

# **TECHNICAL ADVISORY COMMITTEE 2004**

# Table of Contents

<u>January 7, 2004, 9:00 a.m.</u> .....	1
<u>February 4, 2004, 9:00 a.m.</u> .....	36
<u>March 3, 2004, 9:00 a.m.</u> .....	61
<u>April 7, 2004, 9:00 a.m.</u> .....	94
<u>May 5, 2004, 9:00 a.m.</u> .....	183
<u>June 2, 2004, 9:00 a.m.</u> .....	239
<u>July 7, 2004, 9:00 a.m.</u> .....	289
<u>August 4, 2004, 9:00 a.m.</u> .....	388
<u>September 1, 2004, 9:00 a.m.</u> .....	494
<u>October 6, 2004, 9:00 a.m.</u> .....	564
<u>November 3, 2004, 9:00 a.m.</u> .....	598
<u>December 1, 2004, 9:00 a.m.</u> .....	669

# January 7, 2004, 9:00 a.m.

## Technical Advisory Committee

**PRESENT:** Ancel, Carter, DiGiacomo, Funk, Markwardt, Moore, Roop, Woodhall and Jones

**ABSENT:** Davis, King, Latham, McDowell, Ouano

**1. James Keiffer, Kevin Garrity and Tim Whittie presented Ridgely Forest, MD Rte 7 (Old Philadelphia Rd), Tentative Sketch Plan, Morris & Ritchie Associates, Inc., Fifth Election District**

Mr. Keiffer stated that the property is approximately 185 acres which is based on a D Plot. They are in the process of doing a boundary survey. It is zoned in the county as DR but they are seeking annexation to the Town of North East with a zoning classification of R1. It is located on the north side of MD Rte 7 east of Mechanics Valley Road and east of the current town limits. The FSD was complete and approved back in July of 2003. The wetlands have been delineated. The proposal is to develop the site and provide 302 single family lots at 10,000 ft<sup>2</sup> minimum which will be served by public water and sewer. There are two proposed access points from MD Rte 7, one of which will be a monumental entrance. The lots have been configured to avoid non-tidal wetlands and their buffers where possible and to provide open space throughout the community. Approximately 80% of the lots back up to or front on to open space. The road network provides a mixture of interconnection loops and cul-de-sac lots. An area has been provided within the open space for proposed active open space area.

Mr. Woodhull stated that the following comments are predicated on this site being annexed by the Town of North East. The following submittals, at a minimum, must be approved by the Department of Public Works prior to submittal for the Final Plat Approval: a storm water management submittal and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations; it should be noted for the record that public water and the roads and storm drains will be owned by the Town of North East.

The CCDPW recommends that the roads and water distribution system be designed to meet or exceed the County's standards. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the County's SWM Ordinance. The department has concerns about the locations of the outfall for the SWM area adjacent to Lots 125-128 and its impact on adjacent properties. 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

## TECHNICAL ADVISORY COMMITTEE 2004

Ordinance. The Developer should inform AMTRAK of any stormwater impacts on their ROW.

The cul-de-sac bulbs do not meet the County's Road Code Standard for radius. Therefore, the CCDPW recommends that the Town of North East require a 75' radius unless the developer presents a compelling reason to support a variance.

Connectivity with Parcels 972 and 1172 should be considered. During the review of the Courts at Mallory access to this property was suggested. The final plan for Courts of Mallory includes a utility easement of Ridgely Forest as well as ability to access Augusta Loop. The CCDPW strongly recommends that this connectivity, to Augusta Loop, be made to provide additional access for emergency services for better site planning.

The CCDPW recommends to the Town of North East that the extent of the Minor Collector Roads be extended to connect through to each other and to accommodate connectivity with adjoining properties.

The CCDPW recommends, to the Town of North East, that fire hydrants be located at the maximum of 600 distance and at all intersections per the County's water and sewer main standards. A sanitary sewer allocation request must be submitted to CCDPW.

The developer must demonstrate that the existing sanitary sewer lines running back to Mauldin Avenue are adequate to accommodate the new flows. Any upgrades required to meet the new demand will be the responsibility of the developer. A feasibility study, performed by McCrone Engineering, for the Mauldin Avenue sewer line is available for review at the CCDPW office. It is strongly recommended that prior to any study being done, that the developer meets with DPW.

Connection fees as well as Benefit Assessment fees will apply at the time the building permit is issued for each of the houses. The CCDPW recommends that Lot 169 access the cul-de-sac rather than the entrance road at its boulevard section.

All lots must front on the least major roads wherever possible. If the Town of North East requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner. An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for the sanitary sewers.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Van Funk submitted the soil summary for this area. There were only two hydric soils on the project location, Foxhill Loam and Fallsington Loam. The Keyport and Fallsington Loam soils SWM ponds are rated very limited or shallow, debt and saturation. Mr. Van Funk suggested that before moving forward with the Concept Plat it might be a good idea to take a soil boring of those two areas in order to locate any water, therefore making sure that the water would not affect the SWM pond design. He also suggested that the developer try splitting the drainage areas up into smaller areas using earth dykes or soils rather than two large SWM ponds relying on construction type pipes to bring the settling water in during construction. A Comprehensive Erosion Settlement Control Plan is going to be required which will cover everything from tree planting to individual lot construction.

Mr. Markwardt stated that initially the school buses will load at the road junction where it meets Rte 7. He went on to explain via the map where the bus stops would occur. Once the roads are deemed public road, the loop is constructed (allowing the buses to turn without backing up) and there are 20 25 children the buses will begin to enter into the development.

Mr. Roop stated that any filling in the perennial stream area labeled as Waters of the U.S. and non-tidal wetlands requires a Department of Army (DOA) permit. No JD approved.

Mr. Ancel, Verizon, stated that any locations that the electric company calls for a road crossing or conduit will need at least one conduit.

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

Mr. DiGiacomo read the MDE comments: If public water is available, a water appropriation and use permit will not be required.

Mr. DiGiacomo read the comments from the North East Volunteer Fire Company noted that It looks alright at this time.

Mr. DiGiacomo noted that this subdivision is proposed on land proposed to be annexed into 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. If these lands are not annexed into the town, these comments shall be moot, and a Concept Plan must be submitted for TAC review under the County s subdivision review and approval process.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed zoning is R-1, unless the towns subdivision regulations allow for Tentative Sketch Plans it is recommended that the plat be re-titled to the more conventional concept for Preliminary Plat.

There is no ADC map # 31 for Cecil County. That reference should be changed to tax map # 31. In any event, unless the Town's subdivision regulations allow otherwise, map references should be to tax maps.

Has any consideration been given to connecting the proposed roads to the adjacent Courts of Mallory to the west or to Parcels 972 and 1172 to the east? Mr. Garrity answered that with the wetlands issued has been the primary issued restraining the access to the Courts of Mallory and they have not looked into any other directions at this point. Mr. DiGiacomo stated that unless the wetland issues are insurmountable P&Z would join CCDPW in recommending a connection to the Courts of Mallory.

A Traffic Impact Study (TIS) is recommended. Mr. DiGiacomo noted that although SHA was not present and had not provided any comments, he was sure that they will require a TIS.

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-1 zone.

The Town of North East and Cecil County signed an Assigning obligations under the Forest Conservation Act agreement on 2/4/00. The submitted FSD does not include all parcels in this proposal. It is recommended that the FSD be approved prior to Concept Plat approval.

It is recommended that the Preliminary Forest Conservation Plan (PFCP) be approved prior to Preliminary Plat review by the North East Planning Commission. It is recommended that the Final Forest Conservation Plan (FCP) and Landscape Plan be approved prior to Final Plat review by the North East Planning Commission.

It is recommended that the Landscape Agreement be executed prior to recordation.

It is recommended that deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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 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.

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.

Sidewalks are recommended along all internal streets and roads.

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 on the subdivision layout by the North East Volunteer Fire Company.

Fire hydrant/standpipe locations should be shown and should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as any comments by the North East Volunteer Fire Company.

## TECHNICAL ADVISORY COMMITTEE 2004

Consideration should be given to locating dry hydrants at the proposed stormwater management facilities, if deemed advisable and feasible by the North East Volunteer Fire Co.

Water allocation should be confirmed by the Town of North East prior to final approval.

Sewer allocation should be confirmed by the Cecil County 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 lanes and racks.

It is recommended that final subdivision plat approval be coordinated with SHA entrance design approval.

It is recommended that a street lighting plan that emphasizes pedestrian safety and security be submitted.

It is recommended that all variance numbers be shown on the plat. The final caveat is if this is not annexed into the town, you are required to resubmit it as a Concept Plat to the County.

**2. Mike Pugh, David Meiskin and Mike Burchum presented Village of North East, Lots 1-707, Shady Beach Road, Preliminary Plat, McCrone Inc., Fifth Election District.**

Mr. Pugh stated that before the committee is a proposal for a project consisting of 707 units, which is a Cluster Development under the cluster provisions of the Cecil County Subdivision Regulations which makes it somewhat different than the standard subdivisions by virtue of lot sizes, amenities, etc. The number of proposed units was reduced due to a reduction of acreage after the survey. Due to information on wetlands the road alignments have changed, but the over all project is the same as what was presented at concept. This will be an age restricted project. Mr. Minstrom explained that this will be an active adult community which will meet the Federal Fair Housing Act therefore the age restriction will meet the Federal laws. One person must be 55 years or older the spouse must be 19 years of age or old. No children under the age of 18 are

## TECHNICAL ADVISORY COMMITTEE 2004

allowed to live there fulltime (12 weeks or longer). The deeds will be in favor of the county and state therefore making more difficult to reverse the age restriction. The community is targeted and designed for specific age group; therefore there will be a recreation center with everything from an indoor lap pool, outdoor pool and other various facilities for this age group. There will be proposed wider area attached to the main road to allow for two or more to walk side by side. All homes will have two car garages. Mr. Pugh noted that in pursuing between the Concept and Preliminary Plat there have been several items that have been resolved to date. Previously the request for private roads was disapproved by the Board of Appeals, therefore the roads will be County. After discussions of some of the road code issues with the CCDPW they have received certain road code waivers which are noted on the plats. They are in the process of working with the members of the Elk Neck Trail organization to get a routing for the trail. Mr. Burcham addressed the CCDPW on the proposal for the sidewalk locations. There will be no other sidewalks in the development other than the ones that are outlined and highlighted in the plans.

Mr. Woodhull stated that the following submittals, at a minimum, must be approved by the DPW prior to submittal for Final Plat Approval: a SWM submittal, a street and storm drain submittal and a sanitary sewer submittal. The sanitary sewer submittal must also reflect the proposed water line locations and all proposed fire hydrant locations. It should be noted for the record that the CCDPW strongly recommends that the project be served public water from the Town of North East.

If an on-site private system is proposed we recommend as a condition of approval that the system be designed in accordance with Cecil County Water and Sewer Standards and that it provide for future connection to the North East system. These connection points should be at both entrances and at the emergency access to Bay Club Parkway. The engineer must demonstrate that adequate fire flow and pressure is available throughout the system.

DPW requires hydrants at each intersection (including Shady Beach Road) and along the internal streets at separation distances of no more than 600 . The SWM ponds proximity to recreation areas may need to be fenced depending on the slopes designed for the ponds. The storm drain under the house on Lot 473 will require adjustment as will the line between the houses on Lots 615 and 616. Discharge from the SMW ponds will be of concern relative to concentration and redirection of run-off. If any of the existing ponds are intended to be used for SWM control they must be surveyed and their hazard classification must be established.

Do you intend to dedicate the internal sanitary sewers to the County? Yes. Sanitary sewer allocation has been granted conditioned on several factors (i.e. size of the recreation facility, the ability of the developer to convey sewage to Mauldin Avenue sewer line, etc.

The DelaPlaine Pump Station does not have excess capacity and will require upgrade or replacement at the Developers expense in total or in combination with other users.

## TECHNICAL ADVISORY COMMITTEE 2004

Set the manhole located on South Monet Avenue at the turnaround and provide a capped stub for service to the future development in the NAR zone.

The sanitary sewer line beginning at Lots 296 and 297 on Sheet 3 and continuing through the steams and wetlands is unacceptable routed. A feasibility study must be done to determine that the proposed routing is in the best interest of the County.

All sewer lines routed through common open space must be provided with a 12' stone access road along its entire length.

The Department is concerned by the proximity of houses on Lots 76 and 77 to the sewer line and we may have special requirements for that area. The engineer must demonstrate that conveyance is not feasible without the pump station proposed to serve 72 lots.

The Phase IX pump station conflicts with SWM access and some adjustments will be required. The Carpenter Point Green bank pump station may serve as a design standard for the 72 unit pump station proposed for Phase IV. The pump station serving the entire site must be sized to accommodate the future development in the NAR position of the site.

The Lands of Ford on the west side of Shady Beach Road are the subject of a pending Concept Plat for Cameron Woods; the proposed entrances of the two developments must be either directly aligned or offset in accordance with the required distance of the Cecil County Road Code. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. DPW recently measured traffic loads on Shady Beach Road and found an estimated 1424 Trip Ends. The 772 proposed units would add in the order of 6,000 - 8,000 Trip Ends on average to the road.

Shady Beach Road will not likely support the addition of some 772 additional homes without upgrades to Major Collector cross section. The Department recommends that the Planning Commission require upgrade of Shady Beach Road from State Route 272 as a condition of approval. It is recommended that the applicant complete deed research as soon as possible along Shady Beach Road to determine what fee simple right of way and/or road widening and utility easements already exist.

All internal roadways that support more than 300 homes must be Major Collectors; all internal roads serving less than 50 homes may be Minor Roads. Picasso Avenue is considered a Minor Collector Road and must have a 60' ROW at a minimum from Dali Drive to Cezanne Way.

