simple, access easements will be required for these lots. Mr. Cantera advised that the right-of-way is not fee simple. Lots 16 and 17 could have fee simple ownership along that strip.

Mr. Woodhull continued: Consideration should be given to the installation of a temporary construction entrance off of Camp Meeting Ground Road to allow access to Lots 7-11 and 17 & 16 or beef-up the road base on Marion Drive to 5' of asphalt installed in two lifts.

Significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulbs, and their impact on the storm water conveyance.

A pedestrian crossing of the storm drain ditching must be provided at the open space access point between Lots 9 & 10.

Lots 16 & 17 and 8 & 9 must share a common driveway entrance. Driveway entrances for Lots 6, 11 and 16 & 17 must be installed, to the edge of the ROW, at the time of construction of Marian Drive. All driveways must be paved to the ROW.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. No Road code Variances have been requested.

TECHNICAL ADVISORY COMMITTEE 2003

If the two portions of Lot 18 are to be used for farming, then a 50' minimum spacing between street trees must be provided on Marian Drive. Lot 18 must be denied access to Marian Drive for the first 75' from the intersection with Craigtown Road and be so indicated on the Final Plat.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the road and storm drains.

Ms. Latham advised that a GAP is required. She has received the application, and the permit should be in the mail soon.

Mr. Roop stated the plan doesn't show any wetlands, therefore no permit is required. A JD has not been done yet.

Mr. Harmon read the Health Department comments, a copy attached for reference.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density of 1/3.0867 was granted 3/17/03 with approval of the Concept Plat, conditioned on:

- 1) The common open space acreages and total being rectified;
- 2) The road name being approved prior to the Planning Commission's review of the Preliminary Plat;
- 3) The boundary line survey being completed prior to the TAC review of the Preliminary Plat;
- 4) The Preliminary Forest Conservation Plan's being approved prior to the Planning Commission's review of the Preliminary Plat and any sensitive species issues being resolved as part of Preliminary Plat approval; and
- 5) The Bufferyard C requirement being waived in favor of the landscaping design as depicted.

The tax map and parcel numbers have been omitted. They must be included on the plat submitted for Planning Commission review.

Note #3 verifies that a boundary line survey has been done.

TECHNICAL ADVISORY COMMITTEE 2003

The layout has changed to now include 2 panhandle lots. The total number of lots remains 18.

The large lot (18) acreage has shrunk from 27.66 acres to 19.982. The tables indicate that common open space acreage has increased from 9.54 acres to 13.359. Based upon that information, the total open space proposed is still in excess of 60%. However, the plat indicates that there are only 12.881 acres of common open space. If so, then there is only 59% common open space and staff will recommend disapproval.

Reference must be made to Minor Subdivisions 1766, 1767, and 2921 on the plat submitted for Planning Commission review.

The stormwater management area is not specifically located.

The well location depicted on proposed Lot 14 appears to be too close to the septic area on proposed Lot 13.

The locations of the septic areas for proposed Lots 12 & 18 are such that the lines would cross the AT&T right-of-way. Could that situation be avoided? Mr. Cantera answered no, but crossing the AT&T right-of-way is not going to be an issues as long as they work within AT&T s design requirements.

Mr. Di Giacomo asked why hooks are shown across the AT&T right-of-way depicted on proposed Lots 12, 16, & 17? Is the right-of-way in fee-simple ownership by AT&T? Mr. Cantera stated that those hooks indicate that the panhandle is part of Lots 16 and 17.

Mr. Di Giacomo continued: The zoning information for adjacent parcel 490 is incorrect. It should be BG-NAR.

This proposal is generally consistent with the approved Concept Plat and provided the 13 acres of common open space is correct, satisfies the open space provisions of the NAR zone for bonus density. Access to common open space between and beside lots must be marked with concrete monuments.

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

TECHNICAL ADVISORY COMMITTEE 2003

The Bufferyard Standard C requirement was waived in favor of the landscaping depicted in order to better serve the preservation of rural character.

Proposed lot 18 should be denied access onto Camp Meeting Ground Road and onto Craigtown Road, north of the proposed entrance.

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

The well location for proposed Lot 9 is situated exactly where there exists a 38" red oak specimen tree. Another well location must be found.

The access to proposed Lot 17 is through an afforestation area. That must be changed.

The Forest Stand Delineation (FSD) was approved. The Preliminary Forest Conservation Plan (PFCP) has not yet been submitted. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed road name, Marian Drive, has been approved.

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

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

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

TECHNICAL ADVISORY COMMITTEE 2003

A Bufferyard standard A with a 100' agricultural setback will be required unless a dwelling on proposed lot 18 were to be situated 300' or more from the southern property line. One or the other of those setbacks must be decided upon and shown on the plat submitted for review by the Planning Commission.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, the Preliminary Forest Conservation Plan must first be approved.

Mr. Cantera informed the Committee that the common open space is 13.9 acres. Mr. Di Giacomo advised that if that is the case, then the density is acceptable.

3. Donnie Sutton presented *murphy s run, lots 1-43, liberty grove road, preliminary plat, sixth District.*

Mr. Sutton advised that some adjustments have been made to the lot size and road layout based on perc testing. The Planning Commission had requested Gerald's Way be connected to New Valley Road. Subsequent to the Planning Commission meeting, he met with DPW and provided an existing profile of the grade in the area of the cul-de-sac to New Valley Road. The average slope is 13%, with some areas being 25-30%. His understanding with DPW was that a through road is not necessary due to the massive amount of grading and cutting through a priority forest retention area, as well as crossing an intermittent stream buffer. To provide adequate sight distance access on Liberty Grove Road, the bank will have to be graded back 18 feet, but that is not a priority forest retention area. Emergency vehicles will travel Liberty Grove Road, and not New Valley Road. Also, trip lengths from either road would be the same. It is not a short cut situation. He advised that they will be seeking a waiver of that requirement from the Planning Commission.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This must include, but not be limited to, roadside drainage ditches and piping along New Valley, Liberty Grove, and Basin Run Roads, and the intermittent stream particularly at Basin Run Road. Basin Run is classified as a Use III-P stream and the SWM Plan must address this accordingly.

TECHNICAL ADVISORY COMMITTEE 2003

DPW is concerned with the possibility that the SWM Facilities will discharge a concentrated outflow on to an adjacent property owner. If the SWM discharge is directed off 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.

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.

Section 3.07.15 of the Road Code directs that Liberty Grove Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Liberty Grove Road and Gerald's Way.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense.

If Gerald's Way is connected through to New Valley Road, it must meet the Minor Collector Road Standard in the Road Code. The western portion of Gerald's Way must be serpentine to meet the maximum slope requirements. Mr. Sutton advised that there are various areas of extreme steep slopes over 25%, which will cause more grading of the forested area, and it will cause DPW to maintain it once it is taken over. He doesn't feel it will be used that much. New Valley Road has approximately a dozen houses. He does not see reason for the requirement of connecting. Mr. Woodhull advised that New Valley Road must also be upgraded to a Minor Road Standard for 100' in each direction of the intersection if Gerald's Way is connected.

Mr. Woodhull further stated that good site planning would dictate that the existing home on proposed Lot 1 should be redirected to access Gerald's Way instead of Liberty Grove Road. The applicant should plan accordingly or provide substantial evidence that the proposed improvements to Liberty Grove Road will provide good entrance conditions and that the site conditions limit the advisability of entering Lot 1 from Gerald's Way.

The driveway location for Lot 2 must conform to the restrictions set in Standard Detail R-16 of the Road Code. The areas of denied access at the intermediate turnaround still must be identified on the plat. All driveways must be paved at least to the right of way. Significant design consideration must be given to the issue of driveway pipe locations in the area of Lots 18 & 19 on the cul-de-sac bulb, and their impact on the storm water conveyance. This may be of no concern if Gerald's Way is extended.

TECHNICAL ADVISORY COMMITTEE 2003

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the internal roads and storm drains.

Ms. Latham advised that the GAP was completed in July.

Mr. Roop stated that any filling in Basin Run or the intermittent stream will require a permit. A JD has not been done at this time. Mr. Sutton advised that all the wetlands are in the open space area. He stated that he has a letter from BIOTA regarding the access road through and the concerns they have as far as the additional destruction of the forested area, a copy attached for reference.

Mr. Harmon read the Health Department comments, a copy attached for reference.

Mr. McDowell encouraged the applicant to meet the Planning Commission's condition to have a through road, if possible.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary Plat proposes 43 lots on 131.54 acres, for a proposed density of 1/3.06.

The Concept Plat was approved on 6/16/03 at a density of 1/3.05, conditioned on:

- 1) A boundary line being done for the preparation of the Preliminary Plat for density calculation purposes;
- 2) A Jurisdictional Determination (JD) being done prior to Preliminary Plat review by the Planning Commission; and
- 3) The proposed Gerald's Way connecting through to New Valley Road.

Has a boundary line survey been done? Mr. Sutton answered in the affirmative.

Mr. Di Giacomo continued: This design is inconsistent with condition #3 of Concept Plat approval.

TECHNICAL ADVISORY COMMITTEE 2003

Slopes greater than 25% been shown. The expanded perennial stream buffer has been shown. Intermittent stream buffers need be only 25', unless they are in a Forest Retention Area. A 25' buffer is required around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

At the Concept Plat's TAC review, the applicant stated that wetlands existed. If they are field-delineated and are situated in the common open space or on the large lot, then per the policy adopted on 3/20/95 (and revised on 1/16/96) a Jurisdictional Determination (JD) need not be done. Otherwise, a JD must be done prior to Preliminary Plat review by the Planning Commission. Mr. Sutton advised that wetlands exist, but they are in the open space areas. They contacted the Corps of Engineers because the stormwater management pond on Lot 34 is near that area. The wetlands were flagged in that area and they are not within the boundary of the stormwater management pond.

Mr. Di Giacomo continued: The open space requirement for bonus density eligibility in the NAR zone is satisfied. A total of 63.74% is proposed.

No landscaping of the development envelope is required in the NAR zone. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Basin Run, Liberty Grove, and New Valley Roads. Where feasible, the natural vegetative equivalent may be substituted to meet the street tree and bufferyard requirements. It must be shown or stated on the plat that a waiver is being requested.

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

The Forest Stand Delineation (FSD) has been approved. The Preliminary Forest Conservation Plan (PFCP) has not been submitted. It must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names have been approved. Through connectivity of the proposed Gerald's Way, a condition of Concept Plat approval, is desirable from both planning and emergency service response perspectives.

TECHNICAL ADVISORY COMMITTEE 2003

Mr. Di Giacomo asked what progress has been made with Baltimore G&E/Constellation regarding the proposed access easement across their property. Mr. Sutton stated copies of the proposed alignment across their property has been faxed and they have agreed that it meets their minimum standards. They will require a bond to review the design.

Mr. Di Giacomo continued: Access to common open space between and beside lots must be marked with concrete monuments.

Consideration should be given to installing dry hydrants at the stormwater management ponds, where feasible.

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

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

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Sutton questioned the purpose of a connecting road. Mr. Di Giacomo stated that from a best planning practice, you should have multiple points of access. The proposed entrance also has very steep slopes. Mr. Sutton argued that the slopes there are at the entrance only, and does not continue as the other entrance would. Mr. Di Giacomo feels that if anything happens along the BG&E right-of-way, the people in those homes would be cut off from emergency response. The Planning Commission has to weigh the protection of the trees and environmental considerations against a through road.

Mr. Sutton advised that grading on Liberty Grove Road is for sight distance, not only with the entrance to the subdivision but along the road as well.

Mr. McDowell asked if DPW is making a specific recommendation from the perspective of engineering and feasibility of the road. Mr. Woodhull stated it is a lot of road for the County to maintain. DPW would rather not have that entrance, but if the Planning Commission wants it, then the entire road needs to be a minor collector road. DPW agrees with OPZ that if the BG&E lines did not exist, then they would strongly recommend that the road not be connected. Mr. Sutton advised that they have crossed other power lines before and they have not had to provide connection roads.

TECHNICAL ADVISORY COMMITTEE 2003

Mr. Sutton stated that the Planning Commission has always tried to protect the environment as much as possible. Mr. Di Giacomo advised that the Planning Commission also needs to look out for the public safety and welfare. Mr. Sutton responded that that is why they provided the intermediate turn arounds and the looped road system. He doesn't feel that the odds of anything happening on those power lines is very high.

4. Mike Burcham presented wilson woods, section 2, lot 15, shady beach road, preliminary-final plat, fifth district.

Mr. Burcham stated the property is currently 32.3 acres. The purpose of this plat is to create Lot 15B with a panhandle (100') onto Shady Beach Road. Lot 15 has a dwelling in the rear. Lot 15B will use the driveway for Lot 15. No further entrances onto Shady Beach Road will be created.

Mr. Woodhull stated a SWM submittal is required for the creation of Lot 15B.

The Planning Commission, during their 7/18/90 meeting, required a common driveway entrance for Lots 15 and 15A. This type of development is often referred to in other jurisdictions as a creeping subdivision and is frequently not permitted. Similar in this instance, the existing pond on proposed Lot 15 B would seemingly require access off the shared driveway, making it a defacto private mini road. If this subdivision is permitted, the shared driveway must be upgraded to the Private Mini Road Standard. If Lot 15B will use the common entrance access to Shady Beach Road, then a perpetual access easement must be granted to the owner of Lot 15B.

Adequate sight distance must be confirmed by the applicant.

Ms. Latham advised that a GAP is not required.

Mr. Roop advised there are no wetlands or waters of the U.S. on the property, therefore a permit is not required. A JD has not been done.

Mr. Harmon read the Health Department comments, a copy attached for reference. In reference to Health Department comments, Ms. Latham advised that a GAP is not needed.

TECHNICAL ADVISORY COMMITTEE 2003

Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is RR, which permits a maximum base density of 1 du/ 5 ac. This Preliminary-Final Resubdivision Plat proposes 1 additional lot in Section 2 of Wilson Woods. If approved, the recordation of this proposed lot would exhaust all remaining subdivision potential, bringing the Section 2 density to 1/5.

Has a boundary line survey been done? Mr. Burcham answered in the affirmative.

Mr. Di Giacomo continued: 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.

Slopes greater than 25% have been shown.

Not shown is ingress and egress for this proposed lot. What is proposed in that regard? Mr. Burcham stated there will be a shared access with the existing driveway of Lot 15. Mr. Di Giacomo advised that needs to be shown on the submittal to the Planning Commission.

No landscaping of the development envelope is required in the RR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Shady Beach Road and should be shown. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD), Forest Conservation Plan (FCP), and Landscape Plan have not been submitted, but must be approved prior to Planning Commission review of the preliminary-final plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

No further subdivision can take place in Section 2 of Wilson Woods. A note to that effect must be placed on the plat prior to recordation.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, the plat should not be submitted for Planning Commission review until the Forest Stand Delineation (FSD), the Forest Conservation Plan (FCP), and the Landscape Plan have been approved.

5. James Keefer and Paul Muddiman presented pelham manor, section 1, williams road, revised preliminary plat, second district.

Mr. Keefer stated the purpose of this plat is to add Phase 3 to Section 1, which contains two lots. Phases 1 and 2 received preliminary plat approval in May 2003. Phase 1 received final approval in July 2003. The total for Section 1 will be 57 lots. Mr. Di Giacomo cautioned the applicants to be careful that whatever is submitted to the Planning Commission does not undo the final plat approval of Section 1, Phase 1.

Mr. Woodhull stated the SWM Plan and the Road & Storm Drain Plan reviews are near completion with substantial issues remaining in regards to the required upgrade to Williams Road. Final plats will not be signed until all outstanding issues are resolved to the satisfaction of DPW. The Mass and Final Grading Plan is still outstanding and must be approved before DPW will sign the Final Plat.

While DPW understands that the ultimate location of the second entrance off Williams Road may vary from the location indicated on the approved Concept Plan, DPW still strongly recommends that Pelhamdale Road be connected through during the construction of Section 2. Because it remains uncertain whether the applicant will desire to complete Pelhamdale Drive, DPW will require that the bond submitted for the Roads and Storm Drains in Section 1 also include the value of the extension slated to be built in Section 2. If the number of lots and road configuration of Section 2 differs substantially, a revised Concept Plan should be submitted for approval.

A ROW dedication must be denoted as, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. A similar dedication along Hutton Road is also needed.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for internal streets and storm drains.

Ms. Latham advised that the GAP is pending.

Mr. Roop stated there are no wetlands or waters of the US, therefore no permit is required. The JD has not be done yet.

TECHNICAL ADVISORY COMMITTEE 2003

Mr. Harmon read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. Di Giacomo stated the zoning is NAR, which permits a maximum base density of 1 du/ 5 ac., and a bonus density of 1/3.

The Concept Plat was approved with the bonus density of 1/3.02 on 10/21/02, conditioned on:

1. The Bufferyard C requirement for proposed Lot 98 being waived in favor of a modified Bufferyard A (10' wide w/o the 100' setback) along the rear lot lines of proposed Lots 6-18 and 21-23;
2. A Boundary Line Survey being completed prior to submission 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;

With some changes, the Section 1 Preliminary Plat was approved on 5/19/03, conditioned on:

1. Health Department requirements being met;
2. Department of Public Works requirements being met;
3. The FCP being modified to reflect changes in layout and lot numbering; and
4. The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections.

Subsequently, the Section 1, Phase 1, Final Plat was approved on 7/18/03, conditioned on:

1. Health Department requirements being met;
2. Department of Public Works requirements being met;
3. The balance of the 44.41 acres (or 15%) of common open space and large lot acreage being provided in future sections;
4. An index sheet being included in the Record Plats;
5. The correct Election District being cited in the title block;
6. The Record Plat citing the common open space in one of the title blocks; and
7. The establishment of a Homeowners' Association for maintenance of common open space with \$50 per recorded lot placed in escrow for improvements prior to recordation, with these lot-owners becoming members.

This revised Preliminary Plat is generally consistent with the Concept Plat and the Section 1, Phase 1, Final Plat. It adds 2.64 acres overall, alters the configuration and number of lots in Phase 2, and adds 2 new proposed lots as Phase 3.

TECHNICAL ADVISORY COMMITTEE 2003

Graphically, the delineations among the 3 phases should be more readily obvious on the plat submitted for review by the Planning Commission. It is recommended that the Section 1, Phase 1 area, with Final Plat approval, be shaded or otherwise graphically better differentiated.

Slopes greater than 15% have been shown. Are there any slopes greater than 25%? Mr. Keefer advised not in this area.

Mr. Di Giacomo continued: Pursuant to previous conditions of approval, the Planning Commission may feel that Phase 3 is really a new section and will require the balance of the common open space now.

The wetlands depicted have been field-delineated and they are not located in Section 1. Therefore, no Jurisdictional Determination (JD) must be done for this section. Pursuant to the policy adopted 1/16/96, a JD may need to be done prior to the Planning Commission's review of the Preliminary Plat(s) for other sections.

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

Per condition #1 of Concept Plat approval, a modified Bufferyard A (10' wide w/o the 100' setback) is required along the rear lot lines of old proposed Lots 6-18 and 21-23. The trees therein should be of sufficient size to adequately and effectively screen in lieu of the Bufferyard C. Because of the proposed reconfiguration, assuming that the Planning Commission approves it, this buffer requirement would apply to a portion of the proposed Lot 9 side lot line, as well.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) has been approved. The Final Forest Conservation Plan (FCP) has been conditionally approved. The FCP will need to be revised to reflect layout and lot numbering revisions. The Landscape Plan must be approved prior to Planning Commission review of the Final Plat. The Landscape Plan must include trees in the Bufferyard A of sufficient size to adequately and effectively screen development in lieu of the Bufferyard C along Williams Road. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names in this section have been approved.

TECHNICAL ADVISORY COMMITTEE 2003

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

A Homeowners Association for maintenance of common open space and landscape islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners in all sections and all phases must become members.

Mr. Keefer questioned the Landscape Plan being revised. Mr. Di Giacomo stated a Landscape Plan for Section 1, Phase 1 has been approved. If there are no changes to Section 1, Phase 1, then no changes need to be made to that. Subsequent Landscape Plans, as well as Forest Conservation Plans, need to reflect changes.

6. James Keefer and Paul Muddiman presented candlelight ridge, red toad road, preliminary plat, fifth district.

Mr. Keefer stated this preliminary plat is essentially the same as the concept plat, and consists of 39 lots in the SR zone. 30 lots will be served by public sewer and private wells (Phase 1), and 9 lots at the entrance off Red Toad Road that must be served by public water and public sewer. Wetlands have been confirmed by MDE. An endangered species study has been done and nothing was found.

Mr. Woodhull stated a SWM Plan, Streets and Storm Drain Plan, a Sanitary Sewer Plan, and a Mass and Final Grading Plan must be approved by DPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.

A sewer allocation request must be submitted to the CCDPW. Currently the capacity of the sewer line servicing this area through Whitaker Woods to the line along Razor Strap Road is limited. However, the now proposed route to Maxwell Lane is likely to be effective. The applicant must verify adequacy of the 8" line in Maxwell Lane to the Stony Run Interceptor.

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The applicant must demonstrate with surveying as-builts that gravity flow to the Meadow Run sanitary sewer can be achieved.

DPW continues to urge the Town of North East to service all the lots herein, with whatever deed notations that may be necessary.

DPW requests that a stub line and easement be provided between Lots 28-29 to allow connection of the existing sanitary sewer, running along the B. & O. Railroad, by the County through this development.

DPW requires that a dry water line be installed on Raydan Way, before road construction, with stub connections run beyond the ROW and capped.

Section 3.07.15 of the Road Code directs that Red Toad Road must be reconstructed for a distance of 100' either side of the point of intersection between Red Toad Road and the proposed Raydan Way. The entrance geometry must be coordinated with CCDPW prior to significant engineering efforts. DPW envisions a 3-lane configuration from approximately the southerly limit of the Miklas property to approximately 100' north of the Whitaker Woods entrance, with one lane southbound and two northbound lanes.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense. Utility poles near the proposed entrances will need to be relocated.

Lots 1 and 39 should be denied access to Raydan Way except for the easternmost 20' of frontage. All denied access must be shown on the plat. Lot 6 should be denied access to Raydan Way except for the westernmost 30' of frontage and the entire frontage on Alicia Court.

All driveways must be paved at least to the right of way.

The Final Plats must include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

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.

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The 20' wide drainage & utility access easement, adjacent to Lot 19, may need to be wider to accommodate sewer, storm drain, and access road.

An Inspection and Maintenance Agreement will be required for the SWM facilities, and PWAs will be required for internal streets and storm drains as well as the sanitary sewer mains.

Ms. Latham stated that even though some of the maps indicate Coastal Plain, those soils tend to be very clayey. Therefore, wells in this area will probably be completed in hard rock, which means it will require one-acre minimum lot size. Since 9 of those 39 lots are proposed to be served by public water, the applicant may be able to dedicate the recharge to those lots as being available to the remaining 30 lots. However, MDE would need paperwork from the Town of North East stating the property would be served with public water before MDE would process the permit. She asked why public water couldn't be extended to the entire community. Mr. Muddiman advised that they plan to serve the 30 lots by private wells and public sewer. The nine lots on the entrance road will not be recorded until public water is available. Ms. Latham informed the applicant that MDE would require proof that the town would supply these nine lots. Mr. Muddiman advised that they are only putting the dry lines in up front for future connection. Ms. Latham reiterated that MDE would have to have proof that there will be public water to those nine lots before the permit would be issued. MDE is concerned that that portion of the subdivision could be sold to another entity and that recharge area would no longer be available to these lots.

Discussion followed concerning issuance of a GAP by MDE.

Mr. Di Giacomo advised that the GAP issue should be resolved at the preliminary stage since a final plat is not reviewed by TAC.

Mr. Roop stated that any filling in the non-tidal wetlands or intermittent streams would require a permit. He questioned a JD being issued. Mr. Muddiman advised that the wetlands have been confirmed by MDE because it is a Category 1 activity. Mr. Roop acquiesced.

Mr. Harmon read the Health Department comments, a copy attached for reference.

Mr. McDowell asked why a connection from Alicia Court to Fineburg was not provided to supply a second access. Mr. Muddiman advised there were some sight distance issues. Mr. Di Giacomo explained that OPZ recommended the connection, and the applicant successfully argued with the Planning Commission on that. Mr. Woodhull advised that DPW withdrew their recommendation for that access in part in requesting the

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ability to connect the sewer line through the B&O Railroad.

Mr. Di Giacomo stated the zoning is SR, which permits a maximum base density of 1 du/ 1 ac. With community facilities, a density of 2/1 is permitted.

The Concept Plat was approved on 3/17/03 at a density of 1.28/1, conditioned on:

- 1) A Jurisdictional Determination (JD) being done prior to preliminary plat review by the Planning Commission;
- 2) The Preliminary Forest Conservation Plan modifying the previous FCP associated w/ Minor Subdivision # 3369, or the proposed Raydan Road alignment being changed;
- 3) The internal roads names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 4) Minor Subdivision # 3369 being referenced on the plat;
- 5) A sensitive species survey being conducted on site prior to the Planning Commission's review of the Preliminary Plat;

A boundary line survey has been done.

The Master Water and Sewer Plan must be amended prior to Final Plat approval. The Water Service Agreement between the Town of North East and the County does not include this area. Therefore, the Mayor and Commissioners of the Town and the Board of County Commissioners would need to agree to amend the plan. If the two bodies agree, then water allocation must be verified by the Town prior to the Planning Commission's review of the Final Plat. If not, then the proposed density is not achievable, given MDE restrictions on wells in this area. Generally, only one per acre is permitted.

If fire hydrants are to be used, their locations should be determined in consultation with the Department of Public Works and the North East Volunteer Fire Company. If feasible, dry hydrants should be considered at the SWM ponds and the proposed Raydan Way stream crossing.

The proposed sewage pumping station has been dropped from this submittal. DPW must verify sewerage availability prior to Final Plat review.

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Tax records indicate that Kenneth Kuklewski is not the owner of parcels 351, 352, and 353. The correct owners must be listed on the plat submitted for review by the Planning Commission.

Slopes greater than 25% must be shown on the preliminary plat.

Stream buffers and expansions thereof have been shown. A 25' intermittent stream buffer is required, except in forest retention areas where the intermittent stream buffer is expanded to 50'. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) has been done.