## TECHNICAL ADVISORY COMMITTEE 2004

Where do you intend to use the six standards shown on Sheet 5? This must be clarified and indicated on the plans for Preliminary Plat submittal. Major Collector Standard R-8 must be included on Sheet 5. Slopes for collector roads have an 8% minimum allowed by the Road Code. The plans indicated 10-12% slopes in some areas. Those slopes will require a Road Code Variance.

The bike/walking paths proposed are provided for in Section 4.05 of the Road Code. However, this substitution is allowed at the discretion of the Planning Commission. If accepted by the Planning Commission, all paths must be striped and denoted with appropriate lettering. Show where these paths begin and end on the plans. The planning Commission may want to evaluate the suitability of paths in the dual lane portions and Major Collector portions of the road systems.

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 driveways turnarounds may be required by the Department to provide safe egress from driveways.

The proposed Emergency Access needs to be defined in terms of access on to the court, roadbed structure, gate and entry (keyed pay lock, etc). The proposed gates cannot be used if the internal roads are proposed as public roads. If the internal roads are proposed as private the emergency service community is strongly advised to address access issues with the applicant. If the applicant intends that the internal roads and/or utilities remain private these and other concerns must be addressed to avoid problems encountered in the past with such proposals.

The department recommends that the entrance at Picasso Avenue be established by the start of construction of Phase VI as a condition of approval by the Planning Commission. The department strongly recommends following Phase IV that the Developer establish Picasso Avenue and Dali Way as construction access to the site.

The open space used for the construction entrance indicated on Sheet 2 must be reflected on Sheet 1. All driveways must be paved at least to the right of way. There determined necessary by the utility companies, the owner, the designer or DPW utility poles must be relocated at the Owner's expense.

The PWA will be required for internal streets, storm drains, sanitary sewers and any private utility improvements. An Inspection and Maintenance Agreement will be required for the SWM facilities.

Mr. Van Funk submitted the soil summary for this area. The Comprehensive Arrangement Soil Plan will be required. The district would rather see smaller drainage areas rather than one large sediment basin.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt questioned the possibility of a child being watched by a tenant on a daily basis requiring bus service before and after school. Mr. Meiskin stated that schools buses will not be allowed access to the property.

Mr. Roop stated that any filling in Waters of the Waters of the U. S. including the perennial and intermittent streams and non-tidal wetlands requires a DOA permit, including any ponds that drain to these waters. State authorization is required fro filling the isolated wetland areas. JD has been completed.

Mr. Ancel stated that any location requiring electric road crossing will require a 4" conduit. The recreation building/club house will need a 4" conduit a out to the street.

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

Mr. DiGiacomo read the MDE comments: An application for a Water Appropriation and use Permit has been received by the Water Rights Division and a package of additional application requirements is in process. Public notice and an aquifer test will be required. This project needs to be included in the Cecil County Water and Sewer Plan before the appropriation permit can be issued.

Mr. DiGiacomo read the North East Fire Company notes: In reference to the Village of North East Project they would like to see a 10" water main. This was not indicated in the prints. The second entry looks fine as well as the rest of the hydrant layouts. In previous letters I have advised that I would like to see a hydrant placed on Irishtown Road where the line ties in to the existing water main.

Mr. DiGiacomo noted that the zoning is SR & NAR. In the SR portion, this Preliminary Plat proposes 707 lots on 354.77 SR-zoned acres, for a proposed density of 1.99/1. The SR zone permits a maximum base density of 1 dwelling unit per 1 acre. With community facilities, a density of 2/1 is permitted.

- 1) The Concept Plat was approved at a density of 2/1 on 9/16/02, conditioned on:
- 2) The potential roadway connection being shown as an actual connection on the Preliminary Plat submitted for TAC review;
- 3) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes;

## TECHNICAL ADVISORY COMMITTEE 2004

- 4) Roadway names being approved prior to the Planning Commission's review of the Preliminary Plat;
- 5) The Preliminary Plat including the details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance;
- 6) The Preliminary Plat including proper identification of the adjacent Old York Estates;
- 7) A variance for the private roads being obtained from the Board of Appeals prior to the Planning Commission's review of the Preliminary Plat;
- 8) The Elk Neck Trail being identified clearly on the plat as to what it is and its location;
- 9) A stub being shown to the 33 acres in the NAR portion;
- 10) Shady Beach Road being designed and upgraded, by and at the cost of the developer, from their southern boundary to MD Rte. 272; and
- 11) A Traffic Impact Study being completed prior to Technical Advisory Committee review of the Preliminary Plat.

This proposal invokes the provisions of §6.1 of the Cecil County Subdivision Regulations regarding residential cluster development. As currently proposed for the SR portion, the project cannot be realized without community facilities.

The use of community facilities would require amendments to the Master Water and Sewer Plans prior to Final Plat review. The Final Plat must include the full details of one water system or the other.

If the water source is the Town of North East, then verification of water allocation must be received from the Town, and the water service area agreement between the County and the Town must be amended to include this parcel, prior to Final Plat review.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals required by the Public Service Commission must be submitted prior to Final Plat review.

Well locations are required to be shown on Preliminary Plats. They must be shown on the Preliminary Plat submitted for Planning Commission review.

Verification of sewer allocation must be received from the Department of Public Works prior to Final Plat review. It is recommended that Note # 11 be revised to indicate sewer service rather than sewer supply.

## TECHNICAL ADVISORY COMMITTEE 2004

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

The proposed lots and recreation center must be served by water & sewer systems approved by the Health Department.

A boundary line survey was done, resulting in a reduction of acreage (396 to 354 SR acres, and 33 to 35.6 NAR acres), a concomitant reduction in the number of lots (792 to 707), and the discovery that a portion of the property is located on the west side of Shady Beach Road.

In the NAR portion, this Preliminary Plat proposes an area reserved for future development on 35.6 acres.

A Traffic Impact Study (TIS) was prepared and showed that one intersection would operate at level of service F. Unless specific improvements are proposed that would result in acceptable levels of service at all intersections, then, consistent with the Transportation Plan component of the Comprehensive Plan, staff will recommend disapproval of the Preliminary Plat. Design recommendations to achieve a level-of-service D or higher at all intersections must be included with Preliminary Plat submitted for Planning Commission review.

Preliminary Plat information shows that proposed lot sizes range from 5,720 to 13,801 ft<sup>2</sup>. Slopes greater than 25% have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. A number of stream/wetland impacts resulting from roadway construction are depicted on the plat. Has a JD been done?  
Yes. Mr. Roop stated that he would fax a copy of the JD to Mr. DiGiacomo.

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

Fifteen percent common open space is required. 56.5% common open space is proposed, based on the 354 SR acres. The common open space sensitive areas thresholds are acceptable. The Elk Neck Trail has been depicted on the plat. Twenty percent landscaping of the development envelope is required in the SR zone.

## TECHNICAL ADVISORY COMMITTEE 2004

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Shady Beach Road, as shown on sheets 2 and 4.

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 FSD was approved on 9/11/02 and revised on 5/20/03. There are no habitats of rare, threatened, and endangered species on the property, but there is FIDS habitat.

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.

Staff recommends that Phase XI be moved forward in the process. Otherwise, the second entrance, critical to the Planning Commission's approval of the Concept Plat, will not be available until the very end of the project.

A Variance application for private roads was denied by the Board of Appeals. A stub road has been shown to the NAR portion of the property. Now that these will be public roads, why isn't there connectivity of the Chesapeake Club and the proposed Rhodes Mountain Estates? Is this entrance for emergency access only? Yes. David Meiskin stated that they are trying to create a sense of security. Although, because it is not private they can not stop people from gaining access they can make it appear to be private. Mr. Pugh stated that although they may decide to landscape the entrance so that it appears private if the access is there. They may not

## TECHNICAL ADVISORY COMMITTEE 2004

The public road names been approved, except for Dali Court. Since this would be a dead-end extension of Dali Avenue, the 911-Center recommends that it be named either Dali Ave. or something completely different. If completely different, then that name must be approved prior to the Planning Commission's review of the Preliminary Plat.

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

The adjacent Old York Estates has been identified on this submission.

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

A Homeowners Association for maintenance of common open space, the clubhouse, common parking, landscape islands, and recreational facilities must be established prior to recordation. \$50 per recorded lot must be placed in escrow for improvements to the common open space and landscape islands prior to recordation.

The recreation center, parking, and recreational facilities are accessory uses to the proposed subdivision. A condition of Concept Plat approval was that the Preliminary Plat include the details of the proposed recreation center, parking, and recreational facilities as required in §291 and Appendix A of the Zoning Ordinance. Therefore, a major site plan submittal was not required.

The details of those improvements, as required in §291 and Appendix A of the Zoning Ordinance, have not been shown on this Preliminary Plat. Unless they are included on the Preliminary Plat submitted for Planning Commission review, or a formal Site Plan application has been submitted prior, staff will recommend disapproval of the Preliminary Plat. The issuance of a building permit for the recreation center will be contingent upon recordation/Final Site Plan approval.

Active recreation improvements should be included in the Public Works Agreement.

The North East Volunteer Fire Company has recommended a 10" water main; hydrant locations are acceptable. Where are and where are the details of the proposed water tower? Mike Burcham answered that they won't know until after they get into the design factor.

## TECHNICAL ADVISORY COMMITTEE 2004

It must be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

- 1) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- 2) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
- 3) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.
- 4) The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month.

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

### **3. Mike Burcham and Mary Sue Slagle presented *Colora Springs, Lots 2-10, Colora Road, Concept Plat, McCrone Inc., Sixth Election District.***

Mike Burcham stated that the plans before you today consist of 28.62 acres and is zoned NAR. It is located on the east side of Colora Road. Nine lots were proposed under the bonus density guidelines set forth in the Comprehensive Plan and the Cecil County Zoning Ordinance. Lot #2 is proposed to be 60% of the overall sight. Some adjustments have been made since the plan was reviewed in November 2003. At which time it was disapproved by the Planning Commission. The open space behind Lots 3, 4 and 5 has been eliminated. This plan shows the open space around the existing pond, in hopes that it can be used for SWM. Colora Springs Drive has been moved, so that it now borders the Well's property and Lot 47A, allowing all properties to have connectivity and access as they become a county road if approval is granted. There is only a 50' wide ROW coming into this parcel. The entire road frontage will be dedicated to the County Commissioners as part of the 30' road widening easement. The distance was field measured between the existing Russell Road intersection at plus or minus a 165' and it satisfactory above the 125' separation. All of the non-tidal wetlands on the property have been delineated and the appropriate buffers are shown. The existing culvert pipe on Colora Springs Drive will be reviewed in future design phases to see if it is adequate for the road crossing. If it is not adequate it will be replaced in the design of Colora Springs Drive. The expanded T turn around is still being included along the Hilton property to allow emergency vehicle turn around. The 100' set back along Kilby Inc. property has been included and the Bufferyard A will be applied to the boundary line behind Lots 6-10. Lots 5 and 6 as they border the Hilton property we again want to revisit the proposed Bufferyard A with the reduction to the set back to 60' along that border as done in the previous submittal.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-0A (5) of the county's SWM Ordinance. If storm water discharge is directed off of the site on to adjacent property owners it is the responsibility of the Developers to obtain appropriate easements from the affected property owner per Section 251-13 of the Cecil County SWM Ordinance.

The potential for inclusion of the 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 Variance must be requested prior to submittal for Preliminary Plat approval. Verify adequate separation distance between Russell Road and proposed entrance (125' minimum). The intermediate turnaround is required by the Road Code and should be planned in the vicinity of the Common Open Space.

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 entrance which is Colora Spring Drive.

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.

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 locations. All driveways must be paved to the ROW.

During the design phase of the Colora Springs Drive the Department will require a detail of the Expanded Tee Turn Around showing all dimensions for review. If the Planning Commission requires sidewalks, the Final Plats should include a note indicating that sidewalk 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.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Van Funk submitted the soil summary for this area. Bab Baile is the only hydric soil on the property silk loam. The biggest concern is the common open space around the pond. A site topography will be required for the pond area because you need to know where the embankment, emergency spillway and principal spillway. This topography should be owned by the community that will be living there in the event that repairs would need to be made. In addition there are power lines that feed into the pond and consideration for where septic reserve areas are for the lots since they are infiltrating into the power lines and than back into the pond. The soil on the northwest section of Lot 2 is very limited for basements.

Mr. Markwardt stated that due to the short distance of Colora Springs Road buses service will be provided at Colora Spring Road.

Mr. Roop stated that any filling in intermittent streams or non-tidal wetlands requires a DOA permit. No JD approved.

Mr. Ancel stated that any location requiring electric road crossing will require a 4" conduit. If there is a requirement for a conduit around the non-tidal wetlands a 4" conduit will be required.

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

Mr. DiGiacomo read the MDE comments: A Water Appropriation and Use Permit are not required for ten or less lots.

Mr. DiGiacomo noted that the zoning is NAR which permits a maximum base density of 1 dwelling unit per 5 acres. 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.

Unless the boundary line survey reveals that proposed Lot 2 comprises at least 60% of the acreage, then this proposal is not eligible for bonus density consideration by the Planning Commission.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

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

No common open space is required for only 9 lots. However, from the perspective of bonus density eligibility, the proposed large lot comprises 59.99%. Therefore, this proposal is close to satisfying the bonus density eligibility requirements set forth in §22.2.c of the Zoning Ordinance. Common open space is proposed for the stormwater management facility.

However, §22.2.c, which deals with parcels of fewer than 30 acres, requires 60% open space in the form of either a large lot or common open space, one or the other, all or nothing. Therefore, if a large lot is proposed to qualify for bonus density eligibility, then, technically, no common open space is allowed.

Nevertheless, §3.5 of the Subdivision Regulations empowers the Planning Commission to modify requirements because of unusual circumstance when no nullification of the Comprehensive Plan, the Zoning Ordinance, and the Subdivision Regulations would result. The creation of common open space upon which to situate stormwater management areas fits such circumstances, and, therefore, staff will recommend permitting the common open space.

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

No sidewalks are recommended in the NAR zone.

## TECHNICAL ADVISORY COMMITTEE 2004

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 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.

Since Mr. Hilton has requested a stub road to his property to facilitate its development, staff recommends a modified Bufferyard A along the northern boundaries of proposed lots 5-6. As the land is currently in agricultural use, but there is clear intent of future development, a planted Bufferyard A (per Appendix B) with a reduced, 50' building restriction line is reasonable.

Staff recommends that a stub also be extended to the Lands of Wells, to the south.

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) was approved on 11/17/03. There are habitats of neither rare, threatened, and endangered species nor FIDS.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

The road name Colora Springs Drive has been approved.

Notation should be provided regarding access to the lands of Douglas.

Access to common open space 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 any 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. Mike Burcham and Barry Montgomery presented Phillips Acres, Section 2, Lots 62-83, Bailiff Road, Concept Plat McCrone Inc., Fifth Election District**

Barry Montgomery stated they are proposing 22 lots on Bailiff Road. There will be a combination of semi detached units and single family homes. It is boarded along Bailiff road by proposed common open space that will be used for future SWM area and protection of the existing intermittent stream that borders Bailiff Road.

Mr. Woodhull stated that reference was 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 are 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. If approved the county may have lost its last opportunity to get a second entrance to Montgomery Oaks.

## TECHNICAL ADVISORY COMMITTEE 2004

A SWM 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.

The downstream conveyance of the storm water must be analyzed in accordance with Section 251.9A (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 the intersection between Bailiff Road and the proposed entrance which would be Alexander Drive. 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 driveway 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. Denied Access shows on Lots 83 must be extended to 20' from the northern property line and Lot 62 denied access must be extended at additional 20'. Closed design will be required for the road.

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 sidewalk maintenance will be responsibility of the adjacent property owner, as required by the Cecil County Road Code.

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. A PWA will be required for the Sanitary Sewer as well as the Roads and Storm Drains.

Mr. Van Funk submitted the soil summary for this area.

Mr. Markwardt stated that due to the short distance of Alexander Drive bus service would be at the end of Alexander and Bailiff Road.

Mr. Roop stated that any filling in intermittent streams or non-tidal wetlands requires a DOA permit. No JD approved.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Ancel stated that any location that the electric company calls for a road crossing Verizon will call for one 4 conduit. If the electric company calls for a conduit near a intermittent stream than Verizon will call for require one 4 conduit.

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

Mr. DiGiacomo read the MDE comments: If public water is available, a water appropriation and use permit is not required.

Mr. DiGiacomo noted that the zoning is DR (Development Residential). Part of Parcel 8 was included in 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 lot numbering sequence, however, follows the sequence established by Montgomery Oaks).

The 1992 concept plat proposed 31 lots while this one proposes only 22 lots. (Another previous concept plat for parcel 8 was reviewed by TAC in April of 2003 under the name Barry Montgomery Company, Inc. It proposed only 20 lots, and did not include portions of the currently-proposed lots 71-73 and common open space.).

The DR zone permits a maximum base density of one dwelling unit per one acre. With community facilities, a density of 4/1 is permitted. This concept plat proposes 22 lots on 10.42 acres, for a proposed density of 2.11/1.

A boundary line survey must be done prior to TAC review of the Preliminary Plat for density calculation purposes.

Reference must be made to Minor Subdivisions #2496 and #2671.

## TECHNICAL ADVISORY COMMITTEE 2004

As previously mentioned, portions of proposed Lots 71, 72, 73, and common open space are located on the other Lands of Barry Montgomery Company, Inc. Is another add-on proposed? Yes. If so, then it must be noted on the plat and be reflected in the area table. If the other lands are actually remaining lands (as tax maps seem to indicate), then they should be relabeled accordingly.

Per Article VI of the Zoning Ordinance, the side setback for semi-detached units within the DR zone is 15 feet (not 10 feet). This should be explicitly 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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'.

Why does the intermittent stream buffer on proposed Lot 73 stop midway through the lot? Mr. Burcham noted that correction would be made. It should continue to a logical stopping point.

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. Per §26.3.b of the Zoning Ordinance, 20% is required; 26.3% is proposed.

Fifteen percent 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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.

This site was included as part of the FSD for Montgomery Oaks subdivision, which was approved on 9/21/93. However, because FSDs are only valid for five years, a new FSD must be submitted and approved. (FSD #377 was submitted for this site on 4/7/03 but it is deficient). The new FSD was approved on 1/6/04. The Natural Heritage letter indicates that Halberd-leaved Greenbrier, a threatened species, is known to occur within the vicinity of the project site. The site also contains FIDS habitat.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat. The Final Forest Conservation Plan (FFCP) and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

The Landscape Plan must include:

- 1) A row of street trees, outside the right of way, along Bailiff Road.
- 2) Rows of street trees, outside the right of way, along both sides of the proposed Alexandra Drive.
- 3) Calculations showing that 20% of the development envelope has been landscaped.
- 4) A Bufferyard A, to buffer any agricultural operations occurring on adjacent properties.

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

A Landscape Agreement must be executed prior to recordation.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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 Alexandra Drive must be approved by the County 911 Emergency Center prior to Planning Commission review of the Concept Plat.

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

Per § 4.0.13(i) of the Subdivision Regulations, the locations of all utilities on or within 200 feet of the parcel must be shown on the concept plat submitted for Planning Commission review.

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

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.

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

5. Mike Pugh and Mike Burcham presented **Rhodes Mountain Estates, Lots 1-60, Irishtown Road, Concept Plat, McCrone, Fifth Election District.**

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Pugh stated that the property is owned by George Spence and wife. It is zoned NAR. They are proposing a 60 lot subdivision requesting bonus density. In support of the bonus density the lots have been clustered to the rear portion of the property while maintaining a large residual lot, Lot 1. There is a common open space buffer around the perimeter which adjoining the Villages of North East and Old York Estates. Mr. Burcham added that the common open space that borders the northern most side of this property is where the rural alignment of the Elkton Greenway will take place, which is part of their proposal to realign the trail through both of these properties. Along the western most bordered that entire side is surrounded by open space and there is an existing road that can be used as a walking path through the open space and it also adjoins common open space on the Old York Estate subdivision which adjoins us to the west.

Mr. Woodhull stated A SWM Plan, Road 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.

The downstream conveyance of the 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 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, Lois Mountain Drive. 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.

The department will be looking at Irishtown Road to carefully evaluate the roads ability to accommodate an additional 600 trips per day and will be reporting on it at Planning Commission.

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

Jeese Court may be in excess of the 10% slope allowed by the Road Code. Some portion of Rhodes Mountain Drive, from Irishtown Road in, must meet Minor Collector Road Standards. Any applicable Road Code Variances must be requires prior to submittal for Preliminary Plat approval.

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. For the 30' wide ROW indication on Irishtown Road.

## TECHNICAL ADVISORY COMMITTEE 2004

Lot grading for Lots 14, 19, 28, 29 and 36 will need to give special consideration to stormwater impacts on down-gradient lots. There appears to be a well established swale or drainage way running down the back of Lots 21 23 and proceeding through the likely building envelope for Lot 20. Special care must be taken to address this issue during design and construction.

Why aren't the existing structures on this side shown? Yes. What is their intended disposition? Mr. Burcham stated that there is an existing farm house that is on the north side of the existing lane. There also some old barns near Lots 9 and 10. All of the old structures, including the primary residence, are slated to be removed in the development of the property.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for the streets and storm drains.

Mr. Van Funk submitted the soil summary for this area. It would be a good idea to take a soil boring of the area.

Mr. Markwardt stated that the distance to Rhodes Mountain Road does not qualify to take the buses into the development. At some time it could be reevaluated depending how many children are accessing the bus.

Mr. Roop stated that any filling in perennial stream or non-tidal wetlands requires a DOA permit. No JD approved.

Mr. Ancel stated that any location that the electric company calls for a road crossing Verizon will call for one 4" conduit.

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

Mr. DiGiacomo read the MDE comments: A Water Appropriation and Use Permit will be required. Public notice and possibility an aquifer test will be required.

Mr. DiGiacomo noted that the zoning is NAR & RR. The NAR and RR zones permit a maximum base density of 1 dwelling unit per 5 acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 60 lots on 180.79 acres, for a proposed density of 1/3.01.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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 general bonus density eligibility requirements of the NAR & RR zones. The large lot and the common open space together comprise 60.66% of the total acreage. Are the landscaped islands acreages in the cul-de-sacs included? Yes.

No landscaping of the development envelope is required in the NAR & RR zones.

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

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 2004

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 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.

All road names have been approved except Jesse Court. Another name must be selected and approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

Connectivity to the adjacent Villages at North East should be considered.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

The existing pathway shown on the proposed common open space at the western edge of the property should be linked with the Elk Neck Trail or other greenways if, feasible.

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

**6. Kevin Small and Tom Minor presented Wyndale Farm, Childs Road, Concept Plat, Frederick Ward Associates, Third Election District.**

Mr. Small stated that the property before you this morning is located at the corner of Childs Road and Singerly Road (Rte 213). It will consist of 28 single family units. There are two SWM facilities. Water and sewer will be acquired from CECO utilities through Manchester Farms off of Rte 213.

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

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 3.07.15 of the Road Code directs that Childs Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Childs Road and the proposed entrance. However, due to the width and condition of Childs Road the developer will be responsible for providing this upgrade. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. The center line 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 owners expense. The internal streets do not meet Road Code Standards. Cul-de-sacs must be

## TECHNICAL ADVISORY COMMITTEE 2004

75' radius and both Latham Road and Keswick Drive must be constructed to Minor Collector Road Standard. Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat Approval. All lots must access the least major road and be denied accordingly, The dedication note on the Final Plat for the 30' wide ROW indicated on Childs Road should read, 30' wide strip to be dedicated and 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 the responsibility of the adjacent property owner as required by the Cecil County Road Code.

Is this site within the Master Water & Sewer Plan? No. If not the developer must seek to amend the plan.

This property is outside the service district of the Cherry Hill WWTF and may not hook up to it. It is understood that this development was part of the DECO Utilities water study and is consistent with it. The Department recommends that any approval be conditioned upon demonstration to DPW of adequate fire flow and pressure.

The water and sewer design should meet or exceed the county standards. The department recommends that the fire hydrants be spaced at no more than 600' maximum and at every intersection.

An Inspection and Maintenance Agreement will require for the SWM facilities. A PWA will be required for the streets and storm drains.

Mr. Van Funk submitted the soil summary for this area. There is only one hydric soil on the property. Suggestion made to develop a concept for erosion and sediment control. Would like to see smaller sediment traps rather than storm drain pipes to displace the water.

Mr. Markwardt stated that initially bus service will be provided at the corner of Latham and Childs Road. At some point in time when the number of students increase there is the probability that service will enter the development. At some point a waiver will be requested prior to the roads being dedicated to the county.

Mr. Roop stated that any filling in the areas labeled as Waters of the U.S. or non-tidal wetlands requires a DOA permit. No JD approved.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Ancel stated that any location requiring electric road crossing will require a 4" conduit. Also a 4" conduit will be required at any intermittent stream.

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

Mr. DiGiacomo read the MDE comments: If public water is available, a Water Appropriation and Use Permit will not be required.

Mr. DiGiacomo noted that zoning is SR. The SR zone permits a maximum base density of 1 dwelling unit at 1 acre, or 2/1 with the presence of community facilities. This Concept Plat proposes 128 lots on 64.89 acres, for a proposed density of 1.97/1, using CECO Utilities for water and sewer service.

However, the property is not located in an existing sewer and water service area nor is it located in a planned sewer and water service area. Therefore, the Master Water & Sewer Plan will need to be amended prior to final plat review by the Planning Commission.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices 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, expandable to 50' in Forest Retention Areas, is required around all intermittent streams. 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

## TECHNICAL ADVISORY COMMITTEE 2004

Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

A minimum of 15% common open space is required; 21%, or 13.8 acres, is proposed. No more than 40% of the common open space shall consist of those areas designated as nontidal or tidal wetlands and 15% of the common space shall not consist of perennial or intermittent stream buffers, nontidal wetland buffers, steep slopes or habitats of rare threatened or endangered species. As presently proposed, the common open space exceeds this requirement (44% or 6.12 Acres). These calculations must be included on the Preliminary Plat.

Twenty percent 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 MD Route 213 and Childs 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.

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 12/22/03. The site is not home to any rare, threatened and endangered species.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

Note #11 needs to be corrected to SR from SAR .

Agricultural must be spelled correctly in the Development Summary after Existing Use.

Steep slopes need to be identified in the legend.

Open space needs to be labeled as Common Open Space.

Minor Subdivisions 2922 and 2609 must be referenced on the plat.

The FIRM identification should be revised to 2400190020B with a date of 3 January 1997.

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

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

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

The Development Summary and Typical Lot Layout must be revised to indicate the correct rear yard setback of 40 .

Verification must be received from MDE and CECO Utilities that CECO is capable of serving, and that CECO has water and sewer capacity available for allocation, for the proposed development prior to final plat review by the Planning Commission. A public works agreement must be consummated with the DPW for the water and sewer facilities.

Documentation of all Public Service Commission approvals must be provided prior to Final Plat Review.

## TECHNICAL ADVISORY COMMITTEE 2004

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

A Traffic Impact Study will be recommended prior to TAC review of the preliminary plat.

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.