This proposal satisfies the common open space requirements of the SR zone. The sensitive area in common open space threshold calculations have been included.

A minimum of 20% landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Fineburg and Red Toad Roads. Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. The Forest Stand Delineation (FSD) has been approved. The Natural Heritage letter indicates that 3 rare, threatened, or endangered species are known to occur within the vicinity of the site, and the Heritage Service recommends a survey be conducted on site.

The habitats of rare, threatened, and endangered species must be avoided. The required sensitive species survey has not yet been submitted. It must be submitted for review prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Forest Conservation Plan (PFCP) has been approved. The well locations on proposed Lots 6, 8, 10, 11, 13, & 30-34 must be relocated to be fully away from any forest retention areas. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation. Deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) must be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA must be shown on the record plat.

The proposed road names have been approved.

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

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

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

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month. However, we note that the sensitive species survey has not been submitted. Planning Commission review begins at the time of submission.

7. James Keefer and Paul Muddiman presented reserve at elk river, oldfield point road, preliminary plat, fifth district.

Mr. Keefer stated the perc testing has been done, which has resulted in slight modification to the layout. The concept plat was approved for 66 lots. 62 lots are currently proposed, and three lots were previously subdivided. 37 lots are in the NAR zone and 25 lots in the SR zone. Both zones are within their permitted density. Wetlands have been reviewed by Corps of Engineers, but have not received the JD letter. The Critical Area Commission has approved the revisions based on non-tidal wetlands and field survey of topo features. The subdivision is divided by Oldfield Point Road with the SR on the Elk River side and the NAR portion on the west side.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.

Upgrade of the final section of Oldfield Point Road is scheduled in the CIP for FY 2008. DPW does not consider this road to be suitable for an additional 620 trip ends per day and substantial off-site improvements

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will be required at Preliminary Plat review. These improvements are as spelled out in the DPW's February 14, 2003 letter.

Acceleration/De-acceleration lanes are required on Oldfield Point Road at the entrance to this development.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense. Utility poles near the proposed entrances will need to be relocated.

The property lines for Lots 1 & 23 and 24 & 60 reflect the boulevard entrance proposed at concept but not indicated here. Do you intend to use a boulevard entrance? Mr. Keefer answered in the affirmative.

Mr. Woodhull asked why the ROW dedication note was removed from the plat. A note must be included on the plat stating, "60' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County."

Road Code Variances have been approved for the use of loops and intermediate turnarounds, however, the "eye brow" style intermediate turnaround located on County Road B, to the west of Oldfield Point Road, is not required by the Road Code and as such is not necessary or desirable. The additional maintenance of this modified loop is not offset by any substantial improvement to safety. Therefore, DPW requires that this be removed from the plan.

Are the internal streets proposed as open section? Mr. Muddiman answered in the affirmative. Mr. Woodhull advised that in that case, special consideration must be given to storm drain piping in the cul-de-sacs.

Mr. Woodhull asked why the street names have been removed? Mr. Muddiman advised that is an error. Those names will be placed back on the plat.

Mr. Woodhull continued: Lots 1 and 23 should be denied access to what was previously called Rosewood Drive, except for the easternmost 30' of frontage. Lots 24 and 60 should be denied access to what was previously called Winslow Drive, except for the westernmost 30' of frontage. Lots 19 and 22 must be denied access to Rosewood Drive. They should come off the loop.

All driveways should be paved to the right-of-way.

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The final plat must include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities, and a Public Works Agreement will be required for internal streets and storm drains.

There are no well locations shown for Lots 5 & 27. Mr. Muddiman stated those will be placed on the plat for Planning Commission review.

Ms. Latham advised that a GAP is required.

Mr. Roop stated that any filling in the perennial stream or non-tidal wetlands requires a permit. Any structures or filling of the Elk River or Jones Creek requires a permit. He has the JD, but it is not done yet.

Mr. Harmon read the Health Department comments, a copy attached for reference. Mr. Muddiman asked why additional testing is required. Mr. Harmon stated many lots only have one test hole. Additional tests are needed to make sure there is at least 10,000 sq. ft. of sewage area.

Mr. McDowell stated the concept plat showed a wide trail leading down to the waterfront. There is a space on this plat where that would presumably be, but it is not shown on this plat. Mr. Keefer advised that is an omission. There is still the intent to have that trail.

Mr. McDowell advised that he has had comments from residents of the area. Their concern is additional traffic on Oldfield Point Road and the ability of the road to handle that additional traffic. They are also distressed about the protection of wetlands and waterfront areas from the effects of this development. Removing the eyebrow and cul-de-sac turnaround, and providing connectivity to Oldfield Point Road would reduce the impervious area.

Mr. Di Giacomo stated the zoning is NAR, SR, LDA (Critical Area). The Concept plat was approved at a density of 1/3.15 in the NAR portion and 1/2.76 in the SR portion, conditioned on:

- 1) It being demonstrated that this design meets the conditions of §200.7 of the Zoning Ordinance, or the design be modified to avoid disturbance to steep slopes in the Critical Area, or a Variance being obtained, prior to the submission of a preliminary plat for TAC review;

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- 2) A boundary line survey being completed prior to the TAC's review of the preliminary plat; and
- 3) A waiver being granted for both the proposed Rosewood Drive and Winslow Drive will require a waiver of §7.2.12.B.9 of the Subdivision Regulations.

The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. In the NAR-zoned portion, this Preliminary Plat proposes 40 lots (37 new) on 129.68 acres, for a proposed density of 1/3.242. Per the conditions of approval for St. John's Manor West, 3 lots and 2.5 acres from St. John's Manor West are included in this density calculation. The density calculation included in the Site Data Note 7 is unacceptable and must be corrected. The density now proposed is, however, consistent with the approved Concept Plat.

The SR zone permits a density of 1 du/ 1 ac. This Preliminary Plat now proposes 25 lots on 63.47 acres, for a proposed density of 1/2.539. That calculation is based upon the subtraction of 23.87 acres - increased from 23.53 acres of previously reserved land because of the survey that was conducted. The proposed density for the SR section is higher than, and therefore inconsistent with, the approved Concept Plat. Therefore, staff will recommend disapproval. The applicant may want to consider the submission of a revised Concept Plat in order to increase the already-established density.

No development is proposed on the reserved 23.53 acres (now found to be 23.87 acres) that were used for the St. John's Vista subdivision density calculation, upon which that Final Plat was approved on 9/19/89. That is why those reserved acres cannot now again be used for another subdivision's density calculation.

To recapitulate, the NAR density must be calculated by adding 3 lots and 2.5 acres, and the SR density must be calculated by subtracting at least 23.53 acres. This must be reflected on the plat. It was reflected correctly on the Concept plat.

A portion of the SR-zoned portion, approx. 68 acres, lies within the LDA classification, or overlay zone, of the Chesapeake Bay Critical Area District. The depiction of the Critical Area boundary has changed slightly from the plat submitted for TAC review. The LDA zone has an impervious cover limitation of 15%.

A boundary line survey has been done, resulting in the elimination of the isolated rectangle of land near the western end of this property. However, that rectangle is still depicted on the vicinity map. The plat and the vicinity map must be consistent. Who does that rectangle of land actually belong to? Mr. Keefer stated that when the property to the southwest was subdivided, it may have been a remnant parcel of that. But on that plat shown on the Lands of Holt, there has been no deed found substantiating that it was part of the parcel. The reason it was originally shown on preliminary plat is because the tax map shows it as part of this parcel.

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Mr. Di Giacomo continued: The plat is inconsistent in stating the total acres. In one place it says 215.35 acres, in another it says 219.96. The correct acreage must be stated in a consistent fashion.

The Concept plat had a discrepancy in Critical Area acreage. That has still not been corrected. Note #8 indicates the LDA acreage to be 68.1. However, Note #9 shows it to be 63.64 acres. That has to be reconciled on the plat submitted to the Planning Commission.

The LDA zone permits a density consistent with that of the base zone or 3.99/1, whichever is the more restrictive. The proposed density is permitted within the LDA classification. The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and those proposed lots greater than one acre in size. This information was included under separate cover. For those proposed lots one acre or less in size (2, 3, 4, 5, 20, 21, and 22), the impervious cover limitation is 25% per §200.8.a of the Ordinance. A note to this effect must appear on the plat. Those calculations apply to the entire area that is in the Critical Area. Those lots that are under one acre, there is a 25% impervious cover limitation. Those calculations must also be done. Both calculations must be on the plat submitted to the Planning Commission.

An environmental assessment was previously reviewed, and no rare, threatened, or endangered species inhabit the site, though the forested areas contain FIDS habitat. Per the Natural Heritage letter, a bald eagle nest occurs within ¼ mile of the property, and the Heritage Service's protection guidelines should be followed.

The Critical Area Buffer, and all expansions thereof, have been shown.

In a letter dated 2/4/03, the Critical Area Commission staff indicated that the depicted limits of tidal and non-tidal wetlands and buffers, and the expanded 110' Critical Area Buffer, were accurate. That letter also pointed out, however, that a Variance would be required for any development in the Critical Area on slopes greater than 15%, and that the Commission's staff would not support a variance for development on lots in the Critical Area where disturbance to steep slopes is proposed.

§200.7 of the Zoning Ordinance stipulates that: Development on slopes greater than fifteen (15) percent shall be prohibited unless such development is demonstrated to be the only effective way to maintain or improve slope stability.

In correspondence dated 7/18/03, the consultant analyzed the fragmented slope areas and justifications for respective impacts. Staff finds the analysis reasonable, and no variance will be required.

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No development is permitted in the tidal wetlands and tidal waters buffers, including septic systems, impervious surfaces, parking areas, roads, or structures.

No more than 15% of the surface area can be converted to impervious surface in the LDA, except for individual lots less than one acre in size, wherein the threshold is 25%. No more than 20% of the forest or developed woodland may be removed. When less than 15% of the site is in forest cover, at least 15% of the gross site area shall be afforested.

In the Critical Area, no structure shall exceed 35' in height.

Slopes greater than 25% have been shown on the preliminary plat.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation. Areas of wetlands and/or buffers are depicted on proposed Lot 8. A Jurisdictional Determination (JD) has been done but documentation of that has not been received.

This proposal satisfies the 60% open space requirement for bonus density eligibility in the NAR zone. In the SR zone, sensitive areas in common open space calculations have again been included.

No landscaping of the development envelope is required in the NAR zone. 20% landscaping is required in the SR zone.

Sidewalks are usually recommended along one side of all internal roads in the SR zone. However, a significant portion of what was proposed Rosewood Drive is located in the Critical Area (where we seek to minimize impervious cover), and the NAR portion of the project will not have sidewalks. Therefore, in the interest of minimizing adverse impacts to this sensitive area and for the sake of design consistency, no sidewalks are recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, in the common open space along Oldfield Point Road, as was depicted on the approved Concept Plat. Since the deletion of the Bufferyard C is inconsistent with the approved Concept Plat, staff will recommend disapproval.

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

A Forest Stand Delineation (FSD) was previously approved on 2/11/02, and a revised FSD was approved on 2/13/03. The Preliminary Forest Conservation Plan (PFCP) has not yet been submitted. It must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat. The portion of the proposal within the Critical Area is exempt under §3.2B. A note to that effect must appear on the plat.

No road names were proposed on the plat submitted for TAC review. They have subsequently come in and have been submitted to Emergency Services. Those names must be approved prior to Planning Commission review of the final plat.

Details of the previously-proposed trail system have been omitted from this plat, apparently by error. It is recommended that the trail system be retained and that its design include some kind of adjustable barrier to prohibit motor vehicle access to this environmentally sensitive area, except for periodic stormwater management maintenance and possible emergency service response.

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

A Homeowners Association for maintenance of common open space and landscaped islands and/or eyebrows must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

What will be disposition of the existing structures? Mr. Muddiman advised they will be razed.

This proposal now includes four panhandle lots.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month. §4.1.22 of the Subdivision Regulations empowers OPZ not to accept incomplete Preliminary Plats. The things that have been submitted individually must be on the plat.

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8. Mike Burcham and John Candeloro presented crossings at cherry hill, lots 1-31, md rte. 213 & leeds road, concept plat, third district.

Mr. Burcham stated this plat was disapproved at last month's Planning Commission meeting. Revisions have been made to work with the recommendations made by the Planning Commission. The cul-de-sac lengths have been increased slightly. A stub access has been provided to Milburn. All lots have been taken out of sensitive areas. 100-foot wide greenbelt has been provided around the perimeter. Street tree configuration has been used for the road buffer. The existing vegetation will be maintained on Leeds Road. There will be a sidewalk off the cul-de-sac through the common open space to link to Leeds Road to help connect the development to the existing village. A portion of the property will be added to the Cherry Hill Improvement Association so the entire pond will be conveyed to them and not belong to the Homeowners Association.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This analysis must address the adequacy of the existing culvert under Leeds Road adjacent to the existing pond. If the discharge 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.

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.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The use of open section road design requires that significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulb, and their impact on the storm water conveyance.

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Lots 19&20 must share a common driveway entrance and this entrance must be installed at the time the road is constructed. Lots 1 and 31 must be denied access to Furlong Drive except for the westernmost 30'. All driveways must be paved to the ROW.

The applicant must request sanitary sewer allocation from DPW. The proposed sanitary sewer line routing will cross any SWM pond discharge conveyance route. Special consideration will be required during design and installation of this pipe because of the routing of the line. Ductile iron pipe must be used for all lines outside of County ROW.

A utility easement wide enough to accommodate the 8' access road and the sewer line must be provided along the entire length of sanitary sewer line from the cul-de-sac to the ROW for MD Route 213.

State Highway Administration must approve the crossing of MD Route 213 and provide CCDPW an easement to maintain the sanitary sewer line within their ROW. The applicant will be responsible for obtaining the required permits from SHA to work within their ROW.

The Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

The proposed 4' walkway would not be County maintained. The walkway would ideally meet the Road Code Sidewalk Standard. Alternatively, it can be constructed of 2 1/2" hot mix asphalt on top of 8" of graded aggregate.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a PWA will be required for the road and storm drains, as well as a separate PWA for the sanitary sewer line.

Ms. Latham advised that a GAP will be required.

Mr. Roop stated that any filling in the non-tidal wetlands requires a permit. He questioned isolated areas of wetlands.

Mr. Harmon read the Health Department comments, a copy attached for reference. In response to Health Department comments, Mr. Burcham advised that he received a map from MDE indicating the contamination

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from Gore, a copy attached for reference. This property is to the south of the existing building and fire pond shown on the sketch. All contamination is to the north and east of the Gore building. Under their investigation, this property will not be affected by the contamination. From what he understands, they are in the process of cleaning it up. The Downes property and Murray property have been bought by W.L. Gore. The Kline property has had a treatment system installed to reduce or solve the problem with the well. The four monitoring wells directly south of this site have all come up with no problems and they are in direct flow.

Mr. McDowell stated there appears to be nothing that preserves the village character. He suggested the builder architecturally design the homes in a manner that reflects the village character. Mr. Burcham advised that the roads have to be 75' wide in order to do open section roads, and not have more runoff from the property through a closed storm drain system. There can be some infiltration through the roadside ditches. The area left to development is restricted because of the stormwater management, which is why it is a cul-de-sac design. Mr. McDowell reiterated that those comments concern engineering and lay out. He feels there should be some responsibility on the builder's part, such as building design. Mr. Burcham stated there is nothing in any ordinance addressing architectural control.

Mr. Di Giacomo submitted a letter from SHA, a copy attached for reference.

OPZ comments are as follows: The zoning is VR (Village Residential) the purpose of which is to provide for the protection of existing villages by allowing limited development consistent with the character of these villages. The VR zone permits a maximum base density of 1 du/ 1 ac. in areas without community facilities. A maximum density of 4 du/ 1 ac. is permitted in areas with community facilities. This Concept Plat proposes 31 lots on 31.2 acres, for a proposed density of 1/1.006.

This project was disapproved on 7/21/03, with the recommendation that the plat be resubmitted to TAC once:

1. The design has been revised to better reflect 1) the existing character of the village of Cherry Hill, 2) this development's inclusion in the village, and 3) a stub road to the adjacent lands of Milburn;
2. The questions surrounding the ownership of and plans for the easement area are answered clearly;
3. The total acreage has been recalculated and the density being restated, if necessary;
4. All required Bufferyards and Greenbelts have been depicted on the plat; and
5. The zoning classification for the adjacent lands of Milburn being corrected.

The zoning of the adjacent lands of Milburn has been corrected.

The required bufferyards and greenbelt areas have been depicted.

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The acreage, boundary, and ownership issues have been clarified.

A stub road to the lands of Milburn has been included in the design.

The revision of the design to better reflect the existing character of the village of Cherry Hill and this development's inclusion in the village consists of only a proposed 4' walkway from the end of the cul-de-sac across common open space to Leeds Road. A thorough examination of existing and other proposed development in the Village of Cherry Hill revealed no other single cul-de-sac developments.

A boundary line survey must be done for the preparation of the preliminary plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. Any slopes greater than 25% must again 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'. Due to the presence of hydric soils, a portion of the stream buffer has been expanded to 160'. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to Preliminary Plat review by the Planning Commission.

The habitats of rare, threatened, and endangered species must be avoided. The Natural Heritage letter states that bog turtles are known to occur downstream within the project's drainage area. They recommend that appropriate sediment and erosion control measures be taken to minimize impacts to nearby wetlands.

The Zoning Ordinance has created VR districts for each of the 19 Villages named in the Comprehensive Plan. Cherry Hill is one of the Crossroad Villages, situated on the border between the Rural Conservation District (to the north) and the Suburban District (to the south). The requirements for the VR districts are established in §28 of the Zoning Ordinance.

§28.3 of the Zoning Ordinance stipulates that there be flexibility in lot, yard, open space and setback requirements and to encourage innovative and creative design in order to meet the objectives of this district.

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It goes on to say that such requirements in the Village District may be varied for each individual project by the Planning Commission. In establishing these requirements, the Planning Commission shall consider such factors as the proposed intensity of the project, the existing character of the village, and all other County, State, and federal requirements.

With respect to lot and yard requirements, this proposal is generally consistent with the Schedule of Zone Regulations for the VR district, set forth in the Zoning Ordinance.

With respect to open space, this proposal provides for approximately 64% common open space. The landscaped island in the cul-de-sac should be part of the common open space. Access to common open space between lots must be marked with concrete monuments.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those percentages must be provided on the Preliminary Plat submitted for TAC review.

With respect to the proposed intensity of the project being consistent with the existing character of the village, the proposed density is generally consistent with that of the existing village.

With respect to the existing character of the village, this design is not consistent. The current single cul-de-sac design is more typical of a suburban or even rural development than a village development. It does a better job of isolating the development from the village than integrating it into the village. Staff recommends design changes. Mr. Burcham advised that there is a cul-de-sac development in the Village District, zoned VR, named Boot Hill.

Mr. Di Giacomo continued: This proposal satisfies the general open space provisions of the VR zone.

Sidewalks are recommended on both sides of all internal streets and, where feasible, those sidewalks extend to Leeds and Singerly Roads to better reflect 1) the existing character of the village of Cherry Hill and 2) this development's inclusion in the village.

Landscaping in the VR zone is required to provide a minimum of 20% landscaping that must be visually harmonious and compatible setting consistent with the existing character of the village. The flexibility cited in §28.3 can be applied to the design specifics of the required greenbelt around the VR zone's perimeter,

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which can be addressed in the Preliminary Plat, FCP and Landscape Plan.

Bufferyard Standard A has been shown along the common boundary lines of the lands of Milburn to buffer adjacent agricultural uses, and notice has been 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.

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) has been approved. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

Sewerage capacity must be verified by the Department of Public Works prior to Final Plat approval.

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. The metes and bounds description of the FRA must be shown on the record plat.

The road name Furlong Drive has been approved.

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

Has any consideration been given to the installation of dry hydrants in connection with the stormwater management pond, existing pond, or perennial stream? Mr. Burcham advised that the perennial stream and existing pond will not be part of this property after development. A dry hydrant situation can be explored in the proposed stormwater management pond during the design stage.

Mr. Di Giacomo stated that a Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

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The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. McDowell asked if the cul-de-sac could be extended to Leeds Road. Mr. Burcham advised that there is no sight distance on Leeds Road. Mr. Woodhull concurred because of the close proximity to the Leeds circle.

Mr. Candeloro asked for suggestions to design a subdivision that would address the village character. Mr. Di Giacomo advised that this plat is so isolated from the Village District. Perhaps a walkway to MD Rte. 213. Mr. Burcham informed the Commission that there is 75' of state highway right-of-way from this property to the shoulder of Rte. 213.

Discussion followed concerning stormwater management and state highways.

Mr. Burcham advised that there are two large areas inundated with wetlands that won't allow development up to the right-of-way line. SHA recommended the proposed access as the only point of access.

Mr. Di Giacomo stated that one of the Comprehensive Plan goals for the Village District is to reduce the amount of vehicle miles traveled. Based on the Comprehensive Plan, the walkway proposed makes the most sense.

There were no further comments.

September 3, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Black, Carter, Woodhull, King, Ancell, McDowell, Von Staden and Graham.

ABSENT: Latham, Funk, Ouano, Markwardt, Davis, Roop and Hicks.

1. Will Whiteman and Elmer Justice presented Bayview Station, Theodore Road, Concept Plat, Fifth District.

Mr. Whiteman stated this subdivision was previously known as Bayview Junction. It was disapproved at the Planning Commission level. The previous concept plat consisted of 18 proposed lots. The property straddles Theodore Road. This plat proposes six lots on the north side of Theodore Road and one lot on the south side. The non-tidal wetlands were delineated by BIOTA. There was concern over the proposed road with the Bayview Junction submittal. The road has been moved as close as possible to the private right-of-way for Biggers.

Mr. Woodhull stated a Stormwater Management (SWM) Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This analysis must pay special attention to the adequacy of existing conveyance systems along and across Ron Biggers Road and Theodore Road to handle all discharges from the SWM Facility. 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.

In the current CIP, substantial road improvements for Theodore Road are projected for design in FY2005 and build in FY2006. This reflects DPW's belief that the Theodore Road corridor, as it stands, will not continue to adequately support existing traffic demands without those improvements. However, current fiscal challenges are expected to further delay those improvements. DPW recommends that approval of this project

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include off-site improvements to Theodore Road to full Minor Collector Road status, potentially from the bridge at Stony Run to approximately 100' east of the crest of the road adjacent to Parcel 137.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the proposed entrance and driveways must be marked in the field.

Consistent with Section 7.2.12.E.2 of the Subdivision Regulations, the proximity of the proposed private mini road to Ron Biggers Road, also a private mini road, would create a potential safety hazard for turning movements to and from both roads. Acceleration and right turn lanes may be required.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

The ROW required for a Private Mini Road is 36' wide as opposed to the 50' indicated. Section 2.13 of the Road Code must be adhered to for the construction of the private road. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems and must be approved by the Planning Commission and placed on the final plat. DPW proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulb, and their impact on the storm water conveyance.

The ROW dedication must be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Lots 1 and 6 must be denied access to Theodore Road along their entire road frontage and to the private mini road for the first 75' from the intersection with Theodore Road. The westerly lots must be denied access to Ron Biggers Road.

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Check the minimum setback allowed between the septic reserve area on Lot 2 and the drainage ditch along Ron Biggers Lane. It needs to be 25 feet.

A Public Works Agreement (PWA) is required for the proposed road and storm drains and an Inspection and Maintenance Agreement is required for SWM facilities.

Mr. King had no comments.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Whiteman asked if all the Health Department comments have to be addressed prior to Planning Commission review of this concept plat. Mr. Von Staden replied no, but the plat shows some items that typically appear on the preliminary plat, therefore the Health Department provided preliminary comments.

Mr. Ancell had no comments.

Mr. McDowell advised that he has received no public comment on this submittal.

Mr. Black read the Corps of Engineers, the Board of Education, and the Maryland Department of the Environment comments, copies attached for reference.

OPZ comments are as follows: The zoning is SR, which permits a maximum base density of 1 du/ 1 ac. This Concept Plat proposes 7 lots on 23.62 acres, for a proposed density of 1/3.37. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Proposed Lot 7's well location has not been shown. The proposed Lot 7 dwelling location conflicts with that of a black oak specimen tree. The dwelling location must be shifted.

There must be a reference to Minor Subdivision # 957.

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For the unnumbered note dealing with setbacks, include the words unless otherwise shown.

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. 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', as has been shown. A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No open space is required for only 7 lots. Creating common open space upon which to locate any stormwater management area(s) may be desirable. If common open space should be established, then a Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

Easements for access across the AT&T right of way must be formalized between the developer and AT&T. Is that right of way fee simple or an easement? Mr. Whiteman believes it is an easement.

Mr. Black continued: 20% landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on one side of internal subdivision roads in the SR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd. Bufferyard Standard A is required along the rear lots lines of proposed Lots 4, 5 and 6. Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources.

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

The Forest Stand Delineation was approved on 5/15/03. The details of the FSD and this Concept Plat do not match. All discrepancies must be reconciled. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Proposed Lots 1 & 6 must be denied direct access onto Theodore Road, and proposed Lots 1-6 must all access Theodore Road via only the proposed mini-road.

A mini-road maintenance association for maintenance of the proposed mini-road must be established prior to recordation, with the owners of proposed Lots 1-6 becoming members.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Justice questioned the sidewalk requirement. Requiring sidewalks on large lots places an undue burden on the lot owners to maintain them. Mr. Black stated it is a recommendation from OPZ. The applicant can request it be waived by the Planning Commission.

Mr. Whiteman questioned the conflict with the FSD and this plat. Mr. Black responded that some of the forest is not shown on this plat but is shown on the FSD. He realizes some things are shown on this plat that typically are not shown until the preliminary plat stage.

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2. Will Whiteman and Henry Passi presented **EagleAire, MD Rte. 272, Concept Plat, Fifth District.**

Mr. Whiteman stated this is approximately 16.9 acres on the east side of MD Rte. 272, zoned SR. A boundary line survey has been done. It is a mini road subdivision. Neither the wetlands search nor the Forest Stand Delineation has been done. A sight distance study has been done and it is more than adequate. The proposed mini road will utilize the entrance area of the existing driveway. Three of the lots are proposed with pump systems and well variances will be required on a number of the lots.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance. If stormwater is directed off 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.