# February 4, 2004, 9:00 a.m.

## Technical Advisory Committee

**PRESENT:** Carter, DiGiacomo, Markwardt, McDowell, Roop, Van Staden, Woodhull and Jones

**ABSENT:** Ancel, Davis, Funk, King, Latham, Moore and Ouano

**1. Carl Wynn and William Craig presented Samuel P. Craig, New Cut Road, (Earleville) Concept Plat, P.E.L.S.A. Company, Inc., Seventh Election District**

Mr. Craig stated that before the committee was a one lot property on two acres with an existing septic system in the back of the proposed house. The property was located off New Cut Road.

Mr. Woodhull stated that a SWM submittal is required, addressing any request for an exemption or waiver. However if this project fails to qualify for either of these, a SWM Plan must be submitted and approved by the CCDPW prior to submittal for Final Plat approval.

Due to the nature of the site topography this lot appears to be traversed by two existing swales that provide drainage for a large area of the adjoining properties; this department will require a Final Lot Grading Plan. This plan must satisfactorily demonstrate that the dwelling and any other structures on site will not be adversely impacted by the existing run-off and that any grading proposed will not adversely impact the conveyance of run-off crossing the lot. 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 Plan must be submitted and approved by the CCDPW prior to submittal for Final Plat Approval.

In addition to the stormwater management grading plan, notice shall be provided on the plat that the contiguous properties to the north, east, and south drain stormwater runoff onto Lot 1 and these properties are protected from nuisance claims provided that the nature and extent of said stormwater runoff is not substantially altered in the future. The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance.

## TECHNICAL ADVISORY COMMITTEE 2004

The ROW dedications on Mill Lane must read, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

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

If any SWM facilities are proposed an Inspection and Maintenance Agreement will be required for them.

Mr. Woodhull referenced the plat, stating that while he had sheet 1 of 3; sheets 2 of 3 and 3 of 3 were missing. Mr. Wynn noted that sheets 2 of 3 and 3 of 3 addressed the Final Grading Plan and the Forestry Plan and were therefore purposely left out.

Mr. Van Staden read the Health Department comments, a copy attached for reference. In addition Mr. Van Staden noted that the soil designation is based on the soil survey which was properly scaled on the plat, but when the soil survey is done on the county scale, it sometimes shows things wider than they actually are; which makes it more visible on the map. As long as it is designated as MR the Health Department regulations state that septic areas must be kept 25' away. Recognizing that the MR was probably shown wider than it really was, it was probably the center line of the deep swale. He went on to tell Mr. Wynn that if he could get a soil scientist to do field shots that it is not MR, but something else, or simply stay 25' away, that would wipe out 90% of his sewage area.

Mr. Van Staden referenced the topography, noting that the x's on the plat were spot elevations. There was a swale shown between the sewage areas. Initially there was a concern that either the topography was mislocated or the holes were mislocated but it is believed that the topography shots were done at a grid and it missed the actual center line. The bank is steeper on the south side than on the north side and when the contours were generated they assumed even a further distance between the shots. Locate the center of the swale, because another requirement is that the sewage line has to be 25' from the center line of the swale. What is shown as Perc Test #2 is actually 40' from the center line and yet it is being shown as dead center on the plat. Mr. Wynn stated that it was a general grid. Mr. Van Staden again stated that someone needed to locate the actual center line of the grid. Based on the outcome of the MR and the swale percolation test and soil evaluations must be conducted to define a 10,000 sq ft. sewage area on this lot, down slope from the proposed dwelling location, on contour and at least 25' from the Mr. Soil. Show the centerline of the swale on the plat. Mr. Van Staden went on to reinforce that the swale was more to the south. The perc sheet indicated that Perc Test #2 was actually 30 to 40' from the center line of the swale. If you look at the grid

## TECHNICAL ADVISORY COMMITTEE 2004

system it is believed that the lowest shots taken, which were right between the two 0's and 300 and right next to Perc Test #2 and was assumed as the lowest point. When in actuality there was more fall going towards the south before it came up steeper on the south side. Mr. Wynn had more questions to which Mr. Van Staden noted that Mr. Wynn would need to hire a soil scientist in order to have it changed.

Mr. Markwardt stated that Cecil County Schools had no comment.

Mr. Roop stated that there were no waters of the U.S. including jurisdictional wetlands present at the project site; therefore, Department of Army (DOA) authorization is not required. A (JD) Jurisdictional Determination had not been done.

Mr. McDowell, Citizens Representative, stated that he had been contacted by Ms. Emily Manlove regarding Mr. Craig's subdivision plan. The subject lot has been surveyed off Mr. Craig's land abutting her farm to the North. She farms her land, which is adjacent to his land from which he has sold five lots. The maps and plats do not show an existing valley or swale in the subject lot which carries water runoff from her land and from Mill Lane. She believes this should be considered in making a decision about the lot. Also she wants the existence of this swale to be documented in the record, because she fears being sued by a future homeowner who might blame her for water draining across their property. She has a rock structure and grass waterway designed by the Soil Conservation Service to control the water flow and stop erosion but if she should have to re-do this arrangement, she fears adjacent landowners might accuse her of causing runoff on them.

Attached is a letter written to the Office of Planning and Zoning by David Parrack, the lawyer representing Ms. Manlove.

No comment from Conectiv.

No comment from State Highway Administration.

Mr. DiGiacomo read the MDE comments: A water appropriation and use permit is not required for a subdivision of less than 10 lots.

Mr. DiGiacomo stated that zoning was SAR. The SAR zone permits a maximum base density of 1 dwelling unit per 8 acres. Bonus density is not an issue, as this Concept Plat proposes 1 new lot on 151 acres, for a proposed density of 75.5/1.

## TECHNICAL ADVISORY COMMITTEE 2004

The acreage provided in Note # 4, the vicinity map (incorrectly called a Site Plan ), and on the plat is in conflict with tax records, and must be corrected prior to review by the Planning Commission, unless the boundary line survey, which must be done for the preparation of the Preliminary Plat for density calculation purposes, proves otherwise.

The deed reference in Note # 2, the vicinity map (incorrectly called a Site Plan ), and on the plat is erroneous, and must be corrected prior to review by the Planning Commission. Tax records indicate the deed reference is NDS 474/842.

The address of the property shown on the vicinity map (incorrectly called a Site Plan ), on the plat, and in the title block is incorrect. It is on Mill Lane, not New Cut Road. That must be corrected prior to review by the Planning Commission.

Samuel has been misspelled in the title block.

Maryland will suffice in the title block.

Water has been misspelled in Note # 13.

The title block indicates that this is sheet 1 of 3. Where are sheets 2 and 3? This question was previously addressed by DPW.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 open space is required.

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

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

Bufferyard Standard A is required along the northern lot line 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.

The natural vegetation equivalent may be used to satisfy the bufferyard requirements, if feasible.

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

## TECHNICAL ADVISORY COMMITTEE 2004

A Landscape Agreement must be executed prior to recordation.

If the dwelling is for an immediate family member, then this proposal may be exempt under §3.2K.

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.

Why hasn't this been submitted as a Preliminary-Final Plat? Mr. Wynn replied that he had submitted the Concept first seeking approval before completing any more work which was suggested on the TAC checklist.

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

**2. Mr. Paul Muddiman, James Keeffer and Bill Stritzinger presented **Aston Pointe, Appleton Road, Telegraph Road (Rte 273 and Jackson Hall School Road, Concept Plat, Morris & Ritchie Associates, Inc, Fourth Election District****

Mr. Muddiman stated that this project went before TAC in September of 2003. The prior plan included 510 lots, each being about 12,000 ft<sup>2</sup> on 345 acres. The new plan has been developed as a residential cluster development which includes an 18 hole golf course. The property is zoned SR and there is a 30 acre portion of the property zoned PG along Rte 273. Two additional parcels have been added to the property along Jackson Hall School Road bringing the total site to 420 acres. The number of lots has been reduced to 370. The permitted density on the 420 acres is 840 units. The access to the community is off of Rte 273 with a spine running north south, Jackson Hall School Road. There are very few lots fronting that road. The clubhouse for the golf course and Hole 9 will be parallel to the entrance. There will be three different lot sizes. Some rezoning to SR will be required. Open space, which is in the form of soccer fields, has been relocated to Spine Road, which is a new road, and Jackson Hall School Road. The golf course will be on about 169 acres of land. The site will be served by public sewer and water. The sewer will be provided by the Meadowvale Treatment Plant, which is slated for upgrades. The water will be provided from the Pennsylvania line along Appleton Road.

## TECHNICAL ADVISORY COMMITTEE 2004

Some of the major comments have been addressed from the last TAC meeting. There were lots and roads on top of existing gas mains. These lots and roads have been moved with the exception of necessary crossing. A road connection was created on the south side of Jackson Hall School Road. There are 30 acres of BGE.

Mr. Woodhull stated that a SWM plan; 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 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 Jackson Hall School Road Cat Swamp Road and Barksdale Road to handle all discharges from the SWM Facilities.

If storm water discharge is directed off of the site on to adjacent properties it is the responsibility of the Developer to obtain appropriate easements from the owners of the affected properties per Section 251-13 of the Cecil County Stormwater Management Ordinance. A Dam Breach Analysis must be submitted to DPW for all existing ponds and As-builts will be required for the two existing ponds proposed as SWM Facilities.

Section 3.07.15 of the Road Code directs that Jackson Hall School Road and Cat Swamp 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 the Department s concerns regarding the adequacy of Appleton Road, Jackson Hall School Road and Barksdale Road to handle an approximate additional 4500 average daily trip ends generated by this development, at this time, 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. (4,500 Trip Ends based on 3700 generated by 370 lots 800 Trip Ends generated by the Golf Course)

These roads exhibit areas of base and surface failure, inadequate width and shoulders, and poor roadside drainage. With regards to intersections, the Jackson Hall School Road/Appleton Road intersection is suspected to be severely impacted by the proximity of existing dwellings and will prove very challenging for the Developer s required improvements there. The solutions to the problems of these links and nodes will be addressed further after the Traffic Impact Study has been analyzed. Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. Have the centerlines of the proposed entrances been marked in the field? Mr. Muddiman discussed with Mr. Woodhull the various roads.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Access from any lot to Appleton Road, Jackson Hall School Road, Cat Swamp Road, and Barksdale Road is denied except for the proposed entrances and the existing driveway for Lot 371.

Lots 256 and 370 must be denied access to Road B except for the southernmost 20' of lots. In fact the Department recommends that consideration be given removing Lot 256 all together because of the potential its residents will likely engage in unsafe traffic movements around the proposed landscape island. Lots 344 and 345 must be denied access to Road B except for the easternmost 20' of lots.

Does Parcel 37 access Jackson Hall School Road via a common drive to Parcel 38, does Parcel 37 have own driveway? Mr. Muddiman stated that he did not know. One thing that will need to be verified is if it does what affect will this project have on the rights to access.

The Department strongly recommends providing connectivity from the internal streets to The Lands of Wohnner via Road O.

All lots must access the least major road frontage where possible. Those that cannot, as on Roads A & B, must have driveways of sufficient design to allow turnaround capability to improve access safety for each lot. Where driveway turnarounds are the recommended solution, the final lot grading plan must show them as mandatory.

Adequate internal off-street parking must be provided at the soccer fields on Road A. Parking along Road A is prohibited and must be indicated with signs. The cul-de-sacs do not conform to the Road Code Standard R-14. Consideration must be given to Road N geometry in regards to the angular nature of the proposed loop. This configuration presents additional paved surface, requiring maintenance, for no benefit to the County. (i.e. better traffic flow and/or traffic safety.)

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. The ROW dedications on Jackson Hall School Road, at the Road B intersection, and Cat Swamp Road must be clarified to denote fee simple dedication as shown elsewhere on the plat.

## TECHNICAL ADVISORY COMMITTEE 2004

What type of road section is proposed (open or closed) for the SR Zoned section of the development? Mr. Muddiman stated closed. 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 storm water conveyance.

Roads C and E must be closed section road as required by Section 2.07 of the Cecil County Road Code.

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. How does the Applicant propose to provide sanitary sewer and water service to this development? Sanitary sewer will be extended from the Meadowview Treatment Plant. Water will be extended from the Pennsylvania line down through Appleton Road. Water will be purchased from a Chester water company, Artesian.

The Department 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.

Rather than the applicant paying to completely replace the Highlands WWTP the department strongly recommends that for less capital outlay the Applicant convert this facility to a pump station and provide a sewer force main connected to an upgraded Meadow View WWTP. The cost trade-off between these options appear to make the pump station/force main less expensive while providing greater capacity for this project in a more efficient method.

If the Planning Commission approves the Concept Plat, the department will require seeing a concept Master Sanitary Sewer and Water Plan for the entire development prior to Preliminary Plat submittal for any section of the development.

If the request for rezoning of the BG portion of this site is denied, the applicant must provide a sewer easement connecting the BG zoned property to the main sewer system in the development. Connection fees will be required plus a likely Benefit Assessment fee for the upgrade of the Meadow View WWTP.

Adequate fire flow and pressure must be designed into the water service system for this development.

## TECHNICAL ADVISORY COMMITTEE 2004

The water line for this development must be connected to the existing water line at Locharron Drive and be extended and capped at the required road stub to The Lands of Wohner.

All cleanouts and water meter vaults must be designed to be outside of all paved or concrete areas on each lot.

Careful consideration must be given to safety concerns with the close proximity of the gas transmission line to dwellings.

The line is routed across County ROWs. Therefore, the applicant must inform the Owner of the line that they must obtain a maintenance easement to be allowed to work in our ROW.

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

What is the expected occupancy of the proposed clubhouse? Mr. Stritzinger stated that it was still preliminary.

PWAs will be required for the proposed roads and storm drains, water lines, and sewer lines.

An Inspection and Maintenance Agreement is required for SWM facilities.

Mr. Van Staden read the Health Department comments, a copy attached for reference. In addition Mr. Van Staden questioned what type of structure was crossing the property line, in the common open space, along Cats Swamp Road. Mr. Muddiman replied that he did not know but that they were in the process of doing a boundary survey for the property.

Mr. Markwardt questioned if there was a plan to put sidewalks in along Road A and Road B. Mr. Muddiman answered yes. Mr. Markwardt went on to say that bus service would probably be provided on Road A and Road B only. Bus stops are usually ½ mile apart. Once the roads are accepted by the county other stops will be determined. School buses do not travel roads until the roads are accepted by the county, unless the developer is willing to submit a waiver allowing the buses to travel the roads and assuming responsibility for snow and ice removal or traffic control.

## TECHNICAL ADVISORY COMMITTEE 2004

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Mr. Roop stated that any filling in the West Branch or non-tidal wetlands adjacent to this waterway requires a DOA permit. Any filling in isolated wetlands requires authorization from the Maryland Department of the Environment. A (JD) Jurisdictional Determination had not been done.

Mr. McDowell, Citizens Representative, read the public comments: As when the first plat was presented last September, I have again been contacted by many residents from the Appleton area. I was also invited to a community meeting where concerns about Aston Pointe were voiced. They made clear that they do not oppose all development. They realize that development will take place; however, they want to assure that it is managed, and done in a way that enhances the quality of life for the Appleton residents. The speaker at the public meeting was an expert in water quality management and emphasized that development in the Appleton area is at the critical point where increasing development may push the watershed (consisting of 37 miles of area streams) and Big Elk Creek to the point where degradation will impact the quality of life for the area.

There is also the major concern that this development is just the tip of the iceberg. Once public sewer and water are available in the Northeastern corner of the county, there will be a flood of developers seeking to take advantage of this opportunity to market homes to people wishing to move from New Castle County and Newark which are essentially fully developed. Without careful management and planning now, the result will be more urban sprawl and a loss of the rural ambiance of Cecil County. All of the concerns about traffic, water quality, school crowding, public safety, decreased property values, and increased taxes will be amplified and the result will be a degraded quality of life in the Appleton area and not in keeping with the rural character of Cecil County.

The following are specific concerns and questions that were given to Mr. McDowell:

### **TRAFFIC**

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1. It was stated at the public meeting that the county will require that Aston Pointe provide a connecting road to the Highlands at Locharron Drive. The residents of the Highlands are very strongly opposed to connecting Locharron Drive to the new development. They cite the following concerns:

a) Locharron Drive and Kirkcaldy Drive are not capable of receiving any increased traffic flow. Locharron and Kirkcaldy were designed to handle only the traffic generated by the Highlands. Locharron is not constructed to the same standards as the other roads to which Aston Pointe proposes a connection/entrance to Rte. 273, Cat Swamp Road and Jackson Hall School Road. There is no comparison between the county through roads and the subdivision internal streets. These older subdivision streets were not designed to the current standards which the Roads A and B of Aston Pointe must meet. This would also increase traffic on the already busy Valley Road.

## TECHNICAL ADVISORY COMMITTEE 2004

- b) It would ruin the character of the Highlands, a distinct and separate community and it would take away the desirable limited access which is why most folks moved into the Highlands. People bought their homes in the Highlands knowing that they would never have to tie into another community. The peace and seclusion offered by the Highlands was the selling point.
  
- c) It would create unnecessary danger to folks living there and to their children due to the increased traffic flow. This development does not have sidewalks or play areas for the children; thus children, bike riders, and walkers are often in the roadway. Traffic rushing to/from work, school and other activities will endanger children, cars backing out of driveways, and those out walking in the community.
  
- d) It would bring people into the Highlands that really have no reason for being there and who have no vested interest in the well-being of the Highlands community.
  
- e) The primary merit discussed for the connection was to provide a secondary access for emergency vehicles, but the Highlands has never had an incident in over 25 years that would have benefited from this access.

If it is decided that access is required, it is requested that that access be designed with low curbs that must be crossed or other features that would limit that access to only emergency vehicles and not provide a through road for regular traffic flow.

2. The Traffic Impact Study (TIS) should include other area roads not just those that have entrances to Aston Pointe. This should include Little Egypt Road and Appleton Road. Locharron Road, Kirkcaldy Drive and Valley Road should be included if the connection to the Highlands is required by the Planning Commission. The TIS should also consider the safety impacts on the current homeowners due to entering more congested roads from their driveways.

3. In order to improve safety on the impacted roads, will the one-way bridge on Barksdale Road between Cat Swamp and Appleton Roads be widened or replaced? Mr. Muddiman answered that it is currently being replaced.

### **BUILDING/MARKETING**

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## TECHNICAL ADVISORY COMMITTEE 2004

1. Will the lots in the development be marketed to national homebuilders? Typically these builders are vertically integrated with their own supply chain of goods and services. Consequently they bring little of the construction business to the local economy. They have their own building material suppliers and contractors and they do their own mortgage banking, title work and closing. Mr. Stritzinger stated that they are currently being offered to both national and local builders. No decision has been made to builders at this time.
2. The developer/builder should consider building higher scale homes on larger lots which will generate the same income to him. This would benefit both the county and the local residents. The higher tax base would generate enough income to meet the cost of schools and services provided by the county while lowering the impact on schools and roads and the effects of higher home density.

### **WATER QUALITY AND STORMWATER MANAGEMENT**

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The planned golf course is a major source of water pollution. The runoff will contain the pesticides, herbicides and fertilizers used to maintain the greens. Any analysis of anticipated stormwater runoff must include this source as well as that due to the maintenance of the many lawns. This study should also consider the impact on the existing wells in the area. Will the residents have the right to know what chemicals are used on the golf course? This would help in screening the existing wells for contamination. Does the golf course have to notify some government agency what chemicals are used on a continuous basis?

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### **GOLF COURSE**

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1. Specific mention has been made that the Newark Country Club may relocate to the golf course proposed at Aston Pointe. Has this been presented to the members of the country club and has a vote of the members been taken to determine if there is support for this proposal? Who will actually own the golf course? Mr. Stritzinger stated that there is a proposal but he did not want to discuss the proposal.
2. Will the country club area be restricted from residential development or is there the possibility that it will also be developed for homes when that is a more economically favorable use of the land.
3. How will the value of the golf course be determined for county property taxes? The developer stated at a public meeting his intent to invest \$6 M in the club.

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### **PUBLIC WATER AND SEWER**

## TECHNICAL ADVISORY COMMITTEE 2004

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Developers should not decide where the county provides public water and sewer service. The cost of building, operating, and maintaining this infrastructure is expensive and service to areas where it provides economic advantages to the whole county should be given preference. Even if the developer bears the initial cost, it sets a precedent for a developer deciding where development should be supported by the county. Once the service is available it could be expanded to other tracts in the Appleton, Fairhill, Barksdale and Jackson Hall areas. Other land owners have already received offers to sell their lands/farms. These utilities should first be supplied to the Route 40/I-95 corridor where commercial/industrial users would be attracted to grow the local economy and provide jobs. Once this precedent is set, control of growth has passed from the County Commissioners to developers. It is contrary to the best interests of the citizens of Cecil County to change the Comprehensive Water & Sewer Plan to accommodate Aston Pointe.

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### **DENSITY**

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The area residents believe that the developer should build at the density permitted for private water and sewer of one dwelling unit per acre and a minimum lot size of 20,000 ft<sup>2</sup>. The current proposal places the homes on lots of 8,125 ft<sup>2</sup> to 15,000 ft<sup>2</sup>.

### **ACTION REQUESTED**

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The residents specifically request that a study be initiated to evaluate the best options for development of the whole Appleton, Fairhill, Barksdale and Jackson Hall area. This study should consider the future requirement to provide water and sewer service to this whole area, rather than to one selected development with potential piecemeal extensions to other developments as they pop up. Until it is determined to be in the best interests of the county to encourage development at the density that community services allow, all development in this area should be limited to private wells and sewer. There appears to be no economic benefit to Cecil County from this development as proposed, and there are many negative impacts to the local residents and to the residents of the entire county.

No comment from Conectiv.

MDE comments: If public water is available, a water appropriation and use permit will be required.

No comment from the Singerly Volunteer Fire Company.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo stated that zoning was SR & BG. The SR zone permits a maximum base density of 1 dwelling unit per 1 acre, or 2 dwelling units per 1 acre with community facilities. This Concept Plat proposes 372 lots, one of which proposes a golf course on 420.10 acres, for a proposed density of 1.131. Therefore, with regards to those comments, they are within the lower density permitted which is one to one acre; 30.06 of those acres are zoned BG. Per Note # 20, the BG acreage must be rezoned to SR. Unless that rezoning is successful, this design cannot be achieved. It is to the advantage of the applicant to submit the rezoning application as soon as possible, but Final Plat approval will not be possible without the rezoning. Appleton Road is not MD Rte 316, which is a county road. Therefore references to Rte 316 should be deleted.

A golf course is proposed as Lot 372. Public golf courses may be permitted in the SR zone as a Special Exception. The Special Exception must be obtained prior to Final Plat review. Private golf courses are permitted in the SR zone. By precedent, a public golf course is defined as one that can be utilized by anyone for a fee, and a private golf course is one that can be utilized only by members of the country or golf club. The golf course proposed on this Concept Plat can be approved as part of the proposed subdivision only if it is a private golf course.

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

The title block indicates that this is a residential cluster development. Also, inasmuch as 74 lots are proposed consisting of only 8,125 ft<sup>2</sup>, and since the minimum lot size in the SR zone is 12,000 ft<sup>2</sup>, it appears that the intent is to invoke the provisions of §6.1 of the Subdivision Regulations.

The purpose of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

It must be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

- a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
- c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

The typical lot layout graphic depicting what is allowed in the BG zone must be removed or modified, since the stated intent is to seek a rezoning to SR of the BG portion of the site. In addition, per §69 and the Table of Permissible Uses of the Zoning Ordinance, a dwelling is permitted only for the owner of a business on a BG-zoned parcel.

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland 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 85.38 acres of common open space, in addition to the proposed 169-acre golf course. Sixty-Three acres (15%) are required in the SR zone, based on 420 acres and not deducting road right-of-way from the gross acreage.

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 must be included on the Preliminary Plat submitted for TAC review.

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 in the SR zone. This proposal, in keeping with the creative and innovative designs encouraged for cluster development, must include adequate sidewalks and walking/bike paths, as well as any possible greenway linkages.

## TECHNICAL ADVISORY COMMITTEE 2004

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Appleton, Cat Swamp, Jackson Hall School, and Telegraph Roads. A Bufferyard Standard C is also required to buffer the golf course from adjacent residential uses (§100.3 & §106.6) and to buffer the parking area (§100.4 & §106.5). A structure on proposed Lot 371 must be removed unless the Planning Commission grants a bufferyard and setback modification.

If the golf course is private and for the exclusive use of the Aston Pointe residents, then it would be considered an accessory use. As such:

- A determination must be made as to whether it would be owned and maintained by the Homeowners Association or as a condominium arrangement (All condominium owners must become 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.).
- The details of the golf course development must be approved by way of a separate site plan or as part of the regular subdivision process, provided that the Preliminary Plat includes details consistent with §291 and Appendix A of the Zoning Ordinance.

If the golf course is a public course, then it would not be considered an accessory use. Therefore, a Special Exception would be required, and a site plan application must be submitted, consistent with §291 and Appendix A of the Zoning Ordinance.

Per §100.4 & 106.7 of the Zoning Ordinance, off-street parking and loading areas, golf tees, and maintenance facilities must be screened by a Bufferyard Standard B.

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. Are any of the contiguous properties in agricultural operation? If so, then a Bufferyard A with a 100' setback may need to be shown on the plat.

Street trees are required on lots, 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) must be approved prior to Planning Commission review of the Concept plat.

## TECHNICAL ADVISORY COMMITTEE 2004

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary. 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). A right easement is already on file. 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.

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.

The stub road which connects with Locharron Drive, off of the proposed Road O, will need to be renamed. Mr. DiGiacomo noted that he realized that there were some concerns with local residents on the connectivity comments, but those were based on what is in the Comprehensive Plan and the Subdivision Regulations.

Confirmation must be received from the gas company that all proposed roads, intersections, and the parking lot at the golf course will not have any adverse impacts on the gas line within the easement.

A minimum 100-foot setback for all public golf course buildings and parking area must be provided (§106.4).

The provision of food and refreshments may be allowed in connection with a public golf course, provided the availability of such services is not reasonably expected to draw an excessive amount of traffic through local residential streets (§106.1).

## TECHNICAL ADVISORY COMMITTEE 2004

Staff 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 any additional scoping meetings and to review and comment on the completed TIS. DelDOT has already attended one scoping meeting, based on the previous submission, as will they continue to be a part of the review and comment process of the TIS. Mr. Stritzinger noted that BG zoned area would be marketed as an age targeted community. Mr. DiGiacomo noted that this information would be needed for the TIS.

Per §106.4 of the Zoning Ordinance, vehicular access to public golf courses must be derived from an arterial. Since the proposed Road A would be a local or collector street and a variance for this proposed entrance to a public course would be required.

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.

Active recreational amenities shown in common open space must be included in the public works agreement. There is the tot lot referred to in Note # 18? Mr. Keeffer stated that there is one shown as a part of the clubhouse complex. Mr. DiGiacomo asked if the tot lot would only be accessible to members. Mr. Muddiman replied not necessarily.

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.