Section 2.13 of the Road Code must be adhered to for the construction of the private road. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems and must be approved by the Planning Commission and placed on the final plat. DPW proposes the following note: (The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.).

The ROW required for a Private Mini Road is 36' wide as opposed to the 50' indicated. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulb, and their impact on the storm water conveyance. Due to the narrow frontage on the cul-de-sac bulb, Lots 3 and 4 must share a common driveway installed at the time of road construction.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a Public Works Agreement will be required for the private mini road and storm drains.

The right-of-way for the private mini road should be closed off from the SHA right-of-way.

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Mr. King stated there must be at least a ten foot tangent from the property line before the radius is started for the entrance. An entrance permit is required from SHA.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Ancell had no comments.

Mr. McDowell stated the parcel map shows a hook that indicates the site crosses MD Rte. 272, but the plat only shows one side of the road. Mr. Whiteman answered that Mr. Passi owns on both sides of the road.

Mr. Black read the Corps of Engineers, the Board of Education, and the Maryland Department of the Environment comments, copies attached for reference.

OPZ comments are as follows: The zoning is SR, which permits a maximum base density of 1 du/ 1 ac. without community facilities. This Concept Plat proposes 6 lots on 16.932 acres, for a proposed density of 1/2.822. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

The parcel number referenced under the vicinity map is in error. The parcel number 652 must be shown on the plat submitted for Planning Commission review. Parcel 652 was apparently created when MD 272 cut through the property, per the cited plat (SRC Plat No. 17013). Mr. Whiteman concurred. Mr. Black advised if parcels 104 and 652 are different, then the hook shown connecting them in the vicinity map must be removed.

Tax records indicate the owners address to be 11 Peach Place, North East, MD 21901. If correct, then that address must be shown on the plat submitted for Planning Commission review. The deed reference WLB 983/608 must be included on the plat submitted for Planning Commission review. Current ownership information for parcels 105,197, and 650 should be included.

Parcel 650, the lot created via Minor Subdivision #3223, must be included on the plat submitted for Planning Commission review.

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The existing dwelling currently has a Turkey Point Road address. Upon approval, Lot 6 must have an EagleAire Way address.

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. Slopes greater than 25% must be shown on the preliminary plat.

A 110' perennial stream buffer is required from all perennial streams present. This buffer shall be expanded to include contiguous areas of hydric soils, highly erodible soils, and soils on slopes greater than 15% -- to a maximum distance of 160'. The perennial stream buffer must be shown. Should it extend onto the existing septic area on proposed Lot 6, then the applicant may seek a waiver to the buffer requirements (per § 174.1), or the septic area may have to be relocated.

A 25' buffer is required around any non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No open space is required for only 6 lots.

20% landscaping of the development envelope is required in the SR zone. Bufferyard Standard C is required, outside the right-of-way, along the MD 272 road frontages. Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road.

Sidewalks are usually recommended in the SR zone. However, since this 6-lot mini-road accesses a major arterial state road, staff will not recommend sidewalks.

Mr. Black asked if any of the contiguous properties are in agricultural operation? Mr. Passi responded no. Mr. Black informed the applicants that in that case, a Bufferyard A would not be required.

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Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The mini-road name has been approved.

A mini-road maintenance association must be established prior to recordation with all lot owners becoming members.

As noted on the plat, proposed Lots 1 and 3 must be denied access onto MD 272.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. King requested the applicant to send a copy of the sight distance report to SHA.

3. Paul Muddiman, Tim Whittie, and Bill Stritzinger presented **Aston Pointe, MD Rte. 273, Jackson Hall School Road, Cat Swamp Road, and Appleton Road, Concept Plat, Fourth District.**

Mr. Muddiman stated this subdivision consists of 316 acres of SR zoned property and 30 acres of BG zoned property. No improvements are proposed on the BG portion. The permitted density is two units per acre, which would be 631 units. 510 units are proposed with each being approximately 12,000 sq. ft. 113 acres of open space are provided. Active open space includes a clubhouse and pool, as well as multiple playing fields, one of which will be in the same general location as the current soccer field on the corner of Appleton Road and MD Rte. 273. The subdivision will be served by public utilities. Water service will be provided by Chester Water Authority. Sewer service is undecided at this time.

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Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, Sanitary Sewer and Water Plans, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance. This analysis must pay special attention to the adequacy of existing conveyance systems along and across Jackson Hall School Road, Cat Swamp Road and Barksdale Road to handle all discharges from the SWM facilities.

Section 3.07.15 of the Road Code directs that Appleton Road and Jackson Hall School Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between these roads and the proposed entrances. In light of DPW s concerns regarding the adequacy of Appleton Road, Jackson Hall School Road and Barksdale Road to handle an approximate additional 5,100 average daily trip ends generated by this development, the minimum requirements of the Road Code will not likely be sufficient and the applicant should anticipate additional off-site improvements to some or all of these roads (links). This would also entail improvements to intersections (nodes) of these roads as well as those on Cat Swamp Road. These roads exhibit areas of base and surface failure, inadequate width and shoulders, and poor roadside drainage. The solution to the problems of these links and nodes will be addressed further after the Traffic Impact Study has been analyzed. Acceleration and right turn lanes may be required at each entrance. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the proposed entrances must be marked in the field. Where determined necessary by the utility companies, the owner, the designer, or DPW, utility poles must be relocated at the owner s expense.

Access from any lot to Appleton Road and Jackson Hall School Road is denied except for the proposed entrances. Mr. Muddiman advised there is open space between the lots and roads.

Mr. Woodhull continued: Lots 395 and 510 must be denied access to Road D except for the easternmost 20' of lots, and Lots 420 and 421 must be denied access to Road D except for the southernmost 20' of lots. In fact, DPW recommends that Lot 510 and 421 be removed all together because of the potential residents will likely engage in unsafe traffic movements around the proposed landscape islands. Mr. Muddiman replied that they may shorten the median to bring the driveway in.

Mr. Woodhull further stated that Lots 1 and 10 must be denied access to Road A except for the northernmost 20' of lots. Lot 345 must be denied access to Road C except for the easternmost 20' of the lot.

He asked if Parcel 37 accesses Jackson Hall School Road via a common drive to Parcel 38? Mr. Stritzinger doesn t believe they share a driveway. Mr. Woodhull stated if they do, then there will have to be an

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easement.

DPW strongly recommends providing connectivity from the internal streets to the BG zoned portion via Road P , the Lands of Wohner via Road J , and the Lands of Dudkewitz via the traffic circle. DPW also recommends consideration of connection with Locharron Drive via Road J .

All lots must access the least major road frontage where possible. Those that cannot, as on Roads A , B , C , and D must have driveways of sufficient design to allow turnaround capability to improve access safety for each lot.

Adequate internal off-street parking must be provided at the soccer field on Cat Swamp Road.

The cul-de-sacs do not conform to the Road Code Standard R-14.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. The ROW dedications on Appleton Road, Jackson Hall School Road and Cat Swamp Road must read, 30 wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Mr. Woodhull asked what type of road section is proposed (open or closed)? Mr. Muddiman replied the roads will be closed section.

Currently the parcels proposed for development are not within the Master Water and Sewer Plan Service Districts. Therefore, the Cecil County Board of County Commissioners would have to amend the Master Water and Sewer Plan to include this development in the coverage areas. Currently neither the Highlands nor the Meadow View plants have excess water or sewer capacity to service this development. DPW is strongly resistant to the use of pump stations in providing adequate sanitary sewer flow within the development. The applicant must demonstrate the maximum use of gravity flow within the development prior to Preliminary Plat submittal.

If the Planning Commission approves the concept plat, DPW will require a concept master sanitary sewer and water plan for the entire development prior to Preliminary Plat submittal for any section of the development. The applicant must provide a sewer easement connecting the BG zoned property to the main sewer system in the development.

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Adequate fire flow must be designed into the water service system for this development. The water line for this development must be connected to the existing water line at Locharron Drive and be extended and capped at each of the required road stubs. All cleanouts and water meter vaults must be designed to be outside of all paved or concrete areas on each lot.

Mr. Woodhull questioned the size of the gas transmission line running through this development. Harlan Williams advised that one line is 16 inches and one is 20 inches. Mr. Woodhull stated that careful consideration must be given to safety concerns with the close proximity of the line to dwellings. If the line is routed in the County's ROW, the applicant must inform the owner of the line that they must obtain a maintenance easement to be allowed to work in the County ROW.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

Public Works Agreements will be required for the proposed roads and storm drains, water lines, and sewer lines and an Inspection and Maintenance Agreement is required for SWM facilities.

Mr. King advised that a Traffic Impact Study (TIS) will need to be submitted along with a signal warrant analysis. SHA recommends a scoping meeting be set up to determine the intersections that need to be analyzed. Access onto MD Rte. 273 will need to be staked to determine if sight distance is adequate. There must be no additional access from those lots onto MD Rte. 273. Storm drain plans must be submitted to SHA for review. An access permit is necessary for access onto MD Rte. 273 with accel and decel lanes, if the access is adequate.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Ancell had no comments.

Mr. McDowell informed the applicant that he has been contacted by numerous residents in the area adjacent to the proposed development. They have a number of concerns which they have posed as a series of questions. Some of these are concerns about the impact on the budget, the tax rate, and the services of the whole county due to the large increase in the number of residential properties. The following general concerns were stated:

- Public safety -- What will be the cost of the increased police and emergency services?

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- Education -- What is the expected impact of 510 homes on school enrollment?
- Road Maintenance -- What will be the cost of maintenance, including winter snowplowing, of the miles of road network added to the county system?

The following are specific questions regarding the development's impact on the local community, some of which have already been answered by the different agencies. The first area of concern is traffic. Will a traffic study be done to determine the increased usage and level of improvement required to the adjacent roads? This question has already been answered.

What improvements are planned for Jackson Hall School, Appleton, and Cat Swamp Roads? Who will pay for these improvements? Mr. Woodhull answered that after a TIS, DPW will be looking at what roads will be most impacted and what will need to be done to them. Cost of improvement has been required of developments in the past, but it is yet to be determined in this case.

Jackson Hall School Road is very narrow and has dangerous intersections at both ends. It leads to Rte. 273 through Delaware; how will adequate improvement to this road be accomplished? Mr. Black advised that OPZ has contacted DelDOT, but they haven't responded yet; however, that intersection will be part of the scoping meeting.

If the hazardous Jackson Hall School Road intersection with Rte. 273 is not improved, Roads A and B will become a pass through to Rte. 273. Can the proposed roads handle the increased flow of outside traffic? Mr. Woodhull advised that they are shown as collector road rights-of-way.

Will there be improvements to Rte. 273 to include acceleration/deceleration and turn lanes at each intersection? This question has already been answered.

The second area of concern is water supply/sewer. It is understood that the water will be supplied by a Pennsylvania company. What will be the route of the new pipeline -- will it follow Appleton Road and Rte. 273? Mr. Muddiman answered it will follow Appleton Road.

Will current residents with property fronting on the pipeline be required to connect to the line? Mr. Carter replied there are provisions for that in the Cecil County Code and the state law. If it is a high pressure line, then it would not be suitable to connect into it. Therefore, it depends on the suitability of the line.

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Will Pennsylvania residents also be required to connect? Mr. Muddiman stated there are some Pennsylvania developments already using that line but he doesn't know whether the existing homes will have to tie in.

What about residents on dead-end streets off of the route? Mr. Carter advised there are no provisions for that requirement in the Cecil County Code.

Will commercial properties also be required to connect? Mr. Carter responded commercial requirements are the same as residential.

Will there be a per foot property frontage charge for running the new pipeline along properties? Mr. Stritzinger stated the installation of the line will be borne by the developer.

If existing properties connect, is there a connection charge? Mr. Carter advised that any tie in to a County system for water or sewer requires a fee.

Will the Pennsylvania company be subject to Maryland regulations regarding their rates and water testing and quality? Mr. Muddiman thinks it would be governed by MDE. Mr. Carter advised that the line would become part of the County system. The County is required to follow MDE regulations.

How will water be allocated if there is a severe drought? Will PA get priority over MD customers? Mr. Carter stated that arrangement would have to be with the County and not the developer. The County would want assurances. He assumes there would be a contractual relationship between Pennsylvania and Cecil County, extending over a long period of time.

What is the source of the public sewer? What connection fees does the developer pay for the development or for each house connected? Will the route of the sewer line have an impact on current residents? Mr. Muddiman replied that the exact alignment is not set at this time.

Will the County assure, prior to approval of the development, that there are clear and binding agreements with the utility providers that are not costly or detrimental to existing residents? If such agreements change or fail later, what action can the County take? Can Cecil County or the State of Maryland compel out-of-state utility companies to comply with their original agreements and representations? Mr. Carter stated that typically the agreement would have a structured rate over the term of the agreement.

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Will a performance bond be required for the water and sewer systems and for the roads, curbs and stormwater drainage? Mr. Woodhull answered in the affirmative. Public Works Agreements would be required for all of those items.

Who will guarantee the water/sewer systems after development is done? This question has already been answered.

The third concern is the development site. What existing buildings will be razed? Mr. Muddiman advised that most, if not all, the buildings will be razed.

Will any existing wooded areas be cut? Mr. Muddiman replied yes, but they don't know how many acres at this point.

What will happen to the existing ponds on the property? Mr. Muddiman stated they will probably enhance the ponds and use them for stormwater management, if possible.

Has the site been surveyed for the presence of endangered species? Mr. Muddiman responded no. Mr. Black advised that will be required with the Forest Stand Delineation.

Will the construction be phased and how long will it be to build out? In which area will construction start? Mr. Stritzinger anticipates five or six stages over a 60-month period.

What is planned for the area zoned BG? Mr. Muddiman replied there are no plans for that area at this point.

The plat shows a significant portion of some lots over the Eastern Shore Gas pipeline easement. What restrictions does that place on those homeowners? Mr. Muddiman advised that the easement has been located either in the road or the front lawns outside the building envelopes. There will be restrictions on what homeowners can do in those easement areas. Mr. Carter asked if the applicant has been in contact with the gas transmission company? Mr. Muddiman replied not on this project, but on other projects. If improvements are kept outside their easements, then it is okay. Grading, other utilities crossing the line, landscaping, paving, etc. will have to be closely monitored. Mr. Carter asked what the depth is of the gas line. Mr. Muddiman answered probably four or five feet deep.

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Mr. McDowell continued: Since large natural gas pipelines have been named by the Federal Government as potential terrorist targets, are they regulated or protected in any way by the Homeland Security Act? Mr. Muddiman doesn't know.

Since this site is adjacent to the Fair Hill Natural Resource Management Area, has the applicant considered the possibility of using the common open space to provide nature/hiking/bike trails connecting with that area? Mr. Muddiman stated they had not considered it, but they could.

The next issue is home concerns. What is the anticipated price range, the average price for the homes, square footage, and minimum size requirements? Mr. Stritzinger advised that the homes would start at approximately \$325,000. The size could vary based on quality, but will be built to a mid-to-high level.

Will investment properties be permitted in the development? Will mortgages be FHA or conventional? Mr. Stritzinger answered they haven't gotten that far yet.

If there is a builder tie-in, how many different home styles will be offered, or what restrictions will be placed on home styles? Mr. Stritzinger stated they haven't gotten to that point yet, but he expects one to three builders.

Will modular homes be permitted? Mr. Stritzinger answered in the negative.

The next area of concern is stormwater. What will be the effect of the large increase of impervious surfaces on the runoff into the Christina River, and since the runoff ultimately feeds into the Delaware River, is there any requirement for coordination or approval by the State of Delaware? Mr. Woodhull advised that until stormwater management reports are received by DPW, they are not in a position to analyze that at this time. All discharge will have to meet MDE standards for quantity and quality.

The last area of concern to the residents is the developer. What other local developments has Aston Development Group, Inc. planned and completed and what are their qualifications in residential development? Mr. Stritzinger stated they have done no work in Delaware or Maryland, but have done two projects in North Carolina.

Who are the principals of the Aston Development Group? Mr. Stritzinger advised it is owned by himself and other family members.

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Mr. Black read the Corps of Engineers, the Board of Education, and the Maryland Department of the Environment comments, copies attached for reference. In response to the question posed by the Board of Education, Mr. Muddiman advised that this will not be an adult only community.

OPZ comments are as follows: The zoning is SR, which permits a maximum base density of 1 du/ 1 ac., or 2 du/ 1 ac. with community facilities. This Concept Plat proposes 510 lots on 315.80 acres, for a proposed density of 1.615/1. The density stated on the plat is incorrect and must be changed prior to Planning Commission review. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal includes 113.60 acres (35.97%) of common open space. 47.37 acres (15%) are required in the SR zone. At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those calculations must be included on the Preliminary Plat submitted for TAC review.

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

Sidewalks are recommended on at least one side of all internal roads. It is further recommended for the proposed Road B, that the sidewalks be located on the west side of the road, away from the gas line easement on the east side.

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Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Appleton, Cat Swamp, Jackson Hall School, and Telegraph Roads. Two soccer fields are depicted in Bufferyard C s. §187.4 of the Zoning Ordinance stipulates that the bufferyards may contain pedestrian, bicycle, or equestrian trails; however, the total width of the bufferyard must be maintained. In this case, the proposed soccer fields are not permitted to be contained in the bufferyards. Therefore, their locations must be modified outside the required Bufferyard C 30 widths which, in both cases, would serve as a valuable margin of safety between soccer players and passing automobiles. Should the proposed 10 Bufferyard C width be approved, then a fence or berm must be incorporated as a safety measure.

Mr. Black asked if there are any agricultural operations adjacent to the property? Mrs. Murray responded in the negative. Mr. Black continued: If there are contiguous operating farms, then 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. Also, if there are any contiguous properties in agricultural operation, then Bufferyards A must be shown on the plat. It doesn't include farms on the opposite side of the road.

Rows of street trees 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. In addition, it must be determined if the planting of street trees on the east side of the proposed Road B above the gas line easement in any way creates a hazard. Has a boulevard entrance been considered with the median located over the gas line? Mr. Muddiman advised that if the gas line is placed under a median, then that median cannot be landscaped.

Mr. Black continued: Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. An FCP for the gas line easement is already on file (#297). It is recommended that the Landscape Plan include adequate vegetative screening between the SR and BG zones, except for internal access points for bicycles, pedestrians, and motor vehicles. 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. The metes and bounds description of the FRA must be shown on the record plat.

The identity of the gas line owner must be included on the plat prior to Planning Commission review. All required documents from the gas line company granting permission or agreeing to easement impacts must be received prior to Final Plat review. All documents requiring recordation must be recorded prior to the recordation of the Record Plat.

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The internal road names must be approved by the County 911 Emergency Center prior to Planning Commission's review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

OPZ recommends that a Traffic Impact Study (TIS) be completed prior to the TAC's review of the Preliminary Plat. As one of the nearest intersections is in Delaware, DelDOT will be invited to the scoping meeting and to review and comment on the completed TIS.

Proposed Road J should connect with Locharron Drive. A stub is recommended to connect the Lands of Wohner with proposed Road F.

Confirmation must be received from the gas company that proposed Lots 17, 72, 105, 106, 156, 166-177, 199-201, the intersection of Road B and Telegraph Road, the intersection of proposed Roads A, B, and O, and the alignments of proposed Roads D, F, and G will not have any adverse impacts on the gas line within the easement.

Direct, internal access from this development for bicycles, pedestrians, and motor vehicles to the BG zoned portion of the property is highly recommended.

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

A Homeowners' Association for maintenance of common open space, any landscaped islands, and common parking areas must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. All lot owners must become members of the Homeowners' Association.

Mr. Black asked if the clubhouse will be owned and maintained by the Homeowners' Association? Mr. Stritzinger answered in the affirmative. Mr. Black asked if a condominium arrangement is proposed? Mr. Stritzinger advised that the clubhouse will be built and then turned over to the Homeowners' Association. Mr. Black advised if the condominium route is pursued, the condominium instruments must be accepted by the Maryland Secretary of State prior to recordation. He asked if the clubhouse will be open only to the residents of Aston Pointe, or to members only, or to the general public? Mr. Switzinger stated he doesn't know that at this point. Mr. Black advised that the Preliminary Plat submitted for TAC review must include clubhouse details, including proposed uses, consistent with the requirements of §291 and Appendix A of the Zoning Ordinance.

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Active recreational amenities shown in common open space must be included in the Public Works Agreement.

The Record Plats shall contain a statement, signed by the owner, to the effect that water and sewer facilities will be available to all lots/houses offered for sale. Verification of water and sewer allocation must be received prior to the Planning Commission's review of the Final Plat. The identity of the waste water treatment plant must be included on the Final and Record Plats. The name of the water company providing the water must also be included on the Final and Record Plats.

The Master Water and Sewer Plan must be amended prior to Final Plat review.

What impact(s) will the sanitary sewer lines, water lines, and any required stormwater conveyance devices have on the gas line easement? Mr. Muddiman advised that they don't know that at this point.

Mr. Black continued: Fire hydrant locations should be selected in consultation with the Department of Public Works and the Singery Volunteer Fire Company. Consideration should be given to the installation of dry hydrants at the stormwater management ponds and proposed Road D's stream crossing.

As they are attractive hazards, serious consideration should be given to protective fencing around the stormwater management facilities.

With regard to Site Data Note 7, the acreage numbers provided add up to 60.52, not 59.17. That must be corrected.

With regard to Site Data Note 5, the applicant is reminded of the 50' setback from arterial and collector roads.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. King advised that an easement along MD Rte. 273 will be required, if determined necessary.

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Mr. Von Staden advised that all existing wells will have to be located, abandoned, and sealed by a licensed well driller, and existing septic tanks have to be pumped and filled.

4. Faron Pyles and David Dodge presented (The) Woods at Spring House Station, Liberty Grove Road and Dr. Jack Road, Preliminary Plat, Seventh District.

Mr. Pyles stated this is a preliminary plat for Woods at Spring House Station. The concept plat was approved at a density of one unit per 3.04 acres. After perc tests were conducted, the number of lots decreased and the density is now one unit per 4.51 acres, which is still a bonus density scenario.

Mr. Woodhull stated a Stormwater Management Plan (SWM), Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This must include, but not be limited to, roadside drainage ditches and piping along Liberty Grove Road and the perennial stream particularly at the cross culvert under Basin Run Road. Basin Run is classified as a Use III-P stream and the SWM plan must address this accordingly.

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.

Section 3.07.15 of the Road Code directs that Liberty Grove Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Liberty Grove Road and the proposed entrance.

DPW is concerned with drainage on Liberty Grove Road. Shoulders and drainage may have to be established.

In order to obtain good sight distance, at least one utility pole must be relocated. The roadway embankment will also need to be cut back at the owner's expense. Where determined necessary by the utility companies,

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the owner, the designer, or DPW, utility poles must be relocated at the Owner's expense.

Any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval.

Significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulbs, and their impact on the storm water conveyance. The common access easement note for Lot 1 must be changed to read: Proposed common access easement across the lands of Lot 1, for use of the owners of the Lands of Douglas L. and Annette L. Wiseman and Jerry L and Anna M. Malone, their heirs, successors, and assigns.

All driveways must be paved at least to the right of way.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A Public Works Agreement will be required for internal streets and storm drains and an Inspection and Maintenance Agreement will be required for all SWM facilities.

Mr. King had no comments.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Ancell had no comments.

Mr. McDowell asked where the drainfield is for Lot 1? Mr. Von Staden advised there is an existing drainfield between the existing dwellings and the lane, so it will show partly designated sewage area there. There will be a recovery area around Hole 7 and 8. There is an existing septic system, but it will have to be treated like a new lot.

Mr. Black read the Corps of Engineers, the Board of Education, and the Maryland Department of the Environment comments, copies attached for reference.

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OPZ comments are as follows: The zoning is NAR. The base density permitted in the NAR zone is 1/5. This Preliminary Plat proposes 21 lots on 94.61 acres, for a proposed density of 1/4.505. The Concept Plat was approved on 5/19/03 at a bonus density of 1/3.04, conditioned on:

- 1) The Corn Flower Circle and Morning Glory Way road names being approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat;
- 2) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 3) Minor Subdivisions 1337, 1624, 2459, and 2558 being cited on the Preliminary Plat;
- 4) A sensitive species being conducted prior to TAC review of the Preliminary Plat;
- 5) The details of ingress and egress relating to the lands of Malone and Wiseman being shown prior to TAC review of Preliminary Plat; and
- 6) The existing mobile homes being removed, or brought into compliance with the Zoning Ordinance prior to recordation.

Concerning the first condition -- The road name *Cornflower Circle* has been approved; *Morning Glory Way* has not. The remaining road name must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

The second condition is that a boundary line survey be done. Mr. Pyles advised that it will be done by Planning Commission review.

Mr. Black continued: The third condition -- Minor Subdivisions 1337, 1624, 2459, and 2558 have been cited on the plat.

The fourth condition -- The sensitive species survey has revealed that there are no habitats of rare, threatened, and endangered species on site. There is FIDS habitat.

The fifth condition -- The ingress and egress relating to the lands of Malone and Wiseman are shown across proposed Lot 1 rather than across common space.

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The sixth condition -- Adequate documentation has been provided that the existing mobile homes have been on site since the 1960 s. Therefore, as existing non-confirming uses, they need not be removed.

Slopes greater than 25% have been shown on the plat and an expanded perennial stream buffer has been shown.

This proposal satisfies the general open space provisions of the NAR zone for bonus density eligibility. The proposed large lot, Lot 20, would consist of 43.90 acres, or 46.40%. 17.74 acres, or 18.8%, acres of common open space are proposed. Together, they total approximately 65% of the total acreage.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Liberty Grove Road. Rows of street trees 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.

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

The FSD has been approved. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

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

Covenants prohibiting the subdivision of the large lot, proposed lot 21, must be recorded and noted on the plat prior to recordation.

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

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

There were no further comments.

October 1, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Woodhull, Carter, King, Funk, Markwardt, Roop, Moore, McDowell, and Graham.