Mr. DiGiacomo asked why the developer was going for public water as apposed to wells. Mr. Muddiman replied that 372 wells may be tough to achieve. All approvals must be received for any intra- or inter-basin water transfers prior to Final Plat approval. Any necessary approvals from the PSC to extend a water line to this property must be received prior to Final Plat approval. The Master Water and Sewer Plan must be amended prior to Final Plat review. We did not determine what impact(s) the sanitary sewer lines, water lines, and any required stormwater conveyance devices had on the gas line easement.

Fire hydrant locations should be selected in consultation with the Department of Public Works and the Singerly Volunteer Fire Company. Consideration should be given to the installation of dry hydrants at the

## TECHNICAL ADVISORY COMMITTEE 2004

stormwater management ponds.

As they are attractive hazards, serious consideration should be given to protective fencing around the stormwater management facilities.

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

### **3. Elmer Justice presented Bayview Station, Theodore Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Fifth Election District**

Mr. Justice stated that he represents the owners of Bayview Station. This project is a seven lot subdivision, proposed mini road.

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. 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.

## TECHNICAL ADVISORY COMMITTEE 2004

The Department recommends that approval of this project include off-site improvements to Theodore Road to full Minor Collector Road status, from the proposed entrance approximately 300' east to and including the crest of the road adjacent to Parcel 137. This includes the reduction of said crest to create a safer traffic condition for the proposed entrance.

Consistent with Section 7.2.12.E.2 of the Subdivision Regulations the proximity of the proposed private mini road to Ron Biggers Road and a private mini road, would create a potential safety hazard for turning movements to and from both roads. The road design of the proposed entrance must address this concern to the satisfaction of this department.

This entrance location is considered to be the second best alternative between the three the Department has considered. The others being the an entrance located to the east adjacent to the Lands of Cook and the third being a cooperative effort with the owners of the Lands of Biggers to provide a joint access. It is our understanding that the efforts to accomplish a joint access have been exhausted.

The alternative to the east is the least acceptable one due to sight distance concerns and lack of space for a de-acceleration lane. Properly designed, the Department can accept the proposed entrance location. However, the design must resolve all traffic movement conflicts that the department has envisioned.

At a minimum a de-acceleration lane with taper will be required along the entire Theodore Road frontage regardless of the Road Code Warrants. The road side embankment must be graded in such a manner as to allow drivers on either of the private mini roads to see each other at their respective entrances. Right turn lane is desired. 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.

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 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.).

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

## TECHNICAL ADVISORY COMMITTEE 2004

Significant design consideration must be given to the issue of driveway pipe locations, for Lots 2 & 3, and their impact on the storm water conveyance. Therefore the driveway entrances and associated drain pipe for these two lots must be installed at the same time as the mini-road is constructed. The driveway locations must be located on the final plat.

A PWA is required for the proposed road and storm drains. An Inspection and Maintenance Agreement is required for SWM facilities.

Mr. Carter suggested that the developer and engineer set up a meeting with DPW once they are in the design stage. This will allow both sides to review preliminary sketch together.

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

Mr. Markwardt stated that bus service would be provided at the intersection of Pleasantview Drive and Theodore Road.

Mr. Roop stated that any filling in Stoney Run or the adjacent non-tidal wetlands requires a DOA permit. A (JD) Jurisdictional Determination had not been done.

Mr. McDowell, Citizens Representative, had no public comments.

No comments from Conectiv.

No comments from the State Highway Administration.

Mr. DiGiacomo read the MDE comments: A water appropriation and use permit is not required for subdivision of less than 10 lots.

North East Volunteer Fire Company has reviewed the plat and had no issues with it at this time.

February 4, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated that the zoning is SR. The SR zone permits a maximum base density of one dwelling unit per one acre.

The Concept Plat was approved at a density of 1/3.37 on 9/15/03, conditioned on:

- 1) The Pleasantview Drive road name being approved by the County 911 Emergency Center prior to the Planning Commission's review of the Preliminary Plat;
- 2) A Jurisdictional Determination (JD) being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) A Boundary Line Survey being done for the preparation of the Preliminary Plat for density calculation purposes;
- 4) The Bufferyard A and 100' setback being shown on the Preliminary Plat along the rear lots lines of proposed Lots 4, 5 and 6;
- 5) The details of the PFCP and the Preliminary Plat matching up;
- 6) All well locations for all proposed lots being shown on the Preliminary Plat;
- 7) The proposed Lot 7 dwelling location being shifted because of the conflict with a black oak specimen tree; and
- 8) The developer and the Department of Public Works reconciling a mutually agreeable entrance location for Lots 1-6.

This Preliminary Plat proposes 7 lots on 23.62 acres (for a proposed density of 1/3.37), and is consistent with the approved Concept Plat.

Has a boundary line survey been done? Yes.

The perennial stream buffer has been expanded to 160'.

The 25' non-tidal wetland buffer has been. 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.

## TECHNICAL ADVISORY COMMITTEE 2004

No open space is required for only seven lots, though creating common open space in which to locate any stormwater management areas may be desirable. If so, then a Homeowners Association for maintenance of common open space must also 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. Justice replied easement.

Twenty percent landscaping of the development envelope is required in the SR zone.

Sidewalks are typically recommended on one side of internal subdivision roads in the SR zone. As a rule, however, sidewalks are usually not recommended for mini-roads. In addition, given the adjacent NAR properties, no sidewalks are recommended in this case.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages on Theodore Rd. Bufferyard Standard A, including the 100' setback, is required and has been shown along the rear lots lines of proposed Lots 4, 5 and 6.

The word "taken" should be replaced with "taking" in the first line of the contiguous operating farm notice.

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.

The Forest Stand Delineation was approved on 5/15/03.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

The road name Pleasantview Drive has been approved. 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. The notes dealing with lot access will suffice.

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.

There were no further comments.

# March 3, 2004, 9:00 a.m.

## Technical Advisory Committee

PRESENT: Carter, Black for (DiGiacomo), Latham, McDowell, Moore, Ouano, Roop, Woodhull and Jones

ABSENT: Ancel, Davis, DiGiacomo, Funk, King and Markwardt

**1. Donald Sutton presented Chesapeake Village, Phase 2, Lots 36 - 71, Route 342 and Second Street, (Town of Chesapeake City) Concept Plat, McCrone, Inc., Second Election District**

Mr. Sutton stated that the Concept Plat, Phase 2, Chesapeake Village is comprised of Lots 36 - 71. Its design is basically a similar layout to Phase 1. The only issue that may be of concern would be the addition of a second access. The developers are currently working with C&P Telephone Company in the attempt to acquire property for a second access. If the developers attempt is successful the design could easily be altered to allow for the second access. It is currently under negotiations and therefore the applicant could not include the design in today's meeting. He also noted there is a stream crossing which will be dealt with in this section. This plat is slated to be reviewed by the Town Planning Commission evening meeting on 3/3/04.

Mr. Woodhull stated that it was Cecil County Department of Public Works understanding that the site is located in the Town of Chesapeake City. As such all infrastructure (e.g. sewer, water, and roads) will belong to the Town.

The CCDPW recommends to the Town of Chesapeake City that the internal streets be built to Cecil County Road Code standards or equivalent and that the water and sanitary sewer be built to Cecil County Water and Sewer Main Standards or equivalent.

A Stormwater Management 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. Any change to the Forest Retention, Afforestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include a note saying, No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised Lot Grading Plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein.

The downstream conveyance of stormwater 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.

Is the proposed SWM Facility adjacent to Lot 35 part of Phase I or Phase II? Mr. Sutton noted that it will be part of Phase 1 design. It is currently under design. It will be needed for Phase 1. CCDPW normally requires that any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. We recommend that the Town of Chesapeake City require the same before approving the Preliminary Plat. All driveways should be paved at least to the right of way.

If the Town of Chesapeake City requires sidewalks, CCDPW recommends that the Final Plats should include a note indicating that sidewalk maintenance will be required of the adjacent property owner.

It had appeared that the connectivity, recommended during Phase I review, was not possible, but in the opening comments it was mentioned that there was a possibility of obtaining property from the C&P Telephone Company.

Mr. Sutton stated that there was a road behind the telephone building that had been used as access to the property. Current negotiations with C&P Telephone Company are ongoing to acquire all or part of the property in order to gain access with the intention of gaining a second way in and out.

Mr. Woodhull stated that CCDPW highly recommended a standard cul-de-sac rather than a Tee turn around Lots 63 and 64, regardless of if the second access is approved.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Sutton stated that if C&P Telephone Company did not agree they would work on a cul-de-sac to revise that area. It is something that they would work with the Town on as to how they want to see that. It will be an option for the Town on how to proceed.

Mr. Woodhull noted that if on street parking is permitted the paved width of Canal Path should be extended as detailed in Standard R-6 of the Road Code. We think that an acceptable outcome can be achieved within the 50' ROW. This section of Canal Path should be modeled after the Minor Road Standard (including 11 lanes with 8' parking separated by striping.).

Village Way should be modeled after the Minor Road Standard R-7 of the Cecil County Road Code (including 11' travel lanes with 8' parking separated by striping).

Regardless of the conceptual cross sections shown at this time, approval should be based on meeting acceptable spread calculations.

Recommendations from the 10 States 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.

CCDPW continues its recommendation against the proposed routing of the sewer through the woods and stream buffer, as indicated on the Preliminary Plat for Phase I, unless the applicant can substantiate that there is no feasible alternative.

Mr. Woodhull asked if the applicants had looked at any other alternatives. Mr. Sutton replied that they were looking at other options including URS, the Town Engineer. They are awaiting a response from URS.

Mr. Woodhull stated that if the routing is permitted CCDPW 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 common open space 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.

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

## TECHNICAL ADVISORY COMMITTEE 2004

It is recommended that the Town require PWA s for the sewer mains, water mains and roads.

Mr. Carter had no comment.

Mr. Ouano, from Conectiv, stated that there is a major utility line that runs through the entire development. The line runs from Chesapeake City to the Bohemia Area and up to Elkton. The relocation cost for these lines would be very expensive. Conectiv could install it along the proposed roads, but the proposed roads would have to be within 6' of final grade of conduit. Another option would be to install it along the poles on the existing roads. This would result in the replacement of a lot of poles within Chesapeake City. The cost would be extremely expensive because the cables that would be used to replace the existing cable were bigger, that are used to feed major arteries, than the cable used to feed a normal development.

Ms. Latham stated that because it would be on public water a water appropriation permit would not be required.

Mr. Roop stated that any filling in the non-tidal wetlands requires a permit. Is this a stream that runs through the property? Yes. A (JD) Jurisdictional Determination had not been done.

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

Mr. McDowell noted that on the northwest corner of the plat there was a proposed walking path shown. The access to the development appeared to cross private property.

Mr. Sutton stated that there would be an easement on the final layout of the design. The walking path was an issue that the Town had brought up to provide connectivity to the Town. The actual position of where the bridges and/or walk paths would be determined at future date.

Mr. McDowell asked if there would be some type of access or easement. Mr. Sutton replied yes.

Mr. Black stated that the Office of Planning and Zoning had received comments from the State Highway Administration, Chesapeake City Volunteer Fire Company, Critical Area Commission and the Cecil County School Transportation Services.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Black read the State Highway Administration comments. Since an additional 35 [SIC] lots are being proposed the State Highway Administration recommends that a Traffic Impact Study be done to see what impacts this will have on the surrounding State highways. We also recommend that a second access point onto Second Street be looked at. If the intersection of MD 342 and MD 537 is ever closed due to an accident, how will emergency vehicles respond to this subdivision? Chesapeake Village Phase 2, Lots 36-71, which is located along State highways will be addressed under a separate letter.

Mr. Black read the Chesapeake Volunteer Fire Company comments. After reviewing the plans for the development off of North St. Augustine Road in the area of Iler Lane, it is strongly recommended by the Volunteer Fire Company #1 of Chesapeake City Inc. that a second entrance be located on Second Street or Ferry Slip Road. Due to the different types of emergencies we feel that one entrance will not be sufficient.

Critical Area Commission staff review comments: a copy attached for reference.

Mr. Black read the Board of Education comments. Bus service would be provided at the intersection of the MD 342 and Canal Path.

Mr. Black read the OPZ comments: 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 Concept Plat are made subsequent to our review and comment on the Phase 1 Preliminary Plat in October 2003.

The Phase 2 Concept Plat comments/questions are as follows:

The zoning for this site is R-1, TND with a Critical Area overlay of IDA. For Phase 1, 35 dwelling units were proposed on 12.53 acres, yielding a density of 2.79/1 for Phase 1. Phase 2 proposes 36 dwelling units are proposed on 17.32 acres, yielding a density of 2.08/1 for Phase 2. Provided the Phase 1 acreage has not changed, a total of 71 lots are proposed on 29.85 acres, for a combined overall density of 2.38/1.

All proposed Phase 2 Lots are within the Critical Area boundary.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed Phase 2 Critical Area density is 2.17/1. It should be verified that the proposed density for all phases is consistent with those allowed in the R-1, TND, & IDA zones.

An Environmental Assessment must be done.

Notes 3 and 4 are somewhat confusing, suggesting that part of the property is outside the corporate limits of the Town of Chesapeake City. It should be made clear that both are zoning classifications of the Town of Chesapeake City.

Additionally Note # 12 states that there are 35 lots being proposed. The plat show 36 and the Area Table indicates 36.

Mr. Sutton stated that there was a typo in Note # 12.

Mr. Black informed Mr. Sutton to verify the change therefore showing the parking spaces as being correct.

Notes 17, 18, & 19 clarify the parking picture somewhat, but if a combination of driveways, garages, and parallel parking spaces are all to be utilized, then it would seem to indicate more than 72 spaces.

It should be confirmed that the number of parking spaces proposed falls within the minimum and maximum number required or permitted by the Town's Zoning Ordinance and Subdivision Regulations. As the Phase 1 Preliminary Plat did not reveal the total number of parking spaces, it is recommended that number of parking spaces proposed be required to appear on the Final Plat for each phase or section thereof.