ABSENT:

1. Chuck Schneider presented WHITEOAK, PATRICIA ANN (LANDS OF), GROWTH ALLOCATION, MD RTE. 213, SECOND DISTRICT.

Mr. Schneider advised that this is a proposal for Growth Allocation from RCA to LDA. The total site area is 75.829 acres, and contains tidal wetlands, non-tidal wetlands, waters of the U.S., perennial streams and associated buffers. The tidal wetlands and non-tidal wetlands have been delineated, but a JD has not been received. No rare plants or animals exist on the property. There are no historic structures. A growth allocation was granted in 2001 on 5.8 acres. This growth allocation is proposed on an entirely wooded site. .24 acres will be cleared for one dwelling and a driveway.

Mr. Woodhull stated the plan indicates the intention to construct a house on the new lot (Lot 3). As such, a SWM submittal is required. A Final Lot Grading Plan is required if the project does not qualify for an exemption to the SWM Ordinance.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The centerline of the driveway entrance must be marked on Knights Corner Road to facilitate review and verification of the sight distances provided. It should be anticipated that Lot 3 will be denied access to Knights Corner Road along its frontage except for the approved driveway entrance.

Mr. King had no comments.

Mr. Funk presented the soils summary to the applicant. He advised that SCS would like to see the soils delineated on the plan. There are some hydric soils, which are rated very limited. Mr. Schneider advised that the house will be located on the hill.

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Mr. Markwardt had no comments.

Mr. Roop advised that any filling in the perennial stream, tidal or non-tidal wetlands will require a permit. Any construction in the tidal wetlands will also require a permit.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell advised that he has received no comments on this proposal.

Mr. Di Giacomo read MDE, Water Resources Administration, comments, a copy attached for reference.

OPZ comments were as follows: The zoning is NAR, RCA (Critical Area). This is a Growth Allocation associated with a proposed minor subdivision. The Technical Advisory Committee does not ordinarily review minor subdivision applications, but the proposed minor subdivision is located in the Critical Area and would require Growth Allocation because of the RCA density limitation.

The permitted RCA density is 1 dwelling unit/20 acres. Previously, the RCA density was 1/20.29, based upon 3 dwellings (p. 576, Lot 1, and Lot 2) on 61.759 acres (51.634 of which were on Lot 2). The previous Growth Allocation for Lot 2 converted 5.80 acres from RCA to LDA. Thus, the subsequent RCA density was 1/27.98, based upon 2 dwellings (p. 576 and Lot 1) on 55.959 (61.759-5.8) acres (45.834 [51.634-5.8] of which were on Lot 2).

The current RCA density must be calculated by subtracting the RCA acreage that was subtracted from Lot 2 by Minor Subdivision #3325. Unfortunately, that information has not been provided on the plat. Assuming that 4.2 of the 8.45 acres that were added on to Parcel 31 were in the Critical Area, the resulting RCA density would be 1/25.88, based upon 2 dwellings (p. 576 and Lot 1) on 51.759(55.959-4.2) acres (41.634[45.834-4.2] of which were on Lot 2).

The proposed dwelling on Lot 3 would raise the RCA density to 1/17.25, which exceeds the 1/20 allowed. Therefore, another lot can be created only if it is reclassified to LDA, which has a permitted density of 3.99/1 or the underlying zone's density. In this case, the underlying zone is NAR, which has a base density of 1/5, or 1/1 for minor subdivisions. The proposed Lot 3 would result in a NAR density of 1/22.64, which is permitted. As a minor subdivision, that density calculation is moot. That leaves only the question of the

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resulting RCA density.

The resulting RCA density must be calculated by subtracting the RCA acreage that would be subtracted from Lot 2 if this Growth Allocation were approved. 5.98 must be subtracted from the 51.759 acres, resulting in a RCA density of 1/22.89, based upon 2 dwellings (p. 576 and Lot 1) on 45.779 (51.759-5.98) acres (35.654 [41.634-5.98] of which were on Lot 2), which is also permitted.

However, the plat submitted has a number of problems, as follows:

- The previous Growth Allocation for Lot 2 and the resulting area of LDA acreage has not been depicted.
- Note #1 under GROWTH ALLOCATION DATA states that This plan is for Critical Area Growth Allocation only. However, both the UTILITY NOTES clearly are in reference to construction, as does the SPECIAL NOTE, and the enlargement shows approximately ¼ acre to be cleared.
- In Note # 2, the word clearing has been misspelled.
- Under CRITICAL AREA SITE DATA, the total site area is stated to be 75.829 acres. That figure conflicts with the 67.379 acres cited under DEVELOPMENT SUMMARY and on the plat.
- Under CRITICAL AREA SITE DATA, the Critical Area site area is stated to be 61.759 acres. That is the same figure that was used on the previous Growth Allocation plat. Since then, the acreage has changed as a result of Minor Subdivision # 3325. That must be reflected.
- Under CRITICAL AREA SITE DATA, the part of Lot 2 within the Critical Area site area is stated to be 51.634 acres. That is also the same figure that was used on the previous Growth Allocation plat. The changes resulting from Minor Subdivision # 3325 must be reflected on the plat.
- Under CRITICAL AREA SITE DATA, the current Critical Area density cited is the same figure that was used on the previous Growth Allocation plat. The changes resulting from Minor Subdivision # 3325 and the previous Growth Allocation must be reflected on the plat.
- Under CRITICAL AREA SITE DATA, the area of existing forest in the Critical Area is stated to be 43.942 acres. That is the same figure as appeared on the previous Growth Allocation plat. Since the approval of Minor Subdivision #3325, that acreage had to have changed.
- The figure cited in the impervious surface note must be checked for accuracy.
- Minor Subdivisions 1175, 3098, and 3325 have not been cited on the plat.
- The plat does not depict the location of the 8.45 acres that were added to the property owned by Lee B. Davis by Minor Subdivision # 3325.
- The Environmental Assessment has not been updated to address the impacts of this specific development proposal. It must be modified accordingly.

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- The previous Growth Allocation was awarded with the specific understanding that the very acreage now proposed for additional Growth Allocation would remain RCA.
- The residual area in RCA has not been stated. A minimum of 20 acres is required. Unless it is determined that the RCA residual area in Lot 2 can satisfy proposed Lot 3's requirement, staff will not recommend the awarding of Growth Allocation.

Growth Allocation basically is the process by which a specifically defined area within the Critical Area is reclassified so as to allow a more intense use. §206.2 and 210.2.a (1) of the Cecil County Zoning Ordinance stipulate that Growth Allocation applications be placed on the TAC and Planning Commission agendas prior to proceeding to the Board of County Commissioners.

The applicant seeks to have 5.98 acres awarded Growth Allocation to reclassify the Critical Area designation from RCA to LDA.

The Cecil County Critical Area Program established an application screening process whereby only development projects that are exemplary of sensitive development in the Critical Area are given Growth Allocation. §206, 207, and 208 provide that the scoring system be the basis for any recommendation for consideration of award of Growth Allocation and reclassification.

The details of the point award system are contained in §206, 207 and 208 of the Cecil County Zoning Ordinance, and provide that the minimum scoring threshold for consideration of award of Growth Allocation and reclassification is 90 points.

The applicant has self-scored the project and, as shown on the site plan, awarded it a total of 92 points, which is above the threshold for consideration of award of Growth allocation and reclassification.

OPZ has reviewed the scoring and does not concur with the 92-point total. OPZ has carefully reviewed the scoring and concludes that a maximum of only 54 points can be awarded.

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1. Development Type: 40 points)	(Maximum	Applicant Self-Score	OPZ Score
a. Clustering: (60% CBCA open Space) POINTS	15	15	8

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b.	LDA Conversion			12
1.	60% Open Space (CBCA Site Area)	12 POINTS	15	3
	Contiguous to off-site resources	3 POINTS	0	0
2.	60% Open Space (Total Site Area)	12 POINTS	0	0
	Contiguous to off-site resources	3 POINTS	0	
c.	IDA Conversion N/A			23
TOTAL POINTS TOWARD THRESHOLD:			30	
2. Buffer Enhancement:		(Maximum		
20 points)				
a.	Depth of buffer	9 POINTS	6	0
b.	Afforestation buffer	5 POINTS	5	0
c.	50 drainage buffer (CBCA) N/A	4 POINTS	0	4
d.	50 drainage buffer (OUT-CBCA)	6 POINTS	6	0
TOTAL POINTS TOWARD THRESHOLD:			17	4
3. Location of Development:		(Maximum		
15 points)				
a.	Conversion to IDA N/A	10 POINTS	0	0
b.	Conversion to LDA	10 POINTS	10	10
c.	Adjacent to municipality N/A	5 POINTS	0	0
TOTAL POINTS TOWARD THRESHOLD:			10	10
4. Forest & Woodland Protection:		(Maximum		
10 points)				
a.	>40% wooded (<15% impact) N/A	1 POINT	0	0
b.	>40% wooded (<10% impact)	4 POINTS	4	4
c.	Afforestation N/A		0	0
TOTAL POINTS TOWARD THRESHOLD:			4	4
5. Habitat Protection:		(Maximum		
10 points)				

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a.	Avoidance of wetland impact	1 POINT	1	1
b.	Permanent environmental easement	4	3	0
POINTS			2	2
c.	RTE species not on site	2	0	0
POINTS			0	0
d.	Development/maximum distance (RTE) N/A	2	4	2
POINTS			0	0
e.	Protection area implementation	4	10	5
POINTS				
f.	Forest management plan N/A	1		
POINT				
TOTAL POINTS TOWARD THRESHOLD:				
6. Water Quality:		(Maximum		
8 points)		8		
a.	RCA to LDA conversion	8	8	8
POINTS			0	0
b.	Impervious cover <30% N/A	8	8	8
POINTS				
TOTAL POINTS TOWARD THRESHOLD:				
7. Resource Utilization:		(Maximum		
6 points)		6		
a.	BMPs/open space in CBCA	3 POINTS	3	0
POINTS			0	0
b.	BMPs/open space outside CBCA N/A	6 POINTS	3	0
POINTS				
TOTAL POINTS TOWARD THRESHOLD:				
8. Erosion Control:		(Maximum		
3 points)		3		
a.	50% shoreline protection N/A	2 POINTS	0	0
POINTS			0	0
b.	100% shoreline protection N/A	3 POINTS	0	0
POINTS				
TOTAL POINTS TOWARD THRESHOLD:				
9. Water Dependent Facilities:		(Maximum		
3 points)		3		
a.	Community piers (<u>resdntl. uses</u> , private piers excl.)	3 POINTS	0	0
POINTS			0	0
b.	Shared pier (3 property owners max) N/A	1 POINT		

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TOTAL POINTS TOWARD THRESHOLD:		0	0
10. Bonus Points:	(Maximum		
65 points)		0	0
a. Community sewer N/A	30 POINTS	0	0
b. Public access N/A	10 POINTS	10	0
c. Natural park/School access	10 POINTS	0	0
d. Agricultural easement N/A	15 POINTS	10	0
TOTAL POINTS TOWARD THRESHOLD:			
TOTAL	92	54	

Project Screening Point Threshold: 90 Points

Surplus/(*Deficit*) Score: 2 (~~36~~)

Scoring notes:

1.a. §208.1.a requires that 60% of the land be kept as open space and that ¾ of the open space shall be upland. ¾ of what might be considered open space is **not** upland.

1.b The permanent adjacent open space will need to be explicitly identified.

2.a The septic area is depicted within 40' of the buffer. No points can be awarded.

2.b No afforestation details have been provided, so no points can be awarded.

2.c Since all of the Lot 3 site is inside the Critical Area, 4 points could be awarded.

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- 2.d No portion of the Lot 3 site is outside the Critical Area. No points can be awarded.
- 5.b No permanent environmental easements have been proposed.
- 5.e No specific habitat protection measures have been proposed, and habitat pledged for the previous Growth Allocation would be negated with this being approved. The limitation of clearing to ¼ acre would, however, preserve habitat area.
- 7.a No information has been provided in this regard.
- 10.b No information has been provided in this regard, and the credit taken with the previous Growth Allocation.

2. Will Whiteman presented NORTHWOODS, SECTION 4, LOTS 96-162, PRELIMINARY PLAT, RAZOR STRAP ROAD, FIFTH DISTRICT.

Mr. Whiteman stated this is Section 4 of Northwoods. It is to the north of Razor Strap Road. The second sheet shows the lot layout, not an index sheet as it is labeled. The third sheet shows the forest retention. Sheet 4 is a utility plan. The forest retention at the rear of Lots 161 and 162 will be stricken. The houses that will be placed on those lots will not allow the forest retention in that area.

Mr. Woodhull stated a Street and Storm Drain Plan, Sanitary Sewer Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

Once approved by the Town of North East, the water mains must be identified on the sewer plans provided to DPW. Both the sewer mains and the roads & storm drains require as-built submittals per the Road Code.

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The applicant must establish, to DPW's satisfaction, that the sewer from Poplar Court cannot feasibly be connected to Aspen Drive before the use of an easement between Lots 100, 101, 107, & 108 will be approved.

The SWM for this section has been provided for in Section 2 of this development.

A Road Code Variance was granted on April 10, 2003 for cul-de-sac bulb diameters.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A PWA will be required for internal streets, stormdrains, and sanitary sewers.

He questioned the AT&T easement. Mr. Whiteman advised it is a 16.5' right-of-way but it was increased when Section 2 was begun. It is a 21' access easement.

Mr. King had no comments.

Mr. Funk advised that SCS received an Erosion and Sediment Control Plan that was conditionally approved on 12/23/02.

Mr. Markwardt questioned the size and price of the homes and the anticipated construction starting date. Mr. Whiteman stated Section 3 was two and three bedroom homes selling for \$150,000 to \$165,000. He assumes this section will be the same size homes. Construction will begin as soon as the plan is approved and recorded. Mr. Markwardt asked if there is a Section 5 in the plans. Mr. Whiteman advised that it has been conceptually approved. Mr. Markwardt asked when Northwoods Boulevard would connect to Maxwell Lane. Mr. Whiteman replied that will occur when construction begins.

Mr. Roop advised that the quad sheet shows a perennial stream, but this plat doesn't show it. Mr. Whiteman stated that is because the perennial stream is not on this section. It was dealt with in Sections 1 and 2. Mr. Roop advised that a JD has not been done.

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Mr. Moore read the Health Department comments, a copy attached for reference. In reference to the Health Department comments, Mr. Whiteman replied that the existing 8-inch sanitary sewer line is shown on Sheet 4.

Mr. McDowell stated that he has been contacted by John Jansen, the owner of Parcels 526 and 749, consisting of 38.3 and 6 acres respectively. Parcel 526 abuts the northeasterly boundary of the Northwoods development and is totally landlocked. There is access to Parcel 526 through Parcel 749 onto Razor Strap Road, but that access is so narrow and close to Stony Run Creek that an approved entrance road cannot be constructed on the site. When Mr. Jansen purchased the properties, there was an approved concept plat for the whole Northwoods development dated February 1988 that included a stub road access to Parcel 526. That concept plat was subsequently modified, and a new concept plat was approved November 1995 without the stub road access. Since Mr. Jansen lives out of Cecil County, he was not aware of the Planning Commission hearing on Northwoods in 1995 or he would have raised his concern at that time. Although the area of Northwoods abutting Parcel 526 is not a part of Section 4 under review today, it is in the area marked Future Subdivision . Mr. Jansen is concerned that he may be denied access to his property through the planned county road network that is part of this development. He requests that the plan for the subdivision area adjacent to his property reinstate the requirement for the stub road access. Mr. Whiteman responded that a right-of-way shouldn't have to be given to a property that already has an access.

Mr. Di Giacomo read MDE, Water Resources Administration, comments, a copy attached for reference.

OPZ comments are as follows: The zoning is RM. The first Concept Plat was approved February 1988. The second Concept Plat was approved 11/20/95 at a density of 3.23 units/acre (.31 acres/du). The RM zone permits a maximum base density of 2 du/ 1 ac., or 6 du/ 1 ac. when community facilities are available. This Section 4 Preliminary Plat proposes 67 lots on 19.939 acres, giving this section a density of 3.36 units/acre.

The Section 1 Final Plat was approved April 1990. It was signed on 4/29/92. The Final Plat for Section 2 was approved December 1997, and signed on 5/27/98. The Section 3 (Lots 39-95) Final Plat was approved on 12/18/00, and signed on 10/31/01. This Section 4 Preliminary Plat is generally consistent with the approved Concept and other Preliminary Plats.

The Town of North East water allocation remains at 96 lots. Documentation of additional allocation must be produced prior to Final Plat review by the Planning Commission.

15% common open space must be provided in the RM zone. If Section 4 is approved as now proposed, then there will be a remaining balance of 2.4431 acres of common open space that must be provided in future sections. Open space must be labeled as common open space.

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25% of the development envelope is required to be landscaped in the RM zone.

To be consistent with previous sections and their conditions of approval, sidewalks are required on both sides of the internal roads.

Rows of street trees are required 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. The FSD was approved 11/29/95 and has expired. An extension may be requested or a revised FSD must be submitted. The Preliminary Forest Conservation Plan (PFCP) was approved on 5/18/99, but its depicted FRAs do not match up with the Section 4 Preliminary Plat. That must be rectified. The FCP and the Landscape Plan must be approved prior to Final Plat review. 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. The metes and bounds description of the FRA must be shown on the record plat.

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

The owners of these lots must become members of the Homeowners Association with \$50.⁰⁰ per recorded lot being placed in escrow for improvements prior to recordation.

Per the agreement executed on September 24, 1996 for Razor Strap Road improvements, \$266.⁰⁰ per lot must be paid to the Board of County Commissioners prior to recordation of the plat.

It is unclear from sheet 4 of 4 where the new sewer line will tie in.

We have received no comment from the North East Volunteer Fire Company, but it should be confirmed that hydrant location are consistent with DPW guidelines.

He reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

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3. Donnie Sutton and Charles Johnson presented CHESAPEAKE VILLAGE, PHASE 1, LOTS 1-35, MD RTE. 342, TOWN OF CHESAPEAKE CITY, PRELIMINARY PLAT, SECOND DISTRICT.

Mr. Sutton stated the Chesapeake City Planning Commission will be reviewing the plat this evening. It is on Rte. 342, not Rte. 282 as indicated on the plat. The water supply shown on the plat should be Chesapeake City, not Elkton. It consists of 35 lots and is the first phase of the development.

Mr. Woodhull stated all infrastructures (e.g. sewer, water, and roads) will belong to the Town.

A SWM Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

DPW recommends that the streets and storm drains, as well as the water and sewer plans, be designed in accordance with the County s Road Code and Standard Specifications and Details for Water Mains and Sewer Mains.

The existing roadway adjacent to the Lands of Pyle must be shown on the plat.

Dimension the northern end of Iler Lane ROW.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance.

DPW normally requires that any applicable Road Code Waivers must be requested prior to submittal for Preliminary Plat approval. DPW recommends that the Town of Chesapeake City require the same before approving the Preliminary Plat.

All driveways must be paved at least to the right of way.

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If the Town of Chesapeake City requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

DPW recommends that either Lock Road be connected to MD Route 342, by obtaining the Lands of Pyle or that Iler Lane be connected through to Lock Circle. If Lock Road is not connected through, it should be terminated in a cul-de-sac. A Tee-Turn Around is not acceptable.

It is recommended that part of the approval of this development should be that Canal Path (Canal Road) must be connected through to Second Street with the next section. Subsequently, Canal Path should be modeled under the Minor Collector standard. If on street parking is permitted, the paved width of Canal Path should be extended as detailed in Standard R-7 of the Road Code. DPW thinks that an acceptable outcome can be achieved within the 60 ROW. DPW recommends 12 lanes with 8 parking separated by striping and a 5 wide grassed area between curb and sidewalk. Lock Road should be modeled after the Minor Road Standard (including 11 lanes 8 parking separated by striping and a 5 wide grassed area).

If the Town requires sidewalks on both sides of Lock Road, then the ROW should be increased. The sidewalks and parking are inconsistent between the road details and the plan, and should be made to agree in layout (the plan indicates sidewalk on both sides). Mr. Sutton stated that as far as access to Rte. 342 from Lock Road, this plan was approved by the Town's Planning Commission. Iler Lane is a private lane and not part of this property.

Mr. Woodhull continued: Regardless of the conceptual cross sections shown at this time, approval should be based on meeting acceptable stormwater spread calculations.

Recommendations from the 10States Standards for hydrants should be followed (e.g. One hydrant at each intersection & 600 maximum spacing between hydrants). These recommendations should be reviewed with the serving fire company. The existing proposal has too few and poorly laid out hydrants in our opinion.

DPW recommends against the proposed routing of the sewer through the woods and stream buffer unless the Applicant can substantiate that there is no feasible alternative. If the routing is permitted, DPW recommends the following design requirements: ductile iron pipe; waterproof manholes extending at least to the 100-year flood plain; no less than a 10 wide gravel access way along the route of the sewer main, in the COS, consisting of a minimum of 8 of crusher run; dedicated easement to the Town of at least 20 wide along the sewer main. Where the depth to invert exceeds 12 , the easement should be extended to 30 wide.

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An Inspection and Maintenance Agreement will be required for all SWM facilities. It is recommended that the Town require PWA s for the sewer mains, water mains, and roads.

Mr. King advised that SHA will require that a permit be obtained from the State Highway Administration (SHA) for access onto MD 342. The proposed access must be channelized with SHA type A concrete curb and gutter. 16 foot of widening from the centerline of MD 342 must be provided along the entire property frontage.

Access to lot 1 must be off of Canal Path with no direct access to MD 342.

Storm drain plans and computations will need to be submitted for review by the Highway Hydraulics Division.

Any additional right of way needed for the proposed widening must be deeded in fee simple to the SHA.

Since access is a concern of the local jurisdiction in their consideration of subdivision plans, SHA requires the concurrence or comments of the local authorities prior to our final approval.

Further comments may be warranted as the project progresses.

Mr. Funk presented the soils summary to the applicant. Woodstown soil is rated very limited for building houses with basements. An Erosion & Sediment Control Plan will be required.

Mr. Markwardt advised that bus service would be provided at the corner of Canal Path and MD Rte. 342, and when connected, to Canal Road. He questioned the size, price, and construction start date. Mr. Johnson stated the homes will be low to mid \$200,000 and construction will begin as soon as approval is received. The homes will be 2,000 to 2,500 square feet.

Mr. Roop advised that any filling will require a permit. He questioned the footpath. Mr. Sutton stated that is the design. Mr. Roop advised that a JD has not been done. Mr. Sutton stated the wetlands have yet to be delineated.

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Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell advised that he has received no comments on this proposal.

Mr. Di Giacomo read MDE, Water Resources Administration, comments, a copy attached for reference.

This subdivision is proposed in the Town of Chesapeake City. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns' corporate limits.

The Office of Planning & Zoning's comments relating to this Preliminary Plat are predicated on the assumption that the Town's Subdivision Regulations allow the development process to begin with a Preliminary Plat, or that a Concept Plat has already been approved. That should be verified with the Town.

Preliminary Plat comments/questions are as follows:

The zoning is R-1, TND, IDA.

- Notes 3 and 4 are confusing. It should be made clear that both are zoning classifications of the Town of Chesapeake City.
- Note # 16 stating the IDA Critical Area classification should be moved up to # 5.
- 35 dwelling units are proposed on 12.53 acres, yielding a density of 2.79/1 for Phase 1. It should be verified that the proposed density for all phases is consistent with that allowed in the R-1, TND, & IDA zones.
- It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the R-1 and TND zones.

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- It is recommended that a boundary line survey be done in conjunction with the preparation of the Preliminary Plat unless the Campbell & Nolan survey is acceptable.
- It is recommended that the locations of all dwellings or impervious surfaces be consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations with respect to any steep slopes.
- It is recommended that any steep slopes be depicted.
- It is recommended that perennial stream buffers be depicted on the plat. Elkton Silt Loam is a hydric soil, so the stream buffer may have to be expanded, and that could affect the location of at least one stormwater management area.
- It is recommended that it be verified that the stream buffer distances, once added to the plat, are consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- Proposed Lots 24-28 are at least partially in the 500-year floodplain boundary.
- Proposed Lots 24-27 are partially within the wetlands buffer. It is strongly recommended that all prohibitions relating to the Critical Area wetlands buffer be strictly observed.
- Proposed Lots 22-27 are at least partially in the Critical Area boundary.
- The habitats of rare, threatened, and endangered species should be avoided. It is recommended that an environmental assessment be done.
- It should be determined if the common open space proposed satisfies the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- Will the 10' landscape buffer/walking trail behind proposed Lots 1-13 be common open space or belong to and be maintained by the Town of Chesapeake City. Mr. Sutton replied that it is common open space. Mr. Di Giacomo stated that should be made more clear.

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- It is recommended that every effort be made to create access redundancy. Mr. Sutton stated that the second phase will connect with Second Street.
- Are there any plans to connect the proposed Lock Road to MD 342? Mr. Sutton answered no. Mr. Di Giacomo asked why hasn't it been designed as a cul-de-sac? Mr. Sutton stated it is based on the design that was approved by the Chesapeake City Planning Commission.
- MD route 342 has been mislabeled as MD route 282. That should be corrected.
- Protective fencing should be considered around the stormwater management areas, as they are attractive hazards.
- It should be confirmed that the thresholds, specified in the Town's Zoning Ordinance and Subdivision Regulations, for open space acreages in perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species have not been exceeded.
- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- The sewer and water notes are perplexing. It must be verified that the Town of Elkton will provide water and sewer service, especially since they conflict with Note # 12.
- It is recommended that the Landscape Plan be approved prior to final subdivision approval.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- Sidewalks are recommended on both sides of all internal streets.

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- It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town's Subdivision Regulations, Public Works street code, and TND zone regulations.
- In 1996, OPZ reviewed an FSD for this site. It was then known as the Back Creek subdivision. The FSD was found to be deficient, and neither a revised FSD nor a Preliminary Forest Conservation Plan has been submitted. Mr. Sutton advised that a Preliminary Forest Conservation Plan was submitted over a week ago and comments on it have since been addressed.
- The Final Forest Conservation Plan (FCP) should be approved prior final subdivision approval.
- Deed restrictions for the long-term protection of any Forest Retention/ Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat.
- The internal street names must be approved by the County 911 Emergency Center. It is confusing to have a Canal Path connecting to a future Canal Road on the same alignment and right-of-way. Mr. Sutton stated they will both be named Canal Road.
- Access to common open space between lots should be marked with concrete monuments.
- It should be confirmed that the number of parking spaces proposed for each lot meets at least the minimum number required by the Town's Zoning Ordinance and Subdivision Regulations.
- Note # 11 should be checked for accuracy. It is in conflict with Note #18 and the Lock Circle cross section diagram. Together, both notes still do not provide the total number of parking spaces.
- With respect to Note # 17, it should be determined whether a variance is more appropriate than a special exception.
- It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.

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- Consideration should be given to exploring possible greenway and hiking trail linkages.
- Since a proposed foot bridge and a section of walking trail is not on this property, what mechanisms are in place to ensure off-site implementation of these improvements? Mr. Sutton answered that this will be discussed at the Planning Commission meeting this evening.
- Consideration should be given to soliciting review and comment on the subdivision layout and access by the Chesapeake City Volunteer Fire Co.
- Fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as suggestions from the Chesapeake City Volunteer Fire Co.
- Consideration should be given to locating dry hydrants at the stormwater management pond and streams where feasible.
- Water allocation should be confirmed prior to final approval.
- Sewer allocation should be confirmed prior to final approval.
- Consistency with the 10-year Master Water and Sewer Plan should be confirmed prior to final approval.

Mr. Di Giacomo advised the town administrator that the town and county need to coordinate on who reviews Forest Conservation Plans. An agreement needs to be in place.

Mr. Woodhull questioned the overhead lines. Mr. Sutton advised that they will be removed.

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4. Mike Burcham and Don Jackson presented WARWICK ORCHARDS MHP, CAMP MEETING GROUND ROAD, PRELIMINARY PLAT, SEVENTH DISTRICT.

Mr. Burcham stated 74 future sites are shown for the proposed manufactured home park. It lies south of Camp Meeting Ground Road and consists of 35.45 acres comprising three different zones MH, NAR & BG. It will tie into the existing community systems that serve the adjoining Woodlawn Mobile Estates. The lagoon is shown as requested at the concept level. A new pump station will be located below Lots 28 and 29 with a force main pumping sewage to Camp Meeting Ground Road, in order to utilize the existing lagoon. Wet season water level data has been collected, as well as infiltration data. There is an existing series of wells that operate on the adjoining mobile home park and additional testing will be done to determine what needs to be done to serve these additional sites. Open space and clubhouse area are shown, which satisfies the open space requirements. The bufferyard and open space is additional open space provided around the perimeter.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, Sanitary Sewer & Water Plan, and a Mass and Final Grading Plan must be approved by DPW 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 hereon. 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 hereon.)

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 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. Careful analysis of the proposed SWM area between Lots 9 & 10 will be required due to its proximity to the house on the James M. & Marcia Dickerson property.

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.

Water and sewer facilities will require permits from MDE.

Mr. Woodhull asked if the existing water system is adequate to provide the flow and pressure necessary to meet firefighting requirements? Mr. Burcham answered that will be analyzed and upgrades will be done as required.

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Mr. Woodhull continued: Due to the possibility of Cecil County having to take over the operation of these private utilities, DPW requires that the wastewater treatment plant and the water plant designs be submitted for review.

The internal road design must include at least a 24' paved width and adequate drainage. He questioned the road section dimensions. Mr. Burcham indicated a diagram of the proposed road on the plat and stated that it was discussed with DPW. The width shown is adequate and was confirmed by DPW.

The proposed 20' wide gravel emergency access shown can be reduced to a 12' -14' wide gravel drive located within a 20' wide easement.

Mr. Woodhull asked why the pump station is being accessed from Jackson Park Road? Mr. Burcham answered they are trying to utilize the access on Jackson Park Road for maintenance vehicles. They don't want construction vehicles on the roads after they are completed.

Sight distance measurements must be provided to 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.

Adequate off street parking must be provided for the clubhouse. He asked if it will be a separate site plan. Mr. Burcham stated it will either be separate or shown on the construction drawings.

Mr. Woodhull further stated that where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a PWA will be required for internal streets and storm drains.

Mr. King had no comments.

Mr. Funk submitted the soils summary to the applicant. A Comprehensive Erosion & Sediment Control Plan must be submitted.

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Mr. Markwardt advised that bus service would be provided at the entrance of Camp Meeting Ground Road and Core Lane. Mr. Jackson informed him that the park will be age restricted to 55 and older with no school age children. Mr. Markwardt answered that grandparents provide day care in some instances. Mr. Jackson advised that would probably be restricted also.

Mr. Roop stated that no permit would be required because there are no wetlands. A JD has not been done.

Mr. Moore read the Health Department comments, a copy attached for reference. He asked if the spray irrigation would be abandoned. Mr. Jackson answered that it would be done during emergencies as a back up.

Mr. Di Giacomo read MDE, Water Resources Administration, comments, a copy attached for reference.

Mr. McDowell advised that he received comments during the concept level, which he reiterated. The concerns are about the increased traffic on Camp Meeting Round Road; the offensive odor emanating from the existing sewer lagoon, which will also be used for the new park; the concern about the impact of 74 additional residences on the local water supply; the adequacy of the bufferyards shielding both the BG area and the whole park; and the unsightly appearance of the area zoned BG.

Mr. Moore commented on the water availability in the area. He performed a record search of a two-mile radius and found 28 wells have been drilled since June 2001. 23 of those were for new construction. Five were replacement wells. One replaced a spring, one replaced a dug well and the others replaced shallower wells with deeper wells.

Mr. Di Giacomo stated the current zoning is BG, MH and NAR. The MH, or Manufactured Home, District permits a maximum base density of 2 du/ 1 ac., or up to 6 du/ 1 ac. if a manufactured home park, as stipulated in § s 30 and 78 of the Cecil County Zoning Ordinance.

This 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;

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- 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 density of the current proposal is stated as 3.30/1, which is based upon 74 sites plus 4 units from the Woodlawn Mobile Estates on 23.61 acres. It is unclear how the 23.61 acres was derived. Mr. Burcham advised that is the total acreage of the MH zone. That is also why the density is slightly different than the concept plan.

Mr. Di Giacomo continued: A portion of the Bufferyard D is depicted in the NAR-zoned portion of the property. If the bufferyard remains in the NAR portion of the property, then it cannot be used to satisfy any future requirements associated with any future development on that NAR-zoned portion. Why is there a gap in the Bufferyard D behind proposed Lots 27-29? Mr. Burcham answered all forest behind Lots 27-30 will be forest retention

Mr. Di Giacomo asked if a boundary line survey has been completed? Mr. Burcham answered in the affirmative.

Mr. Di Giacomo continued: The locations of the privately owned community water and sewer systems facilities have been shown.

There is an additional and significant part of Parcel 12, consisting of MH and NAR acreage, to the west of Woodlawn Mobile Estates (Parcel 291). That acreage has not been depicted nor included in the density calculation because it exists on a separate deed parcel.

Steep slopes have been shown on the plat.

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

§78.8 stipulates that, Manufactured home parks shall be surrounded by bufferyards meeting the Bufferyard D standard as shown in Appendix B. A Bufferyard standard D is shown, including partial screening of the BG-zoned portion of the property.

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A minimum of 15% of the total park area (3.7 acres) must be devoted to open space and recreational area, not including roads and bufferyards (§78.4). Exclusive of the 1.73 bufferyard open space acres, 3.8 acres of open space have been proposed. That is adequate, but, pursuant to §78.4, all references to bufferyard and open space must be deleted, as was a condition of Concept Plat approval.

The proposed clubhouse facility is an accessory use to the proposed manufactured home park. Therefore, a major site plan submittal will not be required. Rather, the applicant may show the details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, on the Preliminary and Final Plats. Or, the applicant may wish to submit a separate site plan application pursuant to the provisions of §291 and Appendix A of the Zoning Ordinance. The issuance of a building permit for the clubhouse will be contingent upon either recordation or site plan approval. What is intended? Mr. Burcham answered site plan approval.

Mr. Di Giacomo continued: 20% landscaping of the development envelope is required in the MH zone, and rows of street trees are required along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. No street trees should be planted within 20 feet of sewer laterals and cleanouts.

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

The Forest Stand Delineation (FSD) was approved 10/16/02. The Preliminary Forest Conservation Plan (PFCP) was approved on 5/28/03, but the FRAs do not match those depicted on this PFCP. That discrepancy must be rectified, and the 7 acres of off-site retention must be referenced on the plat submitted for review by the Planning Commission. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

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

Verification must be received from MDE prior to Final Plat review that the proposed water system is capable of serving these proposed sites.

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It must also be verified prior Final Plat review that the proposed sewerage system is capable of serving these proposed sites.

The proposed sites must be served by water & sewer systems approved by the Health Department. Those private systems shall be consistent with §78.1.

Minimum setbacks on all manufactured home sites shall be 15' front and rear, 10' on each side, as has been depicted in the Typical Site Layout graphic.

The internal road names have been approved. However, the Emergency Services Dept. will require that there be a West Cider Circle and an East Cider Circle. That should be reflected on the plat submitted for Planning Commission review. Sites 18-40 and 45-56 should have West Cider Circle addresses. Roadways in manufactured home parks are private roads.

Each manufactured home site shall be provided with 2 off-street parking spaces.

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.

All the requirements of §§ 30 & 78 of the Zoning Ordinance and §6.6 of the Subdivision Regulations must be satisfied, including roadway geometry.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

5. Mike Burcham and John Candelora presented CROSSINGS AT CHERRY HILL, LEEDS & SINGERLY ROADS, PRELIMINARY PLAT, THIRD DISTRICT.

Mr. Burcham stated this subdivision is located on the northwest side of the intersection of MD Rte. 213 and Leeds Road. It consists of 31.24 acres in the VR District. It will be served by on-site wells and public sewer

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provided by the Cherry Hill Treatment Plant. A 100-foot wide village greenbelt is shown around the outer perimeter. A stub road for future connection to the Lands of Milburn is shown. The proposed house locations have been staggered to help define the village character. A sidewalk has been extended from the cul-de-sac through the open space to Leeds Road. The property will drain into the drainage pattern that crosses Leeds Road. A portion of the open space property will be added to the Cherry Hill Improvement Association so the existing pond will be entirely on their property and not conveyed to this Homeowners Association.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, a Sanitary Sewer Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. This analysis must address the adequacy of the existing culvert under Leeds Road adjacent to the existing pond. If the discharge is directed off 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.

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. The existing pond may also be considered as a potential dry hydrant source. Access would be available from MD Route 213.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Mr. Burcham advised that they are proposing to meet the 75-foot lot width so they can use the open section roadway. Mr. Woodhull responded that some lots show less than 75 feet. Mr. Burcham stated they are typographical errors on the plat.

Mr. Woodhull continued: All driveways must be paved to the ROW.

The applicant must request sanitary sewer allocation from DPW. The proposed sanitary sewer line routing will cross any SWM pond discharge conveyance route. Special consideration will be required during design and installation of this pipe because of the routing of the line. Ductile iron pipe must be used for all lines outside of County ROW.

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A utility easement wide enough to accommodate the 8' access road and the sewer line must be provided along the entire length of sanitary sewer line from the cul-de-sac to the ROW for MD Route 213. State Highway Administration must approve the crossing of MD Route 213 and provide CCDPW an easement to maintain the sanitary sewer line within their ROW. The applicant will be responsible for obtaining the required permits from SHA to work within their ROW.

The Final Plats must include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code. The proposed 4' walkway, accessing Leeds Road, would not be County maintained. The Final Plat must include a note indicating that the maintenance of this sidewalk is the responsibility of the Homeowners' Association. The walkway should ideally meet the Road Code Sidewalk Standard. Alternatively, it can be constructed of 2 1/2" hot mix asphalt on top of 8" of graded aggregate. The exact location of this sidewalk, in relationship to Leeds Road, must be identified on the design plans in order to assure adequate room for potential road widening without the need for relocating the sidewalk.

An Inspection and Maintenance Agreement will be required for the SWM facilities and a PWA will be required for the road and storm drains, as well as the sanitary sewer line.

Mr. King advised that SHA will require a permit be obtained from the State Highway Administration (SHA) for access onto MD 213. The developer will have to construct a deceleration and acceleration lane in accordance with SHA criteria. This lane must be 16 feet wide from the edge of the traveled lane. SHA concrete curb and gutter will be required along the acceleration and deceleration lane. The existing shoulder will need to be cored to determine if it is traffic bearing. Storm drain plans and computations will need to be submitted for review by the Highway Hydraulics Division. As shown on the plans all access for lots 1 and 31 must be off of Furlong Drive with no direct access to MD 213. Any additional right of way needed for the road widening must be deeded in fee simple to the SHA. Further comments may be warranted as the project progresses.

Mr. Funk submitted the soils summary to the applicant. The soil delineation shown looks like it may have been scaled incorrectly. The stormwater management pond is in hydric soil. Any homes in hydric soils is very limited for basements.

Mr. Markwardt advised that bus service will be provided at the intersection of MD Rte. 213 and Furlong Drive. He asked when construction will begin. Mr. Candelora answered spring of 2004.

Mr. Roop stated that a JD has been done. Any filling of the non-tidal wetlands would require a permit.

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Mr. Moore read the Health Department comments, a copy attached for reference. Mr. Burcham responded to the comments by stating that the wells are placed based on MDE requirements of 100-foot spacing in order to obtain better recharge. He stated that he would talk to MDE about having all well locations of Lots 1-12 in the front of the homes. He will try to contact MDE prior to the Planning Commission meeting.

Mr. McDowell advised that he has received no comments on this proposal.

Mr. Di Giacomo read MDE, Water Resources Administration, comments, a copy attached for reference.

Zoning is VR (Village Residential) §28 of the Zoning Ordinance created VR districts and regulations for each of the 19 Villages named in the Comprehensive Plan to provide for the protection of existing villages by allowing limited development consistent with the character of these villages. Cherry Hill is a Crossroad Village, situated on the border between the Rural Conservation District (to the north) and the Suburban District (to the south).

The VR zone permits a maximum base density of 1 du/ 1 ac. in areas without community facilities. A maximum density of 4 du/ 1 ac. is permitted in areas with community facilities. This Concept Plat was approved on 8/11/03 for 31 lots on 31.2 acres, for a proposed density of 1/1.006.

Has a boundary line survey been done? Mr. Burcham answered in the affirmative.

Mr. Di Giacomo asked what the heavy black line running through proposed Lots 9-12 signifies? Mr. Burcham answered that it is an error.

Mr. Di Giacomo continued: Slopes > 25% have been shown, and part of the proposed Lot 4 & 5 dwelling locations is on steep slopes. Good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

The expanded 110' perennial stream buffer and 25' non-tidal wetlands buffer have been shown.

An add-on hook is depicted from the road stub to the lands of Milburn. Has Milburn been contacted in this regard? Where do things stand? Mr. Burcham answered that Milburn has not been contacted yet.

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Mr. Di Giacomo continued: Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation. A JD must be done prior to Preliminary Plat review by the Planning Commission.

§28.3 of the Zoning Ordinance stipulates that there be flexibility in lot, yard, open space and setback requirements and to encourage innovative and creative design in order to meet the objectives of this district. It goes on to say that such requirements in the Village District may be varied for each in each individual project by the Planning Commission. In establishing these requirements the Planning Commission shall consider such factors as the proposed intensity of the project, the existing character of the village, and all other County, State, and federal requirements.

With respect to lot and yard requirements, this proposal is generally consistent with the Schedule of Zone Regulations for the VR district.

With respect to open space, this proposal is approximately 59% satisfies the requirements for the VR zone. The landscaped island in the cul-de-sac should be part of the common open space. Access to common open space between lots must be marked with concrete monuments.

The common open space sensitive area thresholds have been calculated and included on the plat.

With respect to the proposed intensity of the project being consistent with the existing character of the village, the proposed density is generally consistent.

With respect to the existing character of the village, this design is generally consistent.

Sidewalks are recommended on both sides of all internal streets and extend to Leeds and Singerly Roads as shown.

Landscaping in the VR zone is required to provide a minimum of 20% landscaping that must be visually harmonious and compatible setting consistent with the existing character of the village. The required greenbelt depicted on the plat is satisfactory. It must be reflected in the PFCP, FCP and Landscape Plan. Bufferyard Standard A has been shown along the common boundary lines of the lands of Milburn to buffer adjacent agricultural uses, and notice has been provided on the plat that an agricultural operation is being

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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. Rows of street trees are required, outside the right-of-way, along both sides of all the proposed Furlong Drive and along the Leeds and Singerly Roads road frontages. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD has been approved. The Natural Heritage letter states that bog turtles are known to occur downstream within the project's drainage area. They recommend that appropriate sediment and erosion control measures be taken to minimize impacts to nearby wetlands.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

Sewerage capacity must be verified by the Department of Public Works prior to Final Plat approval.

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. The metes and bounds description of the FRA must be shown on the record plat.

The road name Furlong Drive has been approved.

Has any consideration been given to the installation of dry hydrants in connection with the stormwater management pond, existing pond, or perennial stream? Mr. Burcham responded that will be analyzed in the stormwater management design. If it is designed as a wet pond, then a dry hydrant location will certainly be entertained.

Mr. Di Giacomo advised that a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

He reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

6. Mike Estes presented MACKIE, WIDENER & BOWMAN (LANDS OF), MD RTE. 273, CONCEPT PLAT, FOURTH DISTRICT.

Mr. Estes stated this property consists of 170.29 acres. It is a cluster development requesting bonus density. The development will be joined with other developments in the area. The farmhouse and existing barn will remain. Most of the development will be barely visible from MD Rte. 273, and what will be seen will be buffered with a Bufferyard A.

Mr. Woodhull stated a SWM Plan, Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

DPW has concerns about Middle Road. Drainage issues continue to be a major problem on Middle Road and have proven to be difficult to correct. The additional traffic load generated by this development will only exacerbate this condition. The Department will look into this further prior to this project going to Planning Commission. DPW would like to discuss this with the developer.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County s SWM Ordinance. 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.

DPW recommends that consideration be given to providing connectivity to Blue Ball Road. Mr. Estes responded there are pretty extensive wetlands in that area, as well as flood area, and it would be difficult to accomplish connectivity. Mr. Woodhull stated the applicant needs to indicate the location of the 100-year floodplain and wetlands. Mr. Estes also stated that there are already two entrances provided and they didn t feel it was necessary to provide a third, especially in an environmentally sensitive area.

Mr. Woodhull continued: Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

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The major purpose of the interim turn around, required by Article VII, Section 7.2 B. 9, is to provide for the staging of fire fighting equipment without blocking access for any emergency vehicles. While this is an important issue, in this case the location is such as to make its benefit moot. Therefore, DPW would look favorably upon approving a variance request for its elimination.

Mr. Woodhull asked if the internal streets are proposed to be open or closed section design? Mr. Estes informed him that that is undetermined at this time. Mr. Woodhull advised that if open section road design is used, significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulbs, and their impact on the storm water conveyance.

All driveways must be paved at least to the right of way.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code.

A PWA will be required for internal streets and storm drains and an Inspection and Maintenance Agreement will be required for all SWM facilities.

Mr. King advised that SHA will require a permit be obtained from the State Highway Administration (SHA) for access onto MD 273. The developer will have to construct a deceleration and acceleration lane in accordance with SHA criteria. This lane must be 16 feet wide from the edge of the traveled lane. The existing shoulder will need to be cored to determine if it is traffic bearing. Storm drain plans and computations will need to be submitted for review by the Highway Hydraulics Division. Any additional right of way need for the proposed widening of the acceleration and deceleration lane must be deeded in fee simple to the SHA. Since access is a concern of the local jurisdiction in their consideration of the subdivision plans, the SHA requires the concurrence or comments of the local authorities prior to our final approval. Further comments may be warranted as the project progresses.

Mr. Di Giacomo asked if SHA would require a Traffic Impact Study. Mr. King advised that he will check with Bob Kiehl.

Mr. Funk submitted the soils summary to the applicant. SCS would like to see soils mapped on the plan.

Mr. Markwardt advised that the subdivision is in the Cherry Hill Middle School attendance area. School bus service would primarily be at Middlecroft Road. If MD Rte. 273 is developed first, then a temporary stop

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would be provided at Rte. 273. He questioned the size, price, and construction start date. Mr. Estes advised that the homes would be 2500-3000 sq. ft., \$300,000 and up, and construction would begin within two years.

Mr. Di Giacomo asked where Rising Sun Middle School attendance area begins. Mr. Markwardt stated homes on MD Rte. 273 attend Rising Sun Middle. The existing house on Lot 1 would be within the Rising Sun boundary.

Mr. Roop advised that any filling within Little North East Creek or the tributary would require a permit. A JD has not been done.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell advised that he has received no comments on this proposal.

Mr. Di Giacomo read MDE, Water Resources Administration, comments, a copy attached for reference.

The zoning is NAR, which permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 56 lots on 170.29 acres, for a proposed density of 1/3.04.

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

The election district is the 4th. The plat indicates it is the 7th. That must be corrected on the plat submitted for review by the Planning Commission.

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. Slopes greater than 25% must be shown on the preliminary plat.

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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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal satisfies the bonus density eligibility open space requirements of the NAR zone. The proposed large lot, combined with the common open space, comprise almost 61% of the total acreage.

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

Bufferyard Standard C is required, outside the right-of-way, along the Route 273 road frontages. However, in the interest of preserving rural character, staff would recommend that there be no Bufferyard C along the route 273 road frontage in favor of a modified Bufferyard A (with no 100' setback), or possibly an afforestation area, along the rear lot lines of proposed Lots 2-8 and the northwesterly side of proposed Lot 47. No other Bufferyard A is required. Rows of street trees 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.

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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

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

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

If proposed lots 50-56 are intended to comprise a mini-road cluster within the subdivision, then a mini-road maintenance association must be established, with the owners of all 7 proposed lots becoming members. Mr. Estes responded that all roads will be dedicated to the County.

Mr. Di Giacomo continued: Aerial photos show an existing stream crossing of the Little North East Creek. Has any consideration been given to access onto Blue Ball Road? Mr. Estes reiterated that the environmental features would make it difficult to put a roadway there.

Mr. Di Giacomo reminded the applicant of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Woodhull listed a number of lots that he requested be noted as denied access.

BERKSHIRE INDUSTRIES, MD RTE. 273, TOWN OF PORT DEPOSIT, CONCEPT/SKETCH PLAN, SEVENTH DISTRICT.

This development is proposed in the Town of Port Deposit. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivisions proposed within the towns corporate limits.

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In this case, the Concept/Sketch Plan was distributed at the 1 October 2003 meeting, and TAC members were asked to review the plan and forward comments to OPZ or Paul Gilbert at the Office of Economic Development within one week. Absentees were mailed copies of the plat.

Clark Turner put forward a presentation of Berkshire Laboratories, to be located on the Bainbridge property in the Town of Port Deposit. He explained that the enterprise will eventually contain 500 acres. The concept sketch presented today illustrates the first building to be constructed. It will be a 10,000 sq. ft., one story, concrete slab structure.

He gave some background on the company. It is based in Columbus, Ohio. They have spent the past six years getting patents on record and are now ready to do business with various industries. Penn State did a study on Berkshire and found all their tests worked. It is believed that Berkshire will make the United States a world leader in spectral science. Their Wall Street backer is Bain Capital, who only backs one in 200 businesses. Mr. Turner feels Berkshire could be a huge thing for Cecil County, as well as the state of Maryland.

They first wanted to put manufactured homes at Bainbridge so they could set up immediately. However, he wanted to set the right tune, so the project has been designated as fast track by the County and the submitted sketch plan is being proposed. Berkshire wants a campus type atmosphere.

This plan was presented to the Port Deposit Planning Commission last week and approved. However, the Planning Commission requested comments be received from the County Technical Advisory Committee. The building will cover 6% of the property. The density will be very low, with a lot of open space. The buildings will be very traditional to the area and to Bainbridge. They hope to have the water and sewer issues resolved within the next two to three weeks. The first building will be served by a septic system. Ten employees will be employed initially, with 20-25 employees eventually being in the first building.

Mr. Moore asked if the company will deal with any hazardous waste. Mr. Turner answered no. Everything they do deals with energy. Berkshire will own 100% of the technology, having joint ventures with different industries.

John Conwell displayed an overview of the Bainbridge property.

Mr. Turner explained that Bain Capital runs Berkshire commercial endeavors. Bentley Blum backed them and helped them get their patents.

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Mr. Di Giacomo asked what the advantage is to locate in Port Deposit as opposed to Columbus, Ohio. Mr. Turner rationalized that the location is perfect since Delaware is the chemical capital, New Jersey is the pharmaceutical capital, Virginia is the telecommunications capital, and Baltimore/Washington is the health capital. Therefore, they are at the wall of many areas that their technology is involved in. Further, Maryland has the highest number of people in the country per capita with advanced degrees.

Subsequent to the TAC meeting, the Office of Planning & Zoning submitted their comments. They are as follows:

Zoning: BX

- Note # 3 cites the overall tract acreage, but not that of the development parcel. It is recommended that that information be included.
- Note # 1 refers to this as a subdivision. If so, then what is the lot number on which this development is proposed? In addition, the total number of lots should be shown or referenced, the density should be stated, and it should be verified that the proposed density/intensity of use is consistent with the Town's Zoning Ordinance and Subdivision Regulations.
- Note # 7 indicates that the proposed zoning is BX. If the current zoning is other than BX, then it should also be cited.
- Note # 9 is confusing as to whether required parking spaces are per square feet or employees. It should be confirmed that the number of parking spaces proposed meets at least the minimum and maximum number stipulated in the Town's Zoning Ordinance and Subdivision Regulations.
- Note # 9 indicates that 69 parking spaces are proposed. Only 68 are depicted on the plat. That discrepancy should be eliminated.
- The dimensions of the handicapped parking spaces are 9 x 18. Consideration should be given to enlarging them. It should be confirmed that the number of handicapped parking spaces proposed meets at least the minimum number required by the Town's Zoning Ordinance and Subdivision Regulations.

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- It should be verified that the proposed density for all phases is consistent with that allowed in the BX zone.
- It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the BX zone. A neo-traditional or TND site design, with parking on the side and in the rear of the building, would better present the architectural style and could better create a distinctive campus environment and feel.
- It is recommended that the required setbacks be referenced on the plat.
- It is recommended that the locations of all impervious surfaces be consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations with respect to steep slopes.
- Since 4 points of vehicular ingress and egress are proposed, adequate direction signage is recommended in the parking area, consistent with the MUTCD.
- No proposed vehicular and pedestrian circulation pattern details have been provided.
- It should be determined if the open space proposed satisfies the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- It should be confirmed that the landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.
- It is recommended that a bufferyard be installed along the Jacob Tome Memorial Highway (MD 276).
- It is recommended that the Landscape Plan be approved prior to final approval.