The zoning classifications of adjacent properties should be included on the plat prior to review by the Chesapeake City Planning Commission.

For proposed lots 36, 58-62, and 65-71, the relationship between driveway/garage access and on-street parallel parking should be clarified to avoid any design conflicts. Why aren't some of those spaces shifted to the segment of the proposed Canal Path along the open space, where such potential conflicts would not be a problem? Mr. Sutton responded because there would not be any on street parking, thereby alleviating the width issue and minimizing the amount of crossing.

## TECHNICAL ADVISORY COMMITTEE 2004

For proposed lots 47 and 63-64 the driveway/garage access should be clarified to avoid any design conflicts with the street layout.

Consideration should be given to staggering the driveway/garage access locations for proposed lots 39 and 57-71 so as to eliminate potential vehicular conflicts associated backing-out movements.

Will the proposed pump station in the open space be owned and maintained by the Homeowners Association or the Town? How will it be accessed? Mr. Sutton stated that to his knowledge once it is approved and accepted it will be owned by the town.

Mr. Black stated that it is currently within the common open space.

Mr. Sutton stated when it is finally completed and designed the Town will make a decision on the access.

It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the R-1 and TND zones.

It is recommended that a boundary line survey be done in conjunction with the preparation of the Preliminary Plat.

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 and distances be depicted and clearly labeled on the plat. While the Legend has rows for stream and soil type graphics, none are supplied and no soils information is provided. Ordinarily, for a Concept Plat, the soils information is not necessary. However, since more than 95% of this Phase 2 development proposal is in the Critical Area, it is strongly recommended that the soils information be provided on the Concept Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Elkton Silt Loam is a hydric soil and known to exist in the immediate vicinity, 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.

What appear to be wetland and stream buffer boundaries on the plat (they are not labeled) do not match up well with the graphics provided in the Legend for wetland and stream buffer boundaries. It is recommended that these deficiencies be corrected.

The habitats of rare, threatened, and endangered species should be avoided. They should be identified in the environmental assessment that must be done.

It should be determined that the open space proposed is common open space rather than Town parkland, and, if so, that it satisfies the acreage requirements of the Town's Zoning Ordinance and Subdivision Regulations. Mr. Sutton stated that that is why it has been labeled open space rather than common open space.

Who will maintain the bridge and walking trail on the property? Who will maintain the off-site bridge and walking trail? Mr. Sutton stated that it was his understanding that the Town would maintain the bridge and the walking trail, both the on site and off site, once it is submitted to the Town for their approval.

Consistent with ITE and SHA standards, a Traffic Impact Study (TIS) is recommended for 71 proposed lots.

Mr. Sutton stated that TIS are usually requested by the County when you reach the hundred level. He questioned why the TIS were being requested when they had not yet reached that level.

Mr. Black responded that the guidelines were in the process of being revised and that it could be a result of the revisions. Mr. Sutton stated that the levels do not normally change for the County roads and that this was State Highway 342. Both Mr. Sutton and Mr. Black agreed to look into this matter further.

## TECHNICAL ADVISORY COMMITTEE 2004

Is the proposed Village Way thoroughfare intended for one-way or two-way operation? Mr. Sutton stated that they would work with the Town as far as how it would be dealt with. It could be a one way in once it comes into the loop portion. Mr. Sutton stated he would want the Town to inform them how they would want it approached.

As stated in the Phase 1 review, it is recommended that every effort be made to create access redundancy. Having 71 lots with only one way in and out creates an undue burden on the sole entrance/exit as well as the potential for emergency response problems.

MD Route 342 has been correctly labeled.

Protective fencing should be considered around the stormwater management areas, as they are attractive hazards.

It should be confirmed that the sensitive areas 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.

It must be verified that the Town of Chesapeake City will provide water and sewer service.

No utility lines are shown connecting to the proposed pump station.

What will the disposition be on the overhead utility lines shown over proposed Lots 41 - 42 and 53? Mr. Sutton replied that it would be dealt with during the designing stage of the pump station. They will work with Conectiv, Town and the town engineers to decide where the access will be located.

## TECHNICAL ADVISORY COMMITTEE 2004

It is recommended that the Landscape Plan be approved prior to final subdivision approval. Consideration should be given to the vegetative screening of the C& P Telephone Company property adjacent to proposed lots 48 & 49.

It is recommended that a Landscape Agreement be executed prior to recordation.

Sidewalks are recommended on both sides of all internal streets. Are any bike lanes proposed or is it in the town code?

Mr. Sutton did not believe that there were any plans for bike lanes. Sidewalks would be provided as per prior discussion.

Mr. Black asked if bikes would be allowed to use the hiking/walking trails.

Mr. Sutton replied he did not know. Some towns do not prefer to allow bikers to cross bridges, but that would be a question for the Town.

What is the rationale for the sidewalks in Phases 1 and 2 not connecting to each other along the proposed Canal Path?

Mr. Sutton stated that this issue would be reviewed during the design of the stream crossing. With the stream, it may or may not work into the design. He will have to talk to MDE. The developer is trying to minimize work pertaining to the crossing.

Mr. Woodhull stated that he felt that connecting the sidewalks in both phases would be highly recommended considering that the school buses will be stopping at MD Rte 342. Thus any children coming from Village Way or Lot 63 and 64 would have to cross there.

Mr. Sutton stated that if they acquire the property from C&P Telephone Company this would provide a new access for the school buses and, therefore, not be an issue. Mr. Sutton will not know until a final decision is made concerning the property.

## TECHNICAL ADVISORY COMMITTEE 2004

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Mr. Black continued. Striped pedestrian crosswalks are recommended at all intersections.

Consideration should be given to coordinating the locations of traffic-calming bump-outs and pedestrian crosswalks.

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.

It is recommended that a note be placed on the plat indicating that the Critical Area portion of this project is exempt under §3.2B of the Forest Conservation Regulations.

The Town of Chesapeake City has not assigned its forest conservation obligations to the County. The County reviewed the FSD and PFCP for Phase 1 and the area of Phase 2 outside the Critical Area for the Town. Both were approved on 1/7/04.

The final Forest Conservation Plan (FCP) should be approved prior final subdivision approval. The subdivision plat must show the reforestation areas near the stormwater management facility and the pump station.

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 recommended that access to common open space between lots be marked with concrete monuments.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

Consideration should be given to exploring possible greenway and hiking trail linkages.

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 ponds and streams where feasible, in consultation with the Chesapeake City Volunteer Fire Co.

Mr. Sutton stated that if the ponds were designed as wet ponds it would be viable but he was not sure if it would be designed as wet or dry ponds.

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. Woodhull recommended that the improvements to the walking path and pedestrian bridge be made prior the Public Works Agreement with bonding, and it is important that the timing of the completion be established.

There were no further comments.

**2. Donald Sutton presented Brick House, Lots 1 - 32, Elk Forest Road and Spears Hill Road, Preliminary Plat, McCrone, Inc, Second Election District**

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Sutton stated that the preliminary perc tests were completed. Additional perc tests were scheduled for 3/4/04 to work with the current design. Some changes have been made since the Concept Plat. Brick Pointe Lane has been extended because of perc results. Lot 31 has been added to the very beginning of the property. Other than those changes, it is basically the same type of design.

Mr. Woodhull stated 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. Any change to the Forest Retention, Aforestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying, No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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. Of particular interest will be the impact on the Lands of Parrish created by the discharge from the northernmost SWM facility where it intersects the existing tributary to Long Branch Creek.

Mr. Woodhull questioned the exact location of the crossing. Is it actually on Parrish s property? Mr. Sutton stated that he was not sure of the physical location. They will be looking at the exact location with the design.

Mr. McDowell stated that Mr. Parrish was one of the property owners that contacted him with a concern.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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 Brick Pointe Lane. Traffic counts have been completed for Elk Forest Road (487 ADT) and McKeown Road (904 ADT).

Lot 31 must be denied access to Elk Forest Road along its entire frontage. The denied access must be indicated on the Final Plat.

Mr. Woodhull asked if that was one of the changes brought about by perc testing. Mr. Sutton replied yes. Mr. Woodhull stated Ok because that had been open space on the prior plat.

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. To date, no variance request has been received by this department. 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. Carter had no comment.

Mr. Ouano from Conectiv had no comments.

Ms. Latham stated that a water appropriation permit would be required.

Mr. Roop stated that any filling in the intermittent streams or the nontidal wetlands requires a permit. A (JD) Jurisdictional Determination had not been done.

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

March 3, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Sutton stated that he had showed wells within 100' of the property line. There is a 50' buffer between adjacent properties; it is in the coastal plain; and within the restrictions for the septic area. Therefore, would the wells still need to be located on adjacent properties? Mr. Moore responded some wells are dug wells and the restriction is 100' anyway.

Mr. Sutton stated that he will get what he can find because some of them aren't visible.

Mr. McDowell stated I was contacted by a number of residents with concerns in several areas when this development was proposed last December. All expressed concern about the loss of farmland and rural environment with the conversion to subdivision housing and the resultant impact on their community. Their primary technical concern is still 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 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 also has 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. Also due to the increasing traffic on Elk Forest Road, the entrance to this development should have acceleration and deceleration lanes to accommodate traffic turning into the development. It should also be noted that there are several areas on the property that are very wet which abut adjacent properties. Several neighbors were concerned about the handling of stormwater.

Mr. Black read the Board of Education comments. Bus service would be provided at the intersection of Elk Forest Road and Brick Pointe Lane.

Mr. Black stated that the State Highway Administration had no object to the approval of the plan.

Mr. Black read the OPZ comments: The zoning of the property is NAR with RCA overlay. The density is under the provisions of the NAR zone, the Concept Plat was approved for 32 lots, at a bonus density of 1/3.04, conditioned on:

- 1) A boundary line survey being conducted prior to the Preliminary Plat for density calculation purposes;
- 2) A JD being complete prior to the Planning Commission's review of the Preliminary Plat; and

## TECHNICAL ADVISORY COMMITTEE 2004

3) The Bufferyard C requirement along MD 213 being waived in favor of a modified Bufferyard A (with the normal NAR setbacks) along the rear lot lines for proposed lots 1-4 and 7-18.

While there are still 32 lots being proposed, the numbering had changed due to lot reconfiguration. Otherwise, this Preliminary Plat is generally consistent with the approved Concept Plat.

Staff will recommend a waiver of the setback requirements for the existing structures on proposed Lot 32.

Has a boundary line survey been done? Mr. Sutton replied yes.

An unnumbered note on Sheet 2 indicates that a waiver of the Bufferyard C requirement along MD 213 and Spears Mill Road is being requested. As Spears Mill Road is functionally classified a local road, there is no Bufferyard C requirement along its frontage.

A condition of Concept Plat approval was the Bufferyard C requirement along MD 213 being waived in favor of a modified Bufferyard A (with the normal NAR setbacks) along the rear lot lines for proposed lots 1-4 and 7-18. Because of the changes in lot configuration, location, and numbering, the Concept Plat requirement would cover proposed lots 1-15 and a portion of 32. Provided the proposed afforestation area depicted on the plat is substantial enough, it will satisfy that condition of approval.

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 any disturbance activities.

Slopes greater than 25% in the proposed common open space have been shown.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. The intermittent stream buffer is expanded to 50' in Forest Retention Areas, as depicted. 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. Has one been done?

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Sutton noted that the question on the JD was since the wetlands fall within the open space typically it is not required for a JD to be done.

Mr. Black responded that it had been a condition of Concept Plat approval.

Mr. Sutton stated that looking at the plat with the wetlands marked and flagged the open space covered the wetland issue; therefore he would discuss it with the Planning Commission.

Mr. Roop stated that it would cover them.

Mr. Sutton stated that it was a combination of both since they had not located all of the wetlands on the Concept Plat.

This proposal continues to satisfy the NAR zone's open space bonus density eligibility requirement. The large Lot 32 and the common open space total more than 62% of the acreage. That is a reduction from the 67% proposed in the Concept Plat. Access to common open space beside lots must be marked with concrete monuments.

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

As previously noted the Bufferyard Standard C requirement along MD 213 was waived in favor of a modified Bufferyard A, as part of the Concept Plat approval. However, the proposed plantings for the substituted Bufferyard must be substantial enough to effectively preserve the area's rural character. So far, nothing has been submitted in that regard.

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 12/9/03.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat.

March 3, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

The 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 Brick Pointe Lane has been approved.

SHA is in the process of evaluating the Elk Forest Road/MD 213 intersection.

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 small portion of proposed Lot 32 is in the Critical Area, the balance of the Critical Area acreage is proposed as common open space.

Mr. Sutton noted that this area was now open space. He also noted that it was a very small area and he could not verify if it was 1000' from tidal water.

Mr. Black stated that as no development is proposed OPZ will not require an environmental assessment.

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.

March 3, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

There were no further comments.

### **3. Michael Burcham and Mary Sue Slagle presented Colora Springs, Lots 2 -10, Colora Road, Preliminary Plat, McCrone, Inc., Sixth Election District**

Mr. Burcham stated that the property consists of 28.62 acres on the east side of Colora Road. The property is zoned NAR. It is in the rural conservation district. They were proposing nine lots on the property. In November of 2003 the Concept Plat was disapproved by the Planning Commission. Due to an error on Mr. Burcham's part the property was not resubmitted in February for Concept Plan review by the Planning Commission. After a meeting Mr. Sennstrom agreed to allow the applicant to proceed with both plats, concept and preliminary simultaneously. Mr. Burcham noted that he intended to submit both the Concept and Preliminary Plats for the April Planning Commission review. Since November the applicants have worked with the Health Department doing wet season perc testing and laid out the septic areas on the plat. They have provided common open space around the existing pond. The pond was designed and built under soil conservation guidelines. The applicants have obtained the design information for the pond's structure. With some modifications the pond can be used for SWM. They have also included easements around the open space for access and maintenance of the pond during its transition to a SWM structure. Information on the soil conservation was obtained, concerning the approximate tile drain lines, and noted on the plan. They have received feedback from the first concept meeting with DPW, that they would entertain eliminating the intermediate turn around in place of having the stub road adjoined to the Hilton property. Therefore they are assuming that it will be accepted by DPW and are will preparing a road code variance letter requesting that formally.