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- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- It is recommended that a Landscape Agreement be executed prior to recordation or final site plan approval.
- It is recommended that the sewer and water notes at least briefly explain the temporary nature of the on-site septic system and any preferred water alternative.
- It is recommended that every effort be made to accommodate alternative modes of transportation.
- Sidewalks are recommended. Bicycle lanes, paths, and racks should be considered.
- A campus setting is likely to generate pedestrian traffic. Sidewalks and striped crosswalks should be considered.
- A more neo-traditional site design, with parking on the side and in the rear of the building, could create a more campus-like setting.
- It is recommended that a lighting plan be approved prior to final plat approval. It should address security and safety issues, especially the potential pedestrian-vehicle conflicts in the parking area.
- The location of the proposed screened dumpster is awkward. Another location should be found that is more convenient, close to the building, and without so much conflict among automobile, pedestrian, and refuse truck traffic.
- It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town's Subdivision Regulations, Public Works street code, and BX zone regulations.
- Consideration should now be given to the location and possible design of transit stops for possible future transit service.

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- The Town of Port Deposit has not assigned its forest conservation obligations to the County. Therefore, it is recommended that the County's current role in reviewing the Town's forestry plans be explicitly determined and articulated.
- The final Forest Conservation Plan (FCP) should be approved prior final subdivision approval.
- Deed restrictions for the long-term protection of any Forest Retention/ Afforestation Areas (FRAs) should be recorded and noted on the plat prior to recordation. The metes and bounds description of the FRA should be shown on the record plat.
- The internal street names must be approved by the County 911 Emergency Center. None have been provided.
- It should be confirmed that the proposed building height does not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.
- Consideration should be given to exploring possible bikeway, greenway, and hiking trail linkages.
- Consideration should be given to soliciting review and comment on the sketch plan's proposed layout and access by the Port Deposit Volunteer Fire Co.
- No fire hydrants have been shown.
- Fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as suggestions from the Port Deposit Volunteer Fire Co.
- Consideration should be given to locating dry hydrants at the stormwater management pond if feasible.

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- Water allocation should be confirmed prior to final approval, depending upon the alternative selected.
 - Sewer allocation should be confirmed prior to final approval, or ultimate sewer connection.
 - It is recommended that utility easements be placed in medians rather than on carriageways so as to minimize future disruptions of traffic.
- It is recommended that the proposed use of the site be referenced on the plat.

There is no indication as to the types and locations of proposed signage. That information should be provided, and it should be confirmed that what is proposed is consistent with the Town's Zoning Ordinance and Subdivision Regulations.

November 5, 2003, 9:00 a.m.

Technical Advisory Committee

PRESENT: Di Giacomo, Woodhall, Carter, Latham, Von Staden, Roop, Ancell for (Hodgson), McDowell and Jones

ABSENT: Black, King, Funk, Ouano, Markwardt, Davis, and Hicks.

1. Donnie Sutton presented Murphy s run, lots 40-43, revised lots 24 & 25, liberty grove road, preliminary plat, mccrone, inc., sixth election district.

Mr. Sutton stated that he was presenting the final section of Murphy s Run subdivision. The final section consists of the final four lots that were approved as part of the concept. Lot 24 and 25 has been revised in order to adjust the rear lot lines, which will change the open space area. This area had previously been slated for future development on the prior preliminary plot which had been approved based on perc testing. As a result the systems have to be set off from lot 40 and 41 but with the help of the Health Department it looks like it will work.

Mr. Woodhull stated a SWM Plan, a Street and Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, (A Lot Grading Plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A (5) of the County s SWM Ordinance. This must include but not be limited to roadside drainage ditches and piping along New Valley, Liberty Grove, and Basin Run Roads and the intermittent stream particularly at Basin Run Road. Basin Run is classified as a Use III-P stream and the SWM plan must address this accordingly.

The Department is concerned with the possibility that the SWM Facilities will discharge a concentrated outflow on to an adjacent property owner and or that the existing pond on the Lands of Truslow will be impacted. If the SWM discharge 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

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251-13 of the Cecil County SWM Ordinance.

Where determined necessary by the utility companies, the owner, the designer or DPW utilities poles must be relocated at the Owner's expense.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

A PWA will be required for the internal roads and storm drains.

Ms. Latham stated that there had already been a Water Appropriation Permit in use for the site. There was no impact in the changes made, and therefore no need for any further permits.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Roop, Corps of Engineers, stated that the plans and the cross sheet does not show any streams or wetlands that would require a Department of Army Permi, and the JD has not been done.

Mr. Ancell had no comments.

Mr. McDowell advised that he has received no public comment on this submittal.

OPZ comments were as follows: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary Plat proposes 4 lots, 40-43, and the revision of 2 lots, 24 & 25, from a previously approved Preliminary Plat (lots 1-39).

The Concept Plat was approved on 6/16/03 at a density of 1/3.059, conditioned on:

- 1) A boundary line being done for the preparation of the Preliminary Plat for density calculation purposes;
- 2) A Jurisdictional Determination (JD) being done prior to Preliminary Plat review by the Planning Commission; and

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- 3) The proposed Gerald's Way connecting through to New Valley Road.

A Preliminary Plat for proposed Lots 1-39 was approved on 8/18/03, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Bufferyard C along Lot 1's frontage on Liberty Grove Road being waived;
- 4) Proof of permission to cross the power company's lands being obtained from BG&E prior to Final Plat review; and
- 5) The forest retention areas being shown on the final plat and matching the Final Forest Conservation Plan.

That Preliminary Plat's approval effectively eliminated the requirement for connectivity to New Valley Road.

Has a boundary line survey been done? Mr. Sutton replied yes.

Slopes greater than 25% been shown.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

At the Concept Plat's TAC review, Mr. Sutton stated that wetlands existed. If they are field-delineated and are situated in the common open space or on the large lot, then per the policy adopted on 3/20/95 (and revised on 1/16/96) a Jurisdictional Determination (JD) need not be done. Otherwise, a JD must be done prior to Preliminary Plat review by the Planning Commission. Has the JD been done? Mr. Sutton replied yes. The Field Delineation has been and is in the open space and large lot and therefore there will be on JD.

All but two of these lots are shown to have steep slopes. 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.

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This section is .63 acres of common open space boosts the total open space proposed to 62.57%. Thus, the bonus density open space requirement in the NAR zone has satisfied.

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

Rows of street trees are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be substituted to meet the street tree requirements.

The Forest Stand Delineation (FSD) and Preliminary Forest Conservation Plan (PFCP) have been approved. The details of the PFCP and the Preliminary Plat do not match up, including FRA boundaries. That must be rectified on the plat submitted for review by the Planning Commission.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final. The details of the FCP and the Final Plat must match up.

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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names have been approved.

Proof of permission to cross the power company's lands must be obtained from BG&E prior to Final Plat review. What progress has been made with in that regard? Mr. Sutton noted that the power company is awaiting submittal of a copy of the engineering plans which will also be sent to PWD for review.

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

Has any consideration been given to installing dry hydrants at the stormwater management ponds? Mr. Sutton responded that will be looked at if there is sufficient volume. When would it be looked at? Mr. Sutton responded final plat at which time the final engineering design will be complete.

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

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

2. Mike Burcham, Gary Slagle, Jr. and Mary Slagle presented Lands of Slagle, llc colora road, concept plat, mccrone, inc., sixth election district.

Mr. Burcham stated that he was presenting the property located in the Rural Conservation District of the Comprehensive Plan. This property is zoned NAR, and it consists of 28.62 acres on the east side of Colora Road. It has been brought to Mr. Burcham's attention that this plan does not meet the intent of the zoning ordinance in relation to bonus density. The intention was to create nine lots on the 28.62 acres under the bonus density requirements of the Comprehensive Plan which would allow 3.18 acres per dwelling unit. All property under 30 acres requires that the large lot consist of at least 60% of the site. Therefore, Mr. Burcham noted, as they proceed to the Planning Commission submittal, adjustments will be made to the current layout to include the common open space around the existing pond and Lot 2 as one combined total lot, which allow them to meet the 60% requirement.

Mr. Burcham when on to say that they will have access from Colora Road via a 50' wide panhandle, which allows access into the property. It is an extremely long road but will only be serving 9 lots from the county road. The wording will be revised to note that a Road Code Variance will be requested for Lot 10 to eliminate the intermediate turn around. The intermediate turn around will only occur in the large Lot 2 and not around any other part of the development. Before proceeding to the Planning Commission Mr. Burcham will be asking to remove the intermediate turn around in Lot 10.

The road will need to cross non-title wetlands North of Lot 47A (Country Acres) where it joins. There is an existing culvert pipe in the field, and we propose to replace it when the design for the county road completed. This road allows access to and from the development portion of the property. The adjoining properties are currently in agriculture use, and therefore we have shown Bufferyard A and 100' building set back around the rear portion of this property. Lots 8-10 are bordered by existing hedge rows and vegetation and are labeled Bufferyard A so that they meet the requirements, which is a row of white pine trees. Along the back of Lots 6-8 that joins the Hilton property there will be a proposed Bufferyard A along the boundaries of those lots and the 100' set back included along those lots also.

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Mr. Woodhull stated a SWM plan, a Street and Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.).

Is the existing pond being proposed for use in SWM control? Mr. Burcham replied No, they will be designing still water management facility outside of the pond. If it is the SWM plan must include an engineered As-built of the pond and supporting calculations as to its capacity to meet any new demands. A hazard analysis and breach analysis of the on site pond and the pond on the Lands of Wells will be required.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

If stormwater discharge is directed off of the site on to adjacent property 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.

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.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Verify adequate separation distance between Russell Road and proposed entrance, which is a 125 minimum per the Subdivision Regulation.

An intermediate turnaround is required by the Road Code and should be planned in the vicinity of the Common Open Space.

Connectivity to the Lands of Wells should be considered.

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Connectivity should also be considered to the Lands of Hilton; if connectivity is provided, the Department will entertain a Road Code Variance to eliminate the intermediate turnaround.

Section 3.07.15 of the Road Code directs that Colora Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Colora Road and the proposed entrances.

Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the Owner's expense.

Sight distance measurements must be provided for the proposed entrance. The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location. All driveways must be paved to the ROW.

A 30' wide ROW must be dedicated, in fee simple on Colora Road. The dedication note on the Final Plat must read, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

What type of road design is proposed? Mr. Burcham replied open section roadway. Mr. Burcham also stated that he had not noted the road wide easement because the entire 50' frontage will be dedicated as part of the county road.

If open section is used, significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulbs, and their impact on the storm water conveyance.

Who and where was the Land of Douglas created? Was a PRMA used? In 1986 a PRMA was granted for them to access Colora Road from Leonard/Douglas property. How will the proposed road affect their rights as currently established? Mr. Burcham assumed that by creating the county road their prior agreement will not be necessary.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

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An Inspection and Maintenance Agreement will be required for the SWM facilities.

A PWA will be required for the road and storm drains.

Ms. Latham stated that it has been less than 10 months since they applied for a Water Appropriation Permit.

Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Roop of the Corps of Engineers stated that any filling in the streams, non-title wetland or ponds will require a Department of Army Permit.

Mr. Ancell had no comments.

Mr. McDowell noted the adjacent property owner to the North, would like to preserve the option of developing his lands in the future. To do this effectively, there should be road connectivity between the subject development and his lands. A provision should be included in this plat with space for a future access road in the area of lot number seven. The topography of the adjacent property and this property are favorable for this access, and future residents in a development on the adjacent property would benefit from this access. Providing this access would significantly reduce the impervious areas on steep slopes, decrease the runoff, and aid in the effective management of stormwater.

OPZ comments were as follows: The NAR zone permits a maximum base density of 1 du/ 5 ac. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 9 lots on 28.62 acres, for a proposed density of 1/3.18.

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

References must be made to Minor Subdivisions 1289 and 1304.

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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.

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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

No common open space is required for only 9 lots. However, from the perspective of bonus density eligibility, the proposed common open space comprises only 22% of the acreage, and the proposed large lot comprises only 38%. Therefore, this proposal does not satisfy the bonus density eligibility requirements set forth in §22.2.c of the Zoning Ordinance. The zoning ordinance does not permit any common open space if a large lot is used to qualify for bonus density eligibility, but the Planning Commission has the power, under §3.5 of the Subdivision Regulation, to permit it.

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

No sidewalks are recommended in the NAR zone.

With regard to the proposed Road Code waiver, Note # 10 should use terminology other than "intermediate cul-de-sac," as that makes no sense.

Bufferyard Standard A is required along the rear lot lines of proposed lots 6 - 10 to buffer adjacent agricultural uses. For subdivisions proposed on property contiguous to operating farms, notice shall be

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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.

No 100' setback is required along the side property line of proposed Lot 10. Why is it shown?

Rows of street trees 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.

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat.

The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final.

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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

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Has any consideration been given to providing stub roads to the lands of Hilton to the north and Wells to the south? Mr. Burcham replied not at this point. Staff will recommend that stubs be extended.

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

Covenants prohibiting the subdivision of any large lot must be recorded and noted on the plat prior to recordation.

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

Are the lands of Douglas considered Lot # 1? Is that property proposed to access the new road? Yes it is proposed to access the new road and it was recorded in 1986 with no lot number.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. Mike Burcham, Gary Slagle, Jr. and Mary Slagle presented Marley Farms, Section D, Lots 51-60, vista & Childs roads, concept plat, Mccrone, inc., third election District.

Mr. Burcham stated that this is a 26.5 acre parcel that adjoins the existing Marley Farm subdivision and is accessed by a 60' wide panhandle off of Vista Road. The property is also joined at the North side of Childs Road. Two portions of the property are separated by an adjoining property owner, 171 Childs Road LLC, that access off of Childs road into the property, which is not part of this proposal. We are proposing ten lots on 26.52 acres in the SR zone in the suburban district of the comprehensive plan. This allows a base density of one unit per acre. The proposal is for 2.65 acres per dwelling unit. The property adjoining the Little Elk Creek on the East. We are proposing to utilize the 60' panhandle and then drop it down to a 50' wide right of way once we get in beyond the existing lots 43 and 44 of Marley farms with a standard 75' radius cul-de-sac. Off of that we are proposing that in the southern direction a proposed 50' wide mini road to service 5 lots. We are also proposing to create one common driveway access to get into the two lots directly in front of Childs Road. We felt the property delineated some non-title wetlands on the property. There are some intermittent streams that need to be crossed for the 60' main section of the main panhandle as you come in off of Vista Road, and the remainder of the wetlands and stream buffers are on the eastern side of the property. We also have a required 15% common open space bordering the Little Elk Creek and Childs Road on the southeast side of this property.

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Mr. Woodhull stated show Vista Drive as a cul-de-sac on the Vicinity Sketch.

A SWM plan, a Street and Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans, (A lot grading plan has been approved by the CCDWP for the construction shown hereon. A site construction as-built shall be submitted to the CCDWP prior to use and/or occupancy of any of the sites shown hereon.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

Specific attention will be required when addressing stormwater run-off from Lots 53, 59, & 60 and their impact on the Lands of 171 Childs RD., LLC as well as on Childs Road itself. If stormwater discharge 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.

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.

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

The Department strongly recommends that the Planning Commission require the Developer to provide a second entrance to Childs Road. As proposed Marley Farms would be a 60-lot subdivision, which would basically 58 lots accessing off of Papermill Road and onto Child s roads but it would still be 58 with one entrance. Our concern is that we not knowingly create a development with limited access for emergency response vehicles when the potential for connectivity is so obviously available.

This Department currently has Building Permit G5506 for review. This permit is for a dwelling on parcel 316 of Tax Map 20, which is the same parcel identified for Marley Farms, Section D, Lots 51-60. Development on a lot of record is certainly valid. However, the Department is seriously concerned that the construction of this dwelling will effectively remove any possibility of the Planning Commission considering the merits of a second entrance for this 60-lot subdivision. Its proposed location places it on what is identified as Lot 51 of Marley Farms on this concept plat. If in fact the potential for this connectivity is negated by this construction

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the Department recommends that the Planning Commission disapprove this submittal.

The Department also recommends that Lots 51 & 52 be denied access to Childs Road and be made to access an internal street.

There appears to be sump area in the southeast corner of the subdivision between Lot 52 and the 171 Childs Road, LLC property, along Childs Road, that does seem to have any relief drain. Mr. Woodhall noted that when he was at the site and was looking at the driveway it looks like there is a very wet spot and it looks like Childs Road is pretty much effectively traps the water in there. Mr. Burcham responded that there is no ditch line on the road from the hill to 171. The lack of adequate drainage created by this sump has adversely impacted the travel way of Childs Road. The Developer will be responsible for the correction of this situation.

All driveways must be paved to the ROW.

What type of road design is proposed? Mr. Burcham and Mr. Slagle responded that they are proposing open section road.

If open section is used, significant design consideration must be given to the issue of driveway pipe locations, in the area of the cul-de-sac bulbs, and their impact on the storm water conveyance.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner, as required by the Cecil County Road Code.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

A PWA will be required for the road and storm drains.

Ms. Latham stated that she had checked out the history of the preexisting part of the subdivision, up to Lot 50 60, and found that the property had been developed before 1979 and had a different developer. In addition there are 10 or less lots being treated as a new subdivision, even though it is part of an older one. Therefore MDE has decided not to require a Water Appropriate Permit.

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Mr. Von Staden read the Health Department comments, a copy attached for reference.

Mr. Roop of the Corps of Engineers stated the filling of Little Elk Creek, adjacent wetlands and intermittent streams will require a No- title permit. JD has not been submitted.

Mr. Ancell had no comments.

Mr. McDowell noted that residents of the original Marley Farms subdivision are concerned about the planned extension of the development. They were unaware of the potential for further subdivision when they purchased their properties. Due to the wooded nature of this area which borders Little Elk Creek, they are concerned about loss of forestation and the handling of stormwater runoff, and consequently are concerned about the impact construction on the subject property could have on their adjacent properties. They are also concerned about the increase in traffic through their development. This concern could be alleviated by adding an entrance on to Childs Road. This would also add a safety factor for the original development since it only has one entrance. They are also concerned that the new homes are appropriate in style, quality and price so there is no negative impact on the values of the original development. One adjacent property owner was also concerned that the sign notifying the community about the development immediately blew away and was only later found by the next-door homeowner in the nearby weeds. He requested that more substantial signage or notification by mail be used since the neighborhood almost missed knowing of these plans.

Mr. DiGiacomo explained that proposed subdivision reviewed by the TAC does not require notification by mail, and that the property has been reposted because of the inclement weather.

OPZ comments were as follows: The SR zone permits a maximum base density of 1 du/ 1 ac. in the absence of community facilities. Although previous sections have been recorded, there exists no valid Concept Plat to guide the development of this section. This Concept Plat proposes 10 lots on 26.52 acres, for a proposed density of 1/2.652.

Five of the proposed lots (55-55 & 59-60) are depicted on a proposed mini-road. Two of the proposed lots (51-52) would directly access Childs Road. Only three lots would be served by the proposed new County road.

Why hasn't a road connecting to Childs Road been proposed? If Section D is approved as proposed, then there will be a total of 58 lots with one point of ingress and egress. In addition, proposed lots 51-52 would directly access Childs Road and have no access to the proposed common open space.

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Therefore, staff will recommend that a road be extended to Childs Road and that all lots access internal roadways. As both access points would be to/from Childs Road, cut-through traffic is not really an issue.

A building permit has been issued for this parcel with access from Childs Road in the area of proposed lots 51-52. Staff recommends that either the building be put on hold until final disposition of this subdivision proposal or proposed lots 51-52 be dropped from the proposal. As it is, the house is proposed for lot 51, and its well is proposed on lot 52.

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

The immediately adjacent property at 171 Childs Road is zoned M2. That must be reflected on the plat submitted for review by the Planning Commission (Appendix A, I.5).

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft 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.

Slopes greater than 25% must again be shown on the preliminary plat. Proposed lots 51-53 & 56-57 are depicted having areas of steep slopes.

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' which appears to be in error at the very top of the plat.

The Bay View USGS quad map shows the stream on proposed Lots 56-57 as perennial, which requires a 110' stream buffer.

Intermittent stream require a 25' buffer, to be expanded to 50' in forest retention areas.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

This proposal includes 4.12 acres of common open space; 3.98 acres are required in the SR zone.

15% of the required open space shall not consist of perennial or intermittent stream buffers, non-tidal 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 non-tidal or tidal wetlands. Those acreage figures are given.

Sidewalks are recommended on at least one side of all internal roads in the SR zone.

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

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

Bufferyard Standard D is required along the border of the adjacent M2-zoned property.

Rows of street trees 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.

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat.

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The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

A Landscape Agreement must be executed prior to recordation.

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

The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Adjacent property deed references (Ash, Graham, & Carnegie) are incorrect. They must be corrected on the plat submitted for review by the Planning Commission.

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

Will the owners of these proposed lots become members of an existing Marley Farms Homeowners Association? If so, then any necessary revisions to the HOA charter must be recorded and \$50 per recorded lot must be placed in escrow for improvements prior to recordation.

If not, then a Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. Access rights of the lot owners from other sections to Section D's common open space must be formalized.

If the mini-road configuration is approved, then a mini-road maintenance association must be established prior to recordation, with the owners of those lots accessing the mini-road becoming members.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

December 3, 2003, 9:00 a.m.

Technical Advisory Committee

REVISED

PRESENT: DiGiacomo, Woodhall, Carter, Latham, Moore, Roop, Ouano, Markwardt, King, McDowell and Jones

ABSENT: Ancel, Funk, Davis, and Hicks

1. Stan Granger presented Country Manor Estates, Lots 1 - 5, Principio Road, Preliminary/Final Record Plat, American Engineering and Surveying, Inc., Fifth Election District.

Mr. Granger stated Country Manor is a five lot mini road subdivision plan on Principio Road that is seeking preliminary final approval.

Mr. Woodhull stated a SWM plan, a street and storm drain plan and a Mass and Final Grading plan must be approved by the DPW prior to submittal for Final Plat Approval. These plans were submitted on 11/21/03 and have not received final approval at this time. It is unlikely that technical approval will be granted prior to the December Planning Commission meeting. The Department recommends that you do not submit for this month's meeting.

The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The ROW dedication should be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

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It is the departments understanding that the internal road is proposed as private. As such, the requirements spelled out in Section 2.13 of the Road Code must be adhered to. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities. All Lots must become members of the mini road maintenance association and access from the mini road.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for the private mini road and storm drains.

Mr. King had no comments.

Ms. Latham stated that a Water Appropriation Permit was not required.

Mr. Markwardt stated that since the road will be private there will be no bus service provided. Service will be provided at the entrance of Principio Road.

Mr. Roop stated there were no wetlands and therefore no federal permit would be required but advised that the state be contacted if planning to do anything with the pond. JD has not been done.

Mr. Ouano stated that since the roads are going to be private the applicant may want to consider street lighting along this side of the roads. He questioned the size of the homes. Estimated price is between \$200,000 and \$250,000.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file

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OPZ comments were as follows: The zoning is NAR. The permit shows a maximum base density of 1 dwelling unit per 5 acres.

The Concept Plat was approved on 3/17/03 at a density of 1/9.023, conditioned on:

- 1) The boundary line survey being completed prior to TAC review of the Preliminary Plat, and
- 2) The JD being completed prior to preliminary plat review by the Planning Commission.

This Preliminary-Final Plat proposes 5 lots on 45.103 acres, and is consistent with the approved Concept Plat.

Has boundary line survey been done? Yes

Has the JD been done? Not sure. Mr. DiGiacomo noted that the JD is a condition of the Concept Plat approval.

The parcel shown in the vicinity map as Parcel 378 is Parcel 397. That must be corrected on the plat submitted for Planning Commission review.

The wetlands, intermittent stream, and associated buffers shown on the FSD are not shown on this Preliminary-Final Plat. That must be rectified on the plat submitted for review by the Planning Commission.

A 25' buffer is required around any non-tidal wetlands present. A 25' buffer is required along all intermittent streams. If an intermittent stream lies within a FRA, then it requires a 50' buffer.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to Preliminary-Final Plat review by the Planning Commission.

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No common open space is required. No landscaping of the development envelope is required in the NAR zone. Bufferyard standard A is required along the northern property line of proposed Lots 1 & 5. A 100 building setback is required. The setback is 25 for accessory structures.

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. That notice must appear on the plat submitted for Planning Commission review.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed mini-road. (Comment: Public Works is satisfied with this configuration. Satisfying a mid block turn around for the mini road because of the length). Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) has been approved (2/28/03). The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Preliminary-Final Plat. A Landscape Agreement must be executed prior to recordation.

The road name Floral Way has been approved. A Mini-road Maintenance Association must be established prior to recordation with all lot owners becoming members.

The lot created via Minor Subdivision # 1606, shown as other lands of Otto M. & Greta E. Huegel must be denied access to the proposed mini-road, as has been noted.

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. The metes and bounds description of the FRA must be shown on the record plat.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

2. Melissa McKenzie and Sam Jenkins presented **Rolling Mill Water Treatment Plant (Improvements), Tentative Site Plan, Phase 6, Town of North East, Rolling Mill Lane, Transviron, Inc.,**

Fifth Election District.

Ms. Mckenzie stated they are before the committee today to attain their guidance with respect to the Rolling Mill Water Treatment Plant.

Mr. Woodhull stated a SWM plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The SWM submittal must be in accordance with the current SWM Ordinance per this Department s 4/4/02 letter to the Engineer.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

If stormwater discharge is directed off of the site on to adjacent property 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.

The proposed sanitary sewer discharge will require a sewer allocation from the CCDPW. Full characteristics of the outflow stream, sludge discharge, to the County s treatment plant must be provided to the CCDPW for review. This includes pH, TSS, TDS, BOD, & COD.

Why are the solids for Phase 2 only twice that of Phase 1, when the Phase 2 discharge is triple that of Phase 1? It goes from 282 to 565 in solids but you go from 56,000gpd to 168,000gpd. Mr. Jenkins answered that he did not know.

The Developer must verify the capacity of the line to the Washington Street Pump Station. The line may not be able to handle flows at Phase 2.

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Additional information must be provided regarding the discharge schedule (that is, what will be the cycling i.e. 6 backwashes per day @ 7,500 gallons over a ten minute period?), so that we know what type of sequencing the plant can expect to see.

Connection fees for this project will be based on new flow in excess of the approximately 10,500gpd treated now as well as on the basis that the sludge discharge solids loading is approximately two and one half (2.5) that normally associated with normal domestic sewage. Therefore, Phase 1 would be based on 45,500gpd x 2.5, or 113,750gpd. This is equivalent to 519 ELU at \$1,200.00/ELU, or \$622,800.00 connection fee. Likewise, Phase 2 would be based on 123,100gpd above Phase 1 x 2.5, or 308,750gpd. Therefore, on the same basis as with Phase 1, Phase 2 connection fee would be \$1,690,800.00 (1409 ELU @ \$1,200.00/ELU).

Has consideration been given to the installation of solid waste handling facility on site? No. In lieu of some \$2.3 million which would be the two phases plus the continuing annual usage plus the continuing annual usage fees onsite handling may be more cost effective? Yes with those kinds of numbers it needs to be looked at. An I&M Agreement is required for the SWM Facilities.

Mr. King had no comments.

Ms. Latham advised the applicants to set up a pre-design meeting, concerning the appropriation issue.

Mr. Markwardt had no comments.

Mr. Roop asked if there were any wetlands, or is it just a reservoir. Mr. Jenkins answered yes just a reservoir.

Mr. Ouano advised that if there are any changes or add-on made the applicant will be required to submit an application to Conectiv.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had not comments.

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Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: This site plan is proposed in the Town of North East. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns corporate limits.

The town zoning is R-3. Is any portion of this site within the Critical Area? No.

The Town of North East and Cecil County signed an Assigning obligations under the Forest Conservation Act agreement on 2/4/00. Due to amendments made to the Forest Conservation Regulations on 7/16/02, projects of this nature on lots of record existing prior to 1991 are no longer exempt. Therefore, an FSD and an FCP must be approved.

On sheet 7, there are 2 identical Note # 15 s. Since there has been no FSD, upon what is the statement made in Note # 15 based?

It is recommended that the town double check the acreage prior to site plan approval. The 13.9 acres cited on sheet 7 is at odds with the 16.5 acres shown in tax records.

It should be confirmed that the setbacks are consistent with the Town s Zoning Ordinance for the R-3 Zone.

It is recommended that the plat be checked to ensure that all requirements for site plans, as set forth in the Town s Zoning Ordinance and Subdivision Regulations, have been satisfied.

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

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town s Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

It is recommended that no street/landscaping trees be planted within 20 feet of sewer or water lines.

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It is recommended that the Landscape Plan be approved prior to final site plan approval.

It is recommended that a landscape agreement be executed prior to recordation or final site plan approval.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

It should be confirmed that the number of parking spaces falls within the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.

Consideration should be given to soliciting review and comments on the subdivision layout by the North East Volunteer Fire Company.

Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations. Consideration should be given to locating a hydrant/standpipe to the west of the proposed process building.

Water and Sewer allocations should be confirmed prior to final approval.

It is recommended that a lighting plan that emphasizes pedestrian safety and security be submitted and approved prior to final site plan approval.

It is recommended that any variance numbers be shown on the plat.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

3. Will Whiteman and J. Thomas Armour presented J. Thomas Armour (Lands of), Mini-Road Subdivision, Red Toad Road, Concept Plat, Will Whiteman Land Surveying, Inc., Fifth Election District.

Mr. Whiteman stated that the property is titled a mini road subdivision, but he would like to mention that it is in fact a minor subdivision being serviced by an interior road. The property consists of 19.29 acres with a total of five lots. There is an error on the building restriction lines. The plat should reflect 100' along MD Red Toad Road, not Rte 272. There is a 36' wide mini road. There are a lot of non-tidal wetlands on the site which have been delineated. The soil types and contours are shown along with the approximated location of three to four bedroom houses. This is a NAR zone with a mineral extraction overlay.

Mr. Woodhull stated that the scale should be shown as 1" = 50'. The current scale shows 1" = 100'.

A SWM plan, a street and storm drain plan, and a Mass and Final Grading plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance.

If stormwater discharge is directed off of the site on to adjacent property 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.

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.

It is the Departments' understanding that the internal road is proposed as private. As such, the requirements spelled out in Section 2.13 of the Road Code must be adhered to. These requirements include a statement clearly outlining the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads

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and storm drainage systems must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: The proposed internal roads will not be dedicated for public ownership or maintenance. The Mini-Road Maintenance Association shall retain title to the road and all maintenance responsibilities.

Section 3.07.15 of the Road Code directs that Red Toad Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Red Toad Road and Regal Regency Court. However, the department sees only minor requirements in this area because of the existing condition of Red Toad Road; primarily, suitable conveyance must be confirmed or established and maintained.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. Provide a curved transition at the cul-de-sac at Lot 3.

Lots 1 and 5 must be denied access to Red Toad Road along their entire frontage and on Regal Regency Court for the first 75' from the intersection with Red Toad Road. All driveways must be paved at least to the right of way.

Clarify the extent of the add-on portion from York Building Products. Mr. Whiteman stated that the add-on was the result of the re-working of Red Toad Road by the design engineer and the owners of the property at that time. In addition an incline swap was done between the applicants' property and York Building Products. The little gap in question will be worked out hopefully after the TAC meeting.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for internal streets and storm drains.

Mr. King had no comments.

Ms. Latham stated that five lots do not need a Water Appropriation Permit.

Mr. Markwardt asked what the site distance was. Well in access of 1000' and 800' to the left. Bus service will be provided where the mini road, Regal Regency Road meets Red Toad Road.

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Mr. Roop, Corps of Engineers, stated that any filling of non-tidal wetlands requires a permit. JD has not been completed.

Mr. Ouano had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Whiteman stated that there is a portion of Lot 2 shown on the left side of Regal Regency Court that was reserved to be a 10,000 square foot septic disposal area. He noted that he had a meeting with Mr. Smizer prior to today's meeting and this is the first time there was any concern with Lot 2. Mr. Whiteman will supply Mr. Moore with the name of prior approvals.

Mr. McDowell had no comments.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: The property is zoned NAR that permits a maximum base density of 1 dwelling unit per acre for minor subdivisions. This Concept Plat proposes 5 lots on 19.29 acres, for a proposed density of 1/3.858. The scale should be 1 to 50.

In the MEB overlay zone, mineral extraction activities are permitted per § s 17 and 67.2 of the Zoning Ordinance. A note to that effect should be added to the plat, and all adjacent properties in the MEB overlay zone should be shown on the plat.

As this proposal is situated on Red Toad Road, Note #4's reference to MD 272 is inappropriate. A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. It appears that the arrow pointing to the add-on from York Building Products should be redirected. The add-on hook must be added.

Reference must be made to Minor Subdivision 2767. The current deed is WLB 1331/420; therefore the title should be Lands of J. Thomas Armour et al.

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Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. 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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission. The habitats of rare, threatened, and endangered species must be avoided.

No common open space is required for fewer than 10 lots. No landscaping of the development envelope is required in the NAR zone. Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Red Toad Road.

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.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed Regal Regency Court mini-road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. A Landscape Agreement must be executed prior to recordation.

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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. The metes and bounds description of the FRA must be shown on the record plat.

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

A Mini-road Maintenance Association must be established with all lots owners being members.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

4. David Dodge and Don Sutton presented Valley Vista Estates, Mechanics Valley Road, Concept Sketch, McCone, Inc., Fifth Election District

Mr. Dodge stated that Valley Vista Estates property went in front of TAC approximately two years ago, at which time it was know as the Futty property. The applicants are working with the Town of North East on annexation and public water matters, as well as with the county on the lack of infrastructure along Rte 40 and the existing pump station. In the event that the Town of North East is not granted public water rights the applicants have redesigned their initial plan of 217 units per 10,000 square foot lot, to meet the code of North East, to a plan of 12,000 square foot with individual wells. If the Town of North East proceeds with annexation and public utilities the applicants will revert back to their original plan.

Mr. Woodhull stated these comments are predicated on this development remaining under County jurisdiction.

The following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a Stormwater Management plan; a Street and Storm Drain plan; a Mass and Final Grading Plan; and a Sanitary Sewer plan. The Final Plat must include the standard 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 hereon. 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 hereon.)

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The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property 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.

Section 2.12 of the Cecil County Road Code requires that all permanent easements for sanitary sewers and storm sewers be a minimum of 20' wide. Therefore, the open space access between Lots 84/85, 58/59 and 60/61 must be increased to a minimum width of 20'. They may need to be wider yet to adequately accommodate access to the SWM Areas for inspection and maintenance as well as storm water conveyance. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. All driveways must be paved at least to the right of way.

Lot frontage dimensions dictate that closed section road is used. Modified curb and gutter may be used internally, but standard 7' curb will be required for the entrance(s) from at least the PCs.

Lots 94, 95, 106, 115, 135, & 143 must be denied access to Valley Vista Drive and Lots 53 & 66 must be denied access to South Falls Drive.

All lots must front Minor Roads wherever possible. Where substantiated as necessary, lots may front Major Collector Roads; however, additional pavement cross section or other measures such as driveway turnarounds may be required by the department to provide for safe egress from driveways. Where determined necessary by the utility companies, the owner, the designer, or DPW, utilities poles must be relocated at the owner's expense.

A 30' ROW dedication is required for Tract 3's frontage on Mechanics Valley Road and should be denoted as, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County. The ROW, at the entrance to the development off of Mechanics Valley Road, must be clarified as to its extent.

Significant road improvements will be necessary to Mechanics Valley Road and possibly the intersection with U.S. Route 40. Improvements may include acceleration and deceleration lanes, a bypass lane on Mechanics Valley Road, and/or vertical alignment corrections south of the entrance on Mechanics Valley Road (knoll about 385' south of entrance). In anticipation of the evaluation for the need of such improvements, the consultant should develop topographic contours at least 30 feet each side of centerline for Mechanics Valley Road from the CSX Bridge to U.S. Route 40.

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What potential exists for access to U.S. Route 40? Not a lot of potential because the property owner, Mrs. Fuddy will not sell the piece of property that would allow access from the property to Rte 40. The nature and extent of the Mechanics Valley Road upgrades will be affected by whether or not Rte 40 access is achievable.

If Tract 3 is proposed for active recreation, as was speculated at one point, the pedestrian traffic across Mechanics Valley Road must be considered. Vehicular points of entry should likewise be cautiously considered for Tract 3.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code. There are no sidewalks currently along Mechanics Valley Road.

A Sanitary Sewer submittal must be approved by the DPW for the sewer improvements prior to submittal for Final Plat Approval. The Route 40 pump station has no more capacity and sewer allocation cannot be made until it is upgraded. Mechanics Valley LLC is negotiating an agreement with the Board of County Commissioners that, if successfully executed, will provide build-out capacity for the corridor.

The DPW is currently preparing an outline proposal of a Shared Utility Ordinance for water & sanitary sewer. This development can reasonably assume future water connection with the Town of North East. Therefore, it is appropriate to consider this development as a candidate under this shared utility ordinance, in lieu of 209 individual wells.

Is the AT&T ROW for buried or aboveground lines? A plan to reroute the lines along the roadways will be developed. Does AT&T own the ROW in fee simple? Yes. The ROW is shown on the drawing scales at 20 +/- feet. Is the ROW 65 feet wide? No, it should be 16½ feet wide.

If AT&T owns the ROW the Developer must obtain the appropriate easements to allow County infrastructure to cross their utilities. At a minimum extensive engineering will be required to address all concerns of both AT&T and the DPW.

What consideration has been given to the proximity of the CSX line to the rear yards of Lots 6-31 (in respect to the safety zone and derailment)? There is an existing wooded edge along that area now, a hedge row. In addition to that there are some steep slopes in that area.

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An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for internal streets, storm drains, and sanitary sewers.

Mr. King asked when the last traffic impact study was completed. Within the last 18 to 24 months. Mr. King advised the applicants that they will need to update the traffic impact study. Was the future access included in that study? Yes

Ms. Latham stated that if public water is not available and the property requires private wells a Water Appropriation Permit will be required.

Mr. Markwardt stated that students will probably need to be picked up before the roads are accepted by the county. Therefore a wavier will be required which will basically state that someone will maintain the roads and that the buses will not be held responsible for any damage to the subsurface before the final asphalt is applied and accepted. The buses will not be able to come into the development until Valley Vista Drive connects with the South Falls Drive. Most of the bus stops will be at street corners. Therefore bus shelters will not be required. Initially the buses will come in on Valley Vista Drive and go out South Falls Drive. Then at some later time service will expand to cover Vista Creek Court.

Mr. Gradecak had no comments.

Mr. Roop, Corps of Engineers, stated that any filling in the North East Creek, streams or adjacent wetlands requires a permit. JD has not been done.

Mr. Ouano had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell noted that residents of the area, including Mechanics Valley, Indian Falls, Bouchelle Road, and Lums Road have concerned about the impact of this very large, new development of 209 homes, will have on their community. The following impacts will occur:

1. Traffic safety hazards

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There will be a significant increase in traffic on Mechanics Valley, Bouchelle and Lums Roads. There is already very heavy truck traffic on Mechanics Valley Road due to the Maryland Materials quarry and the hot mix plant. These additional 209 homes will add 300-400 cars, each making several trips every day in and out of the development. This could quadruple the traffic on these roads. This new development will exacerbate a long standing concern of the residents about safety due to fast moving truck traffic. The proposed entrance onto Mechanics Valley Road enters at a point where there is a sharp hill to the South, going down to the bridge over the creek, and there is a hill to the North, going up to the railroad overpass. There is also a curve in each direction. At the proposed entrance South bound there is a NO PASSING road sign due to a steep hill and curve, and North bound there is a yellow ess curve caution sign. When traveling North, due to a knoll at the crest of the hill, the entrance cannot be seen. The Traffic Impact Study should include a survey of the existing speed patterns along Mechanics Valley Road in order to determine the required stopping distance. The sight distance for heavily loaded dump trucks and tractor and trailers traveling down the hill towards the entrance should be established with consideration that some may not observe the speed limit. It should be noted that the plat shows a straight road and does not accurately portray the significant curves in the road.

What improvements including acceleration/deceleration lanes, shoulders, drainage, widening, regrading, and repaving, will the county require to safely handle the increased traffic load? A short section of road improvement just at the entrance will not alleviate this problem.

The primary entrance to this development should be from Rt. 40. A second entrance to a development of this size is essential to provide access for emergency vehicles and to reduce the traffic flow which will be channeled onto the unsafe entrance location on Mechanics Valley Road.

2. Ecological damage

Due to close proximity of the proposed homes and lots to the two major streams that flow through the farm, the North East Creek and the Little North East Creek, and the numerous wetlands, feeder streams and intermittent streams that flow through the farm, there will be increased pollution in these streams which all feed the North East River and dump into the Chesapeake Bay. The areas along these streams are in the FEMA 100 year flood plain including the area by the bridge on Mechanics Valley Road where seasonal flooding occurs. Also the farm has been a haven for wildlife which will end with this development.

3. Density and lot size

Due to the small lot sizes (12,000 square feet), the narrow lot widths (65 feet), and the resultant high density of housing, the quality and price of homes will devalue the other homes in the area. This lot size and width as well as the stated building set-backs just meet the minimum county standards.

4. Diminished quality of life impacting a quiet community.

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The development will attract young couples and families with teens and children. This large number of homes with its anticipated demographics will result in greatly increased activity, car traffic, noise, and road litter.

5. Other Issues

The residents are also concerned about Tract 3 on the plat which is marked Reserved for Future Development . The unknown plan for this tract looms as another threat to their present rural home sites. Also, the open space to the North of the railroad tracks does not provide any way it can be accessed other than walking over the railroad tracks which is a safety hazard.

6. Actions Requested

Specifically, the local residents request the following actions be taken to reduce the negative impacts of the Valley Vista Estates development:

First and most importantly, require that the primary access to the development be from Route 40 instead of Mechanics Valley Road. This will reduce many of the issues cited above.

Reduce the density of the housing and plan it for upscale homes which will be an asset to the community.

Require a Traffic Impact Study be conducted that addresses all of the traffic issues noted above.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: The SR zone permits a maximum base density of 1 dwelling unit per 1 acre or 2 dwelling unit per 1 acre with community facilities. This Concept Plat proposes 209 lots on 217.303 acres, for a proposed density of 1/1.03.

With slight variations, this project was previously reviewed by the TAC on 9/5/01 at which time this property was proposed to be annexed into the Town of North East.

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A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Applicant informed the committee that the survey has been done.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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.

Slopes greater than 25% must be shown on the preliminary plat. Steep slopes have been depicted.

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'. Perennial and intermittent streams and buffers have been depicted except on proposed Lot 7 and possibly 8.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

57.6% common open space is proposed. 15% is required. Consideration should be given to exploring possible greenway and hiking trail linkages, especially in the open space along the Northeast Creek. Such linkages could include the East Coast Greenway, the Lower Susquehanna Heritage Greenway, and the Mason Dixon Trail. The Comprehensive Plan identifies a greenway along the Little Northeast Creek. In accordance with § s 178.2 and 182 of the Zoning Ordinance, land proposed as open space along the Little Northeast Creek should be set aside as an access easement or fee simple dedication if a safe way to the north of the CSX line is feasible.

How will the open space to the north of the CSX rail line be accessed? No there is no access with the exception of a crossing for farming vehicles which is show on the CSX evaluation maps. That rail line is a Class 1 main line. Pedestrian crossings are not permitted and would not be safe. Despite that, proposed open space access between lots 8 & 9 seems to invite a crossing of the tracks by pedestrians.

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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. Those calculations should be included on the Preliminary Plat.

It is recommended that an adequate safety zone be provided between the dwelling locations on proposed Lots 6-30 and the derailment zone along the CSX main line.

Protective fencing is recommended around the stormwater management areas especially those near designated recreation areas. Such protective fencing should be included in the Public Works Agreement.

With respect to those recreation areas, if playground equipment is proposed, then it, too, should be included in the Public Works Agreement.

Note # 13 indicates that the AT&T easement will be relocated, but it does not say where. There are no current plans because the project is only at the concept stage.

Twenty percent landscaping of the development envelope is required in the SR zone.

Sidewalks are recommended on at least one side of all internal roads, the names of which must be approved by the 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

How many parking spaces are proposed for each lot? There will be off street crossing. Are they proposed to be off-street? Yes

What is the purpose of the proposed parking area opposite proposed Lots 51 - 53? The purpose is parking for the recreation area. How many spaces are proposed at that location, and how many will be handicapped parking spaces? The number of parking spaces has not been defined at this time.

Bufferyard Standard C is required, outside the right-of-way, along the frontages on Mechanics Valley Road and the Pulaski Highway.

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Rows of street trees 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) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat. Access to common open space between lots must be marked with concrete monuments.

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

Verification of sewer capacity must be obtained from the Cecil County Department of Public Works prior to Final Plat review by the Planning Commission. Verification of water allocation must be obtained from the Town of North East prior to Final Plat review by the Planning Commission. Likewise if you do get water from the Town of North East we will need that verification of allocation prior to the Final Plat Review by the Planning Commission, assuming that it is the county Planning Commission that makes the decision.

A Traffic Impact Study (TIS) reveals that this development would create a level of service (LOS) at the US 40/Mechanics Valley Road intersection below what the Comprehensive Plan deems acceptable for this area. In addition, the TIS recommend that the developer pursue the construction of an additional southbound lane along Mechanic Valley Road. This additional lane would allow for on exclusive left turn lane and one shared thru and right turn lane.

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Staff will recommend that access onto US 40 be obtained. That would enhance the layout from both the urban design (including pedestrian access to future transit service) and emergency access management standpoints.

The fire hydrant/standpipe locations should be shown on the Preliminary Plat, and they should be consistent with DPW regulations and recommendations by the North East Volunteer Fire Company. The North East Volunteer Fire Company has been provided a copy of this plat but has not commented. Should they make any comments we should try to comply with their comments as best as we can.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

5. David Dodge and Donald Sutton presented **Brick House Farm Estates, Lots 1 - 32, Elk Forest Road, Concept Sketch, McCone Inc., Second Election District**

Mr. Sutton stated that access will be gained from Elk Forest Road which would lead to the existing approved intersection at Rte 213. The layout is proposing for 32 lots with the existing farm house, barns and out buildings being retained as the large lot, as well as common open space being provided.

Mr. Woodhull stated a SWM plan; a street and storm drain plan; and a Mass and Final Grading plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property 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.

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.

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Section 3.07.15 of the Road Code directs that Elk Forest Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Elk Forest Road and the Brick Pointe Lane. However, the Department foresees only minor works in this area.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. All driveways must be paved at least to the right of way.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for internal streets and storm drains.

Mr. King stated that there is no access from the common open space to Rte 213.

Ms. Latham stated that private wells will need a Water Appropriation Permit.

Mr. Markwardt stated that bus service will be provided at the corner of Bridge Point and Elk Forest.

Mr. Gradecak had no comments

Mr. Roop, Corps of Engineers, stated that the non-tidal require a permit and JD has not been done.

Mr. Ouano had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell advised that he had been contacted by a large number of residents with concerns in several areas regarding the proposed development. All expressed concern about the loss of farmland and rural environment with the conversion to subdivision housing and the resultant impact on their community. The primary technical concern is the increased traffic flowing into Elk Forest Road and on to Rt. 213. This is already a difficult intersection with traffic entering from Brantwood. There will also be a significant increase in traffic due to the many soccer fields currently being constructed on Elk Forest Road. Already, some people

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take a long route around to Locust Point Road to the traffic light on Rt. 213 to avoid the Elk Forest-Rt.213 intersection. Some traffic will take Spears Hill Road; however, it is also a very dangerous intersection. The heavy north bound weekend traffic already backs up from the Locust Point Road traffic light. Lowering the 55 mph speed limit should be considered for this area as development is increasing the congestion. It should be noted that there may be some agricultural activity on the adjacent lands of Parrish. Another concern expressed was the impact on the bay due to increased runoff of nitrogen from residential yards. The health of the bay has been dropping and again this year the bay report from the Chesapeake Bay Foundation indicates a one point drop in the health index.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: The zoning is NAR & RCA. The NAR zone permits a maximum base density of 1 dwelling unit at 5 acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 32 lots on 97.5 acres, for a proposed density of 1/3.04.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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.

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 present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

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This proposal satisfies the general open space requirement for bonus density eligibility in the NAR zone. The large lot (32) and the common open space total approximately 67% of the acreage. No landscaping of the development envelope is required in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Elk Forest Road and MD 213 as well as Spears Hill Road.

Rows of street trees 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. Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. Was there any thought to connecting to Spears Hill Road to provide additional access? Yes but then backed off mainly because of the existing older residents.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat. 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. The metes and bounds description of the FRA must be shown on the record plat.

Note # 5 has omitted the map number reference. The internal road names will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations.

Access to common open space between lots must be marked with concrete monuments. Covenants prohibiting the subdivision of the large lot must be recorded and noted on the plat prior to recordation.

A portion of proposed Lot 32 is in the Critical Area. An environmental assessment must be done. No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures. No more than 15% of the surface area can be converted to impervious surface in the RCA.

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No more than 20% of the forest or developed woodland may be removed. In the critical area, no structure shall exceed 35' in height.

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

Mr. DiGiacomo noted that it was his understanding that at TIS has been done with a signal one analysis for this intersection. Mr. King was for the recreation. And the finding was, this time the signal was not warranted. In the future we will need to revisit and if not a signal may be a round about.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

6. Donald Sutton, Mary Slagle, Gary Slagle, Jr., and Dave Willis Sr., presented Antego, Lots 1-44, Deaver Road, Concept Sketch, McCrone, Inc., Third Election District

Mr. Sutton stated they are proposing to create an entrance from Beaver Road.

Mr. Woodhull stated a SWM plan; a street and storm drain plan; and a Mass and Final Grading plan must be approved by the DPW prior to submittal for Final Plat Approval. The Final Plat must include a note recognizing the applicability of the Lot Grading Plans. (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.)

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property 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. This applies to the property of the Baltimore & Ohio Railroad, who should be made aware of the SWM plan and any run-off that will impact them.

The 100-Year Flood Plain line has been shown graphically and has not been tied to a contour. The graphic representation suggests that it is as high as the 165' elevation, which would impact portions of Lots 9, 12, 13, and 16-19 as well as several SWM facilities. Because they could potentially be within the floodplain, an

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engineering analysis must be completed to delineate the 100-year flood plain line by contour.

Identify the stream as the East Branch Laurel Run. Will the existing pond adjacent to Lots 29, 31, and 32 be used as a SWM facility? No. Antego Drive will cross two existing ponds. The construction plans must show these areas as being substantially undercut to ensure sound sub-base. Geotechnical inspection of the sub-base will be essential. 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.

Section 3.07.15 of the Road Code directs that Deaver Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Deaver Road and the Antego Drive. Currently Deaver road has an ADT of approximately 690. Sight distance measurements provided for Antego Drive must be reviewed by DPW to establish compliance with the Cecil County Road Code. However no measurements have been provided for the joint driveway for Lots 1 & 2. It is the Department's position that Lots 1 & 2 should access Antego Drive and not directly on to Deaver Road, which serves as a Minor Collector Road.

In the area of the entrance substantial tree removal and bank grading will be required to achieve good sight distance. Lots 3 & 4 must be denied access to Deaver Road along their entire frontage. All driveways must be paved at least to the right of way. Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval.

Remove the property line at the entrance to Antego Drive separating the ROW from the Deaver Road frontage easement. What is proposed for the existing structures on site? The structures will be demolished with the exception of the barn which is still being discussed. A PWA will be required for internal streets and storm drains. An Inspection and Maintenance Agreement will be required for the SWM facilities. Lots 3 and 4 should also be denied access to the first 75' on Antego Drive.

Mr. King had no comments.

Ms. Latham stated that a Water Appropriation Permit will be required.

Mr. Markwardt stated that bus service will be provided at Antego and Beaver Road. They request that Lots 1 and 2 are going to access Beaver road that they have a walking pathway to connect Lots 1 and 2 to Antego so that students could walk to Antego to catch the bus whether it is sidewalk or mulch doesn't matter.

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Mr. Gradecak had no comments.

Mr. Roop, Corps of Engineers, stated that any filling of the intermittent or perennial streams or wetlands requires a permit. JD has not been submitted.

Mr. Ouano had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: The SR zone permits a maximum base density of 1 dwelling unit 1 acre in the absence of community facilities. This Concept Plat proposes 44 lots on 138.1 acres, for a proposed density of 1/3.138.

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

As proposed, there are five panhandle lots, and at least two that would directly access Deaver Road. Staff will recommend that all lots access internal roadways, as recommended in the Comprehensive Plan and the Subdivision Regulations.

Minor Subdivisions 2135 and 2196 must be referenced. In Note # 7, the deed reference should be WLB 1476/434.

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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

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activities.

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' as is the case behind proposed lots 5-17.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

Wetlands shown on the FSD are not shown on the plat. That must be rectified prior to the Planning Commission's review of the Concept Plat.

A portion of the intermittent stream buffer to the east of proposed Lot 1 has been omitted.

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

15% common open space is required in the SR zone; 40% is proposed.

At a minimum, 15% of the required open space shall not consist of perennial or intermittent stream buffers, nontidal wetlands or buffers, steep slopes, or habitats of rare, threatened and endangered species. No more than 40% of the common open space required shall consist of those areas designated as nontidal or tidal wetlands.

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

Sidewalks are recommended on at least one side of the proposed Antego Drive.

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

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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. Bufferyard Standard A is required to buffer any adjacent agricultural uses.

Rows of street trees 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.

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final.

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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road name must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

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

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

Marley Road has been misspelled in the vicinity map. That must be corrected.

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The soil type near proposed Lots 8 and 27 (MnC2) is not identified. It must be shown on the Preliminary Plat submitted for TAC review.

Consideration should be given to the installation of dry hydrants along the ponds, streams, and stormwater management facilities.

The lands of Rzucidlo appear to be land-locked. If so, then access must be provided.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

7. Mr. Witlen and Bud Rice presented *Bayside Developers, Inc. (Lands of) Main Street & MD Rte 282, Concept Site Plan, American Engineering & Surveying, Inc., First Election District*

Mr. Witlen stated that this plan was submitted to Cecilton Planning Commission in November. Some minor corrections have been made. It is being presented to TAC per Cecilton's Planning Commission suggestion. The project will be a retirement dwelling, duplexes and one triplex or town house, office, retail and several apartment units.

Mr. Woodhull stated it is the CCDPW's understanding that this development is located within the Town of Cecilton. Therefore, our comments are presented as recommendations for all aspects of this project not under direct control of this Department.

A SWM plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. If stormwater discharge is directed off of the site on to adjacent property 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.

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The CCDPW recommends that the site plan be reconfigured to reduce the number of parking spaces directly accessing the proposed road, given the future connectivity and increased ADT.

What is the paved width of the loop portion of the proposed road? Answer 20'. The four parking spaces and dumpster are in an awkward location for pedestrian access and are half in and half out of the ROW thus not creating confusion as to maintenance. The CCDPW recommends that a sidewalk be placed in front of Units 1-6 and the 4 parking spaces to eliminate those people from crossing the streets.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

The CCDPW recommends that the Town of Cecilton require a PWA and financial assurance for the streets, storm drains, and utilities.

Mr. King stated that in the video log in his office it looks like there is a fresh curb entrance very close to where the proposed street connection is going to be. Therefore that will need to be shown on the plan. Mr. Cordell noted that the curb is the entrance to an existing resident that is not shown on the plans, but will be removed.

Ms. Latham stated that Cecilton's Water Appropriation Permit is not in good standing. Cecilton applied for an increase in 2000 but all the paperwork was not complete. In addition their permit has since expired. They currently have a permit for 40,000 gallons a day and they are exceeding their permit. Therefore, until they complete their permit paperwork they cannot take on anyone.

Mr. Markwardt asked if all the residential use is going to be of a retirement nature. Yes with the exception of the apartments. Cecilton elementary is within the walking distance. Bus service to Bo Manor Middle and High School is in the immediate vicinity.

Mr. Gradecak had no comments.

Mr. Roop, Corps of Engineers, stated that the plans do not show any streams or wetlands so he assumes that there are none on the property. A JD has not been done.

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Mr. Ouano stated that he represents Conectiv from north of the Bohemia River, and he believes the Centerville district will cover the project area. Therefore you will want to send all correspondence to them.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: This subdivision is proposed in the Town of Cecilton. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

The town zoning is TC. It should be confirmed that mixed-use development is permitted by the Town's Zoning Ordinance in the TC zone.

No street name has been provided. It is recommended that the street name approval be obtained from the Emergency Services Dept. prior to the Cecilton Planning Commission's review of the Final Plat.

Sidewalks are proposed. They are designed to provide pedestrian connectivity to the adjacent parcel to the northeast, but not to Frisby's Meadows to the northwest. Why not? Mr. Cordell stated that the future road will supply connectivity. He also noted that they may want to install sidewalks on both sides of the street.

It is recommended that the proposed density for the residential portion be verified as being consistent with the Town's Zoning Ordinance.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the TC zone.

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It is recommended that the plat be checked to ensure that all requirements for Concept Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.

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

Any habitats of any rare, threatened, and endangered species should be avoided.

It should be confirmed that the landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards. Especially in respect to street trees and any required bufferyards. It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.

It is recommended that the Landscape Plan be approved prior to final subdivision approval. The Landscape Plan should be developed so as not to create any visibility or sight distance issues for bicyclists, pedestrians, or motor vehicle operators. It is recommended that a Landscape Agreement be executed prior to recordation.

Cecilton has signed an Assigning Obligations Under the Forest Conservation Act agreement with the County. Therefore, OPZ will review and approve the FSD and the FCP for the Town. Neither has yet been submitted.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations for both uses in the TC zone.

It should be confirmed that the number of handicapped parking spaces falls with the minimum established by the Town's Zoning Ordinance and Subdivision Regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.

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Will the open space be common open space or public parkland? Applicant is not sure at this time.

It should be confirmed that the amount of open space proposed is consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations for both uses in the TC zone.

Consideration should be given to soliciting review and comments by the Cecilton Volunteer Fire Company with respect to the development layout and any fire hydrant locations. In addition, consideration should be given to the installation of a dry hydrant at the stormwater management pond. Any fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Cecilton Volunteer Fire Company. The fire company has been provided with a copy of the plat, but we have not received any comments.

Water allocation should be confirmed by the Town of Cecilton prior to final approval. Sewer allocation should be confirmed by the Town of Cecilton prior to final approval.

It is recommended that any necessary variance or special exception numbers be shown on the plat.

It is recommended that protective fencing be considered around the stormwater management pond.

In the interest of reducing vehicle movement conflicts, consideration should be given to moving the 10 parking spaces along the east side of the entrance to behind the retail/office building.

In the interest of reducing vehicle movement conflicts, consideration should be given to moving the 17 parking spaces along near front of the mixed use apartment building to the rear, or to moving all 36 parking spaces to the rear. Either way, the sidewalk could be continuous. There would be no backing movements into the flow of traffic.

In the interest of reducing vehicle movement conflicts, consideration should be given to making the 14 parking spaces on the west of the entrance diagonal, head-in spaces. That way, backing movements would need block only one lane of traffic.

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In the interest of maximizing safety and security, a lighting plan should be reviewed and approved prior to final approval.

Given that the duplexes and triplex dwelling units are proposed as retirement housing, walking could be an issue. Therefore, the dumpster location at the far end of the unnamed right-of-way may prove inconvenient to those residing at the near end.

The word rationale has been misspelled in Parking Rational.

Consideration should be given to the installation of a bicycle racks near the proposed ice cream parlor and office retail building.

The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

Mr. Woodhall added that it looks like the applicant intends to provide continued access on to the Town of Cecilton s property, which will give you the ROW.

8. Tim Wittie presented West Creek Village Apartments, Fletchwood Road, Revised Concept Plat, Morris & Ritchie Associates, Fourth Election District

Tim Wittie stated that the project before the committee consists of two parcels which are presently zoned residential multifamily and is presently an existing apartment complex. Parcel 175 was at one time part of an approved concept plan under the Hardy Realty Inc. The proposed development will exist of 190 townhouse units which will be located on Parcel 175. An additional 480 apartment units plus the existing 234 units will total 904 units. The allowance is 1226 units.

Mr. Woodhull stated the following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for Final Plat Approval: a stormwater management submittal; a street and storm drain submittal; a Mass and Final Grading Plan; a sanitary sewer submittal; and a water system submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. 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

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construction on the lots shown hereon. 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 hereon.)

Has the fire company commented on the need for fire hydrants? No. DPW requires hydrants at each intersection (including Fletchwood Road) and along the internal streets at separation distances of no more than 600 feet. Because of the clustering of townhouses, consideration of closer hydrant spacing may be in order (although consultation with the Singerly Fire Company is recommended); alternatively, other consideration should be given to minimize the spread of a fire, given the close spacing of buildings.

The ability of the existing water distribution system, together with the proposed extensions, to provide adequate fire flow and pressure must be demonstrated through a comprehensive network model. A baseline study of the Meadowview Plant has been commissioned and is currently underway.

Looped water mains must be designed to ensure adequate fire flow and pressure throughout the development.

The downstream conveyance of stormwater must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. This includes analysis of the drainage ditches and cross culvert on MD 277.

The existing SWM pond adjacent to Building 2 must be shown. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval.

Is West Creek Village Drive built to County standard? Applicant will have to look into it. All driveways must be paved at least to the right of way.

Cornus Court, as well as, an apartment building, several lots, and SWM Areas are immediately adjacent to the flood plain line, which has been graphically shown from the FEMA maps. In reality, the flood plain follows some (probably as yet undefined) topographic contour. Because they could potentially be within the floodplain, an engineering analysis must be completed to delineate the 100-year flood plain line by contour. A particular concern is that West Creek Drive could be under water during a significant flood and could pose emergency response concerns.

If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner, as required by the Cecil County Road Code. A request for water allocation must be submitted to DPW. No wastewater allocation exists for this development at this time. T

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The Meadowview Wastewater Treatment Plant has no unallocated capacity at this time. As such, no new connections may be made until system capacity is expanded.

We can allocate the existing 234 of the remaining 240 ELU allocated to and prepaid by West Creek Village Apartments. This allocation expires in 2006. An assumed 6 ELU will be withheld until flow measurements have verified maximum flows. We anticipate beginning a design-build project for the Meadowview WWTF in January 2004 with completion scheduled 18 months later at which point sufficient capacity would be available. It will be our recommendation to the Planning Commission that Concept Plat approval be granted on the expectation of service in approximately 2 years, but Preliminary Plat approval should only be granted for 234 units until that time.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

A PWA will be required for internal streets, storm drains, and sanitary sewer.

Mr. King stated that a traffic impact study must be submitted and a signal warrant analysis for the intersection of West Creek Drive and Rte 277 along with the intersection of Rte 316 and Rte 277. Curb and gutter will need to be constructed along the frontage of 16' from the edge of the traveled lane. Storm drain plans will need to be submitted. Will need a sticking plan center left turn lane prior to Walnut to Rte 279. If an additional ROW is need it must be within the guidelines of the MD State Highway regulations.

Ms. Latham stated that questioned the public water supplier. She suggested that the applicant contact the Engineering and Technical Assistant Division.

Mr. Markwardt stated that bus transportation will need a wavier to come up West Creek Drive or way to turn around.

Mr. Gradecak had no comments.

Mr. Roop, Corps of Engineers, stated that any filling of nontidle wetlands or streams a permit. You will need to contact another state concerning the isolated wetlands down in the north corner for any permits. A JD has not been done.

Mr. Ouano had no comments.

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Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: The zoning is RM. 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. It was approved on 10/21/02 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.

The 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 and 12/13/00).

This revised Concept Plat proposes a total of 904 dwelling units on (234 already existing) on 83.90 acres. 714 of the proposed dwelling units are apartments, at a density of 13/1; and 190 are townhouse units, at a proposed density of 6.5/1. The RM zone permits a maximum density of 12 dwelling unit 1 acre for townhouses and 16/1 for apartments or condos, with community facilities.

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This design is consistent with §7.2.12 (e) (4) of the Subdivision Regulations with respect to the proximity of the proposed entrance to Persimmon Lane.

A Traffic Impact Study (TIS) will be required. It must be submitted prior to the submission of the Preliminary Plat for TAC review.

A portion of the Hardy Realty proposal was a condominium project. Is any portion of this proposal a condominium? No

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 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. 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'. There appear to be hydric soils (Hatboro silt loam and Othello silt loam) on either side of the stream, but only a 110' stream buffer has been shown.

Consistent with §174.1.b (1) (a) & (b), since this property is located in the Development District, as defined by the Cecil County Comprehensive Plan, the Planning Commission may waive the expanded buffer if evidence is provided that this design would provide the same level of water quality or better. Note # 13 indicates the waiver is being sought.

A 25' buffer is required around all non-tidal wetlands present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

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

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20% open space or 16.78 acres is required in the RM zone. About 39% -- or 32.61 acres are proposed.

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. Those thresholds must be provided on the Preliminary Plat submitted for TAC review.

All Phase III structures should be labeled or numbered for easy reference.

Consideration should be given to providing active recreational amenities in the areas of common open space.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended on both sides of all internal roads, as well as along Fletchwood Road.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Singlerly Volunteer Fire Company. Consideration should be given to the installation of a dry hydrant on the proposed bridge structure over the West Branch.

The minimum distance between townhouse structures shall be 60' if the townhouse structures are face to face. No townhouse structure shall be closer than 20' to any interior roadway or closer than 15' to any off-street parking area excluding garages built into an individual townhouse unit.

The maximum townhouse height is 35'.

Apartment buildings shall be set back at least 20' from all parking areas and internal roads (§29.4.h).

No apartment building can be constructed closer to any property line of the development tract than a distance equal to the height of the building (§29.4.d).

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The maximum length of an apartment building is 300 feet (§29.4.j).

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Fletchwood Road. The 25' peripheral bufferyard is also a Bufferyard standard C.

Rows of street trees 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.

An adjacent property is shown zoned R-1. No such zoning classification exists. That must be corrected.

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

Some of the parking spaces are depicted partly on individual lots and partly on common open space. Those spaces should be located on one or the other, but not both. In addition, some parking spaces are depicted on 2 lots; that situation should also be avoided.

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

The Forest Stand Delineation (FSD) for the Hardy Realty parcel was approved on 10/2/02. The locations of wetlands shown on this Concept Plat do not match up with those depicted on the approved FSD. Those discrepancies must be resolved prior to the Planning Commission's review of the Concept Plat.

The Phase I area could be considered exempt under §3.2M. That has not been noted however.

The Phase II areas that deviate from the West Creek Village Apartments' Record Plat are subject to the Forest Conservation Regulations, as is Phase III.

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The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat.

The final Forest Conservation Plan (FCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

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. The metes and bounds description of the FRA must be shown on the record plat.

The internal road names will need to be approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat. It is recommended that the proposed West Creek Drive name be changed to West Creek Village Drive, to avoid confusion.

Access to common open space between lots must be marked with concrete monuments. Additional open space access between structures should be considered in the townhouse portion. As designed, most owners would take a long and circuitous path to their back yards. To move lawn mowers or grilles to the rear yards, for example, this is an inconvenient design.

In the Section II Phase III portion, a Homeowners' Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and townhouses offered for sale.

Verification of water and sewer allocation must be received for each phase and/or section prior to the Planning Commission's review its Final Plat.

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The applicant was reminded of the Monday noon submission deadline for review by the Planning Commission this month.

9. Steve Eichler and Carl Hawkins presented Clement W. Carson (Lands of), Broad Street & MD Rte 7, Preliminary Plan, Wilson Deegan & Associates, Inc., Seventh Election District

Mr. Eichler stated that this project will allow nine single family lots but they are proposing four single homes with public facilities and individual driveways.

Mr. Woodhull stated It is the CCDPWs understanding that this development is located within the Town of Perryville. Therefore, our comments are presented as recommendations for all aspects of this project not under direct control of this Department.

A SWM plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. Where will the SWM facility discharge be outlet? Tying into the drain on Elm Street. Are there existing storm drains in this area? Yes How far down on Elm Street is the storm drain located? It is right in front of the property, right next to the Town of Perryville Building. If stormwater discharge 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. This applies to the property of the Pennsylvania Railroad, who should be made aware of the SWM plan and any run-off that will impact them.

The CCDPW strongly recommends that the proposed SWM Facility be located within common open space. As indicated, the maintenance and repair of the facility would be the shared responsibility of the owners of Lots 3 & 4 and be spelled out clearly in their Deeds. In either case a SWM Easement must be provided around the facility.

The CCDPW understands that the Street entrance and storm drains will be dedicated to the Town of Perryville. However, the Department recommends that the proposed common drive be adjusted to line up with the centerline of Harford Street.

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The configuration of the lots and common drive could lend itself to substantial disputes amongst the landowners over maintenance responsibilities. It would be preferable for a conventional street to be built and dedicated to the Town of Perryville.

Has consideration been given to connecting Harford Street to Main Street (MD RTE 7)? No because there is a substantial elevation change.

An Inspection and Maintenance Agreement will be required for the SWM facilities.

The CCDPW recommends that the Town of Cecilton require a PWA and financial assurance for the streets, storm drains, and utilities.

In response to the comment that the property is relatively flat. We will have to look very closely to the to make sure that we don't impact the town's community center. DPW will also need to make sure that there is adequate capacity for the flow into the storm drain.

Mr. King stated the need to review the access to Rte 7.

Ms. Latham stated that the Public Water permit is in good standing with lot capacity.

Mr. Markwardt stated that the property is in walking distance for Perryville Middle and Elementary School. There is bus service in town for the High School.

Mr. Gradecak had no comments.

Mr. Roop, Corps of Engineers, stated that the plan does not show any streams or wetlands therefore a permit is not required. A JD will need to be done.

Mr. Ouano has no comments.

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Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

Mr. DiGiacomo noted that the applicant has been provided a copy of the report from the Soil Conservation Service and a copy of the report will be placed in the file.

OPZ comments were as follows: This subdivision is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns corporate limits.

The Town Zoning: R-3.

Has a Concept Plat already been reviewed? No

Has any consideration been given to creating common open space and a public street as opposed to the common drive and utility easement? That is something to be considered.

No street name has been provided. The Emergency Services Dept. recommends that the common drive be designated Harford Street. It is recommended that street name approvals be obtained from the Emergency Services Dept. prior to the Perryville Planning Commission's review of the Final Plat.

It is recommended that sidewalks be given favorable consideration. It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance. It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R-3 zone.

It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied. In addition you will need to verify if a concept will need to be reviewed.

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

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Any habitats of any rare, threatened, and endangered species should be avoided.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts. It is recommended that the Landscape Plan be approved prior to final subdivision approval. It is recommended that a Landscape Agreement be executed prior to recordation.

Perryville has not signed an Assigning Obligations Under the Forest Conservation Act agreement with the County. Nevertheless, OPZ will review and comment on any FSD or FCP as a courtesy to the Town. Neither has been submitted.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.

Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the development layout and any fire hydrant locations.

Any fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company.

Water allocation should be confirmed by the Town of Perryville prior to final approval.

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Sewer allocation should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.

It is recommended that any necessary variance or special exception numbers be shown on the plat.

It is recommended that protective fencing be considered around the stormwater management pond.

10. David Martin and John Conwell presented Goldberg Property, Perryville, MD, Principio Furnace Road, Concept Plan Alternative A & B, (GWS) George William Stephens, Jr. and Associates, Inc., Seventh Election District

Mr. Conwell stated that they have two sets of residential/commercial type plans. The original plans were seen by TAC approximately nine months ago. The Library has since expressed an interest in being located in the commercial area. The differences in the two plans were the original plan has a movie theater, restaurant, bank and limited strip retail. The other plan is the same mix but a grocery store has been added.

Mr. Woodhull stated It is the CCDPWs understanding that this development is within the Corporate Limits of the Town of Perryville. Therefore, our comments are presented as recommendations for all aspects of this project not under direct control of this Department.

A SWM plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The Final Plat must include the standard note recognizing the applicability of the Lot Grading Plans. (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.).

The CCDPW understands that the internal streets and storm drains are intended to be dedicated to the Town of Perryville. However, the Department recommends to the Town of Perryville that the internal streets be built to Cecil County Road Code standards or equivalent. The Department recommends that the proposed roads, serving the townhouses, be built to Standard R-3 of the Cecil County Road Code or equivalent. The entrance to the commercial site as well as the portion of the proposed northern cul-de-sac within the County ROW must be constructed to Standard R-9 of the Cecil County Road Code. From the ROW to the traffic circle the Department recommends that the proposed cul-de-sac be constructed to this same standard. Beyond the

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traffic circle the Department recommends that Standard R-3 be followed.

The Connector Road was built with the intention of providing direct unimpeded Commercial truck access from MD Route 40 to MD Route 7. In the interest of traffic safety and good planning the number of access points must be limited. Therefore, the CCDPW requires that the entrance to the Public Library from the Connector Road be routed through the proposed road servicing the Cecil County Board of Education property.

Construction of the Connector Road has encountered what can only be called useless sub grade. It should be anticipated that the total length of roadway will have to be undercut and provided with 12" stone and geo-textile fabric. It is recommended that the Town of Perryville's Engineer discuss this matter with this Department.

The applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. In addition to the streets and storm drain submittals to the Town of Perryville, the entrance construction plans must be approved by CCDPW.

In regards to the Flex-Space accessing MD Route 7, it would be good practice to align the proposed entrance with the entrance shown on the other side of the road. Mr. King agreed. The department understands that the water and sanitary sewer will be dedicated to the Town of Perryville. It is recommended to the Town of Perryville that these lines be built to Cecil County Water and Sewer main Standards or equivalent. The CCDPW recommends, to the Town of Perryville, that consideration be given to looping the internal water main back to the 12" main at MD Route 7 from the southernmost cul-de-sac.

All utility crossings of the Connector Road must be done using jack and bore or directional drilling technology. Open cuts will not be permitted. All pipe materials located in the County ROW must be RCP for storm drains and Ductile Iron for water and sanitary sewer lines.

A permit will be required from the CCDPW Road Division for the entrances and any other work done within the County's ROW. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Some field run topography will be necessary.

The 100-year flood plain line must be verified. The Perryville Connector Road design may have had an impact on this. McCrone, Inc. prepared this study. The engineer must verify that the line on the plan reflects the current condition. Inspection and Maintenance easements may need to be made wider than 20' if they also include conveyance systems per Section 3.9 of the SWM Ordinance Guidance Manual.

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An easement must be obtained for any water, sanitary sewer, or stormwater conveyance that crosses under the Connector Road ROW. An inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for the road and storm drain work in the County's ROW at the entrances off of the Connector Road.

The CCDPW recommends that the Town of Perryville require a PWA and financial assurance for the streets, storm drains, and utilities.

Mr. King noted that entrances will need to be aligned with Route 7 in order to gain access.

Ms. Latham stated that Perryville water permit is in good standing. Permit will be required.

Mr. Markwardt stated he would have to look at the new road once it is built.

Mr. Gradecak had no comments.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. Roop, Corps of Engineers, stated that JD has not been completed.

Mr. Ouano stated that the lines would be run along the main road, underground.

Mr. Moore read the Health Department comments, a copy attached for reference.

Mr. McDowell had no comments.

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Mr. DiGiacomo noted that a package was received from the Soil Conservation Service. One package has been distributed to the applicants and the other will be placed in the file.

OPZ comments were as follows: This subdivision is proposed in the Town of Perryville. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews site plans and subdivision proposals within the towns' corporate limits.

The town zoning is R2 & C2, although it is not clear which is where. Has a Concept Plat already been reviewed? Yes

Has any consideration been given to creating additional bicycle, pedestrian, or vehicle access? No

It is recommended that sidewalks be given favorable consideration.

It is recommended that, consistent with Town and State Highway Administration policies, a traffic impact study (TIS) required. Of particular concern is safety, owing to the anticipated mix of heavy trucks with pedestrians, bicyclists and automobiles.

No street names have been provided. Street names must be approved by the County 911 Emergency Center. It is recommended that street name approvals be obtained prior to Perryville Planning Commission review.

It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.

It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R2 & C2 zones.

It is recommended that the plat be checked to ensure that all requirements for Preliminary Plats, as set forth in the Town's Zoning Ordinance and Subdivision Regulations, have been satisfied.

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A 25' buffer is recommended around non-tidal wetlands, as shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts or stream crossings prior to recordation.

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

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, especially with respect to street trees and any required bufferyards.

It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.

It is recommended that the Landscape Plan be approved prior to final subdivision approval.

It is recommended that a Landscape Agreement be executed prior to recordation.

An FSD and an FCP were approved for this (Map 800, Parcel 622) and the adjacent parcel owned by Woodlands-Coudon, Inc. (Map 34, Parcel 43) on 7/18/02, but in conjunction with and for the limit of disturbance of the Perryville Connector Road project. Therefore, this project requires an FSD and an FCP, neither of which has been reviewed by the Office of Planning and Zoning. Since Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement, such reviews are performed as a courtesy to the Town.

It should be confirmed that all aspects of the proposed site design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

It should be confirmed that the number of parking spaces falls with the minimum and maximum established by the Town's Zoning Ordinance and Subdivision Regulations.

It should be confirmed if any ADA parking spaces are required.

It should be confirmed that all proposed building heights do not exceed the maximum height established in the Town's Zoning Ordinance and Subdivision Regulations.

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Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the development layout and fire hydrant locations.

Fire hydrant/standpipe locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, and/or comments provided by the Perryville Volunteer Fire Company. The fire department has received a copy of the plat but did not respond back with comments.

Water allocation should be confirmed by the Town of Perryville prior to final approval.

Sewer allocation should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.

It is recommended that the site design be consistent with the Town's policies regarding possible bus stops/shelters and/or bicycle racks.

Will any zoning changes be required? Yes, overlay will be dropped.

It is recommended that any necessary variance or special exception numbers be shown on the plat.

Will the open space areas be common open space or municipal parkland? Open Space

It is recommended that protective fencing be considered around the stormwater management ponds.

There were no further comments.