Mr. Woodhull stated 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. Any change to the Forest Retention, Aforestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised Lot Grading Plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein.

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

March 3, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

A potential for including dry hydrants should be discussed with the serving fire company predicated on whether the SWM are designed as wet ponds with sufficient volume to support dry hydrants.

The intermittent turn around is required by the road code and should be planned in the vicinity of a common open space. With the possibility of connectivity for the Lands of Hilton and Wells being provided, they will entertain a road code variance to eliminate the intermittent turn around. CCDPW will need the variance prior to the Planning Commission Meeting for Preliminary Plat approval.

Colora Road must be upgraded to a minor collector standard for a minimum distance of 100 feet, either side at the point of intersection between Colora Road and the proposed entrances.

Where determined necessary by the utility companies; owner, designer or DPW, utilities poles must be relocated at the owner's expense. Utility poles near the proposed entrances will need to be relocated.

Sight distance measurements have been provided for the proposed entrance and appear to be sufficient.

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

A PWA will be required for the road and storm drains.

Mr. Carter had no comment.

Mr. Ouano, from Conectiv, asked if there was any chance that the road would expand further than the stub. Mr. Burcham answered that the road was designed to expand into the Hilton property, giving them the opportunity to extend it in future development of the property.

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham asked if there was any chance that Lot 2 would be subdivided further down the road. Mr. Burcham is asking the Planning Commission to approve a bonus density layout. Therefore if this plan is approved by the Planning Commission it will only have 9 lots. Ms. Latham stated that as long as the property does not exceed the 10 lots it would not need a water appropriation permit.

Mr. Roop stated that any filling in the nontidal wetlands or the intermittent streams requires a permit. A (JD) Jurisdictional Determination had not been done.

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

Mr. McDowell had no comments.

Mr. Black read the Board of Education comments. Bus service would be provided at the intersection of Colora Road and Colora Springs Drive.

Mr. Black stated that the State Highway Administration had no object to the approval of the plan.

Mr. Black read the OPZ comments: The property is zoned NAR. The NAR zone permits a maximum base density of 1 dwelling unit per 5 acres, or bonus density eligibility of 1/3. The Concept Plat upon which this Preliminary Plat is based has not been approved. Proposed are 9 lots on 28.62 acres, for a proposed density of 1/3.18.

Has a boundary line survey been done? Mr. Burcham answered yes.

Are there any steep slopes? Mr. Burcham answered no. (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 25' buffer is required around all non-tidal wetlands and intermittent streams (expanded to 50' in the FRA) 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) has not been done.

## TECHNICAL ADVISORY COMMITTEE 2004

Common open space is proposed only for the stormwater management facility. The proposed large lot comprises 60.03%, so this proposal satisfies the bonus density eligibility requirements set forth in §22.2.c of the Zoning Ordinance.

No landscaping of the development envelope is required, and no sidewalks are recommended in the NAR zone.

Bufferyard Standard A is required with the standard 100' BRL along the rear lot lines of proposed lots 6-10 and to buffer adjacent agricultural uses. Since Mr. Hilton has requested a stub road to his property to facilitate its development, staff recommends a modified Bufferyard A with a reduced, 50'-building restriction line along the northern boundaries of proposed lots 5-6.

The adjacent operating farms notice has been provided on the plat.

Staff recommends that a stub also be extended to the Lands of Wells, to the south. That can be accomplished with the current, proposed configuration of the proposed Colora Springs Drive.

The Forest Stand Delineation (FSD) was approved on 11/17/03.

The PFCP must be approved prior to Planning Commission review of the Preliminary Plat.

The FCP and Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed Colora Springs Drive. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

## TECHNICAL ADVISORY COMMITTEE 2004

shown on the record plat.

The road name Colora Springs Drive has been approved. Notation has been provided regarding access to the lands of Douglas.

Access to common open space 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 any 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. If so, then the Concept Plat must be placed on the agenda first, as it currently has no official standing.

There were no further comments.

#### **4. Mike Pugh and Mike Burcham presented Eustace W. Mita (Lands of), Route 272 Concept Plat, McCrone, Inc., Fifth Election District**

Mr. Pugh stated that the property was located just south of the Town of North East on the western side of Rte 272. The majority of the property is in the Critical Area. They are proposing 11 lots in both the critical and non-critical areas of the property. The community pier will be enhanced to service the Critical Area lots. The property will be serviced by a county road that will come off of Rte 272 to a short cul-de-sac and then continued by a mini/private road to service the water front lots. The community will be heavily restricted with strong Agriculture Covenants.

Mr. Woodhull stated a SWM Plan, Street & Storm Drain Plan, Mass and Final Grading Plan and Water Main & Sanitary Sewer Plans must be approved by the CCDPW prior to submittal for Final Plat Approval. The

## TECHNICAL ADVISORY COMMITTEE 2004

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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

Lots 3-6 will require substantial consideration as to final grading and its impact on redirecting stormwater run-off to avoid adverse impact on Lots 1 & 2 as well as the proposed roads.

Mr. Woodhull asked if the existing driveways were proposed to remain as the private mini road. Mr. Pugh responded that they would like for that to be the case.

Do the remaining lots in Plat 4 and Plat 6 of Northeast Harbors (Lots 20-25 & Lots 9-14) still belong to Mr. Mitta? Mr. Pugh answered in separate titles, ownership. Mr. Woodhull noted that any work done will require Lot Grading Plans.

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.

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

Lot 7 and Lot 11 should be denied access to the proposed cul-de-sac.

## TECHNICAL ADVISORY COMMITTEE 2004

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 must be approved by the Planning Commission and placed on the final plat. CCDPW 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.).

How do you propose to handle sanitary sewer requirements for this site? Mr. Burcham noted that they intend to utilize the County sewer line located in the North East Harbors subdivision. They will be looking at different scenario of having individual grinder pumps and one community force main for this property as the first choice. The second choice would be a stand alone pump station.

The site topography suggests that a force main pump system may be required. If this is the case DPW strongly prefers that a gravity feed system be used to service each lot to a pump station. With a force main running to the point of connection to the existing sewer line in Northeast Harbors as opposed to the grinder pumps on each home.

Mr. Burcham noted that their reasoning for the grinder pump scenario was to limit the amount of disturbance within the Critical Area. If they were trying to utilize the existing paved driveway that runs through the Critical Area portion of this property the only other thing they would need to do in that area would be to install the force main line coming up from the water front lots. Where as if they install the gravity line they would have to run a gravity line back down through the Critical Area to tie into one community pump station and still bring the force main back up. With the force main depth you are only talking about 4 or 5 feet to get below the frost line. Where as until some of the grades are reviewed the gravity line will be a much deeper trench.

Mr. Woodhull stated that a conceptual sewer plan must be submitted for review prior to submittal for Preliminary Plat Approval.

Mr. Pugh noted that there were other issues involved, such as the flood plain and how you deal with a pump.

Mr. Burcham recommended that after Concept Plat approval and before Preliminary Plat submittal that they sit down and discuss the different issues.

The water supply system must be designed in accordance with the recommendations from the 10 States Standards as well as the Cecil County Water and Sewer Standards.

## TECHNICAL ADVISORY COMMITTEE 2004

Please explain how the water will be supplied for these lots. Any water system supply well must also be approved by MDE. Is it a single common well or a well for each lot?

Mr. Burcham answered that they anticipate a well for each lot.

Mr. Carter asked if the applicants had considered the Town of North East water system. Mr. Pugh stated that it was not in the corporate limits. Second it is not contiguous in the corporate limits and the Town had been less receptive to serving areas that were not contiguous. The entire side of the road is established as private wells. There was also a limited amount of lots and therefore did not see a problem since the proposal is for a community sewer system as opposed to an on site sanitary.

Mr. Burcham noted that North East Harbors was not annexed and therefore on private wells. For this reason their property could not be annexed.

Mr. Pugh noted that annexation could not occur near the water leaving behind an island which would be contrary to the state law regarding annexation. Therefore the developers cannot propose a solution for public water that they can influence because of the resulting consequences of it.

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

A PWA will be required for the road and storm drains.

And PWAs will be required for the water system and the sanitary sewer system.

Mr. Carter had no comment.

Mr. Ouano from Conectiv asked what the expected square footage of each house? Mr. Burcham replied 4000<sup>2</sup>ft.

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham stated that with 11 lots there will require a water appropriation and use permit.

Mr. Roop stated that any filling in nontidal wetlands, perennial or intermittent streams will requires a permit. Any work in the North East River will require a permit.

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

Mr. Pugh clarified that 10,000 sq. ft. of land per each lot must be outside of the 50 year flood plain.

Mr. Burcham asked if that was a COMAR requirement.

Mr. Moore replied yes it was a COMAR requirement.

Mr. Burcham asked for the COMAR number that referred to this requirement.

Mr. Moore replied that he did not have it with him, but he would get it for Mr. Burcham.

Mr. McDowell had no comments.

Mr. Black read the Board of Education comments. Bus service would be provided at the intersection of MD 282 and Proposed Road.

Mr. Black read the State Highway Administration comments. This office will require that a permit be obtained from the State Highway Administration (SHA) for access onto MD 272. This access must be constructed in accordance with SHA criteria. The proposed access must be channelized with SHA type A concrete curb and gutter within the proposed entrance and 50 along the acceleration and deceleration lane then have a 4 foot nose down. A 360 foot deceleration lane and a 150 foot acceleration lane must be constructed 16 feet from the edge of the traveled lane. Lots 1 and 6 must have access off of the proposed road with no direct access onto MD 272. Storm drain plans and computations must be submitted for review by the Highway Hydraulic Division. Any additional right of way needed for the proposed widening must be deeded in fee simple to the SHA. A review for historical and archeological impacts will be conducted by the Office of

## TECHNICAL ADVISORY COMMITTEE 2004

Project Planning once the plans are submitted with the proposed improvements. Since access is a concern of the local jurisdiction in this consideration of subdivision plans, SHA requires the concurrence or comments of the local authorities prior to our final approval. Future comments may be warranted as the project progresses.

Mr. Black read the OPZ comments: The property is currently zoned at SR or Suburban Residential with a LDA critical area overlay. The SR zone permits a maximum base density of 1 dwelling unit per 1 acre, or 2/1 with community facilities.

This Concept Plat proposes 11 lots on 19.95 acres, for a proposed overall density of 1/1.814. However, tax records indicate the acreage to be 21.47 acres.

Has a boundary line survey been done? Mr. Burcham replied yes, the boundary line survey was done in 2002 to establish the acreage.

15.71 of the 19.95 acres are in the Critical Area LDA zone, which permits a maximum density of 3.99/1, or the density of the underlying zone, which is 2/1 with community facilities in the SR zone. Five (5) lots are proposed within the LDA zone, for a Critical Area density of 1/3.142.

Five (5) dwellings are proposed within the 100 year floodplain, outside the expanded Buffer. Per §241.2.d (1), those building sites can be approved only after a Variance has been granted. What steps have been taken in that regard? Mr. Burcham replied none.

Mr. Pugh confirmed that they were talking about the variance for construction in the floodplain. In looking at that section and its preceding section he had a question. The house will be built on piles and therefore the filling in the floodplain issue is a relatively modest one. In a preceding section of the code it says that if less than 600 cubic fill per lot are all that is proposed than it would not require a variance. Mr. Pugh s asked the question, being that if they build on the piles and utilized less than 600<sup>2</sup>ft per lot does that negate the requirement for the variance?

Mr. Black responded that his understanding of the ordinance is no, §241.2.d states that any new building sites in the 100 year floodplain require a variance. The fill section up to 600<sup>2</sup>ft is a separate issue. Their reading is that a variance would be required.

Mr. Moore stated that if all of the lots are in the 50 year floodplain it is moot anyway.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Black stated that his interpretation of the ordinance is such that in nontidal floodplains no new building lots are permitted. In a tidal floodplain new building lots are permitted but only if a variance is granted by the Board of Appeals.

Mr. Burcham asked if they could proceed with the Concept Plan without the variance. Mr. Black replied yes, but you would be doing so at your own risk. Mr. Burcham, asked if they would need the variance prior to review of the Preliminary Plat? Mr. Black replied yes.

Should the variance application to create the building sites in the 100 year floodplain become successful, then the requirements of §243 must be strictly adhered to.

Why is the dwelling location symbol on proposed Lot 11 different from the others? Mr. Burcham stated that Lots 7 - 10 were specifically laid out for a building footprint and a covered porch in order to satisfy some architectural requirements that their client was interested in. The area in question is simply demonstrating to the client that the porch scenario would not fit on Lot 11.

Mr. Pugh noted in reference to the variance issue, height restriction. Since the house will be built on piles the first floor elevation will be on 14. When they set the two story house it will exceed 35' from ground level. He asked if they use the first floor elevation for purposes of measuring height or would they need to discuss height variance.

Mr. Black stated that he would have to refer back to the ordinance in order to find out how height is defined. He will get back to Mr. Pugh with an answer.

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

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

The USGS Quad Map shows a perennial stream in the location of the intermittent stream shown on the SE corner of proposed Lot 1. A 110' perennial stream buffer is required from all perennial streams present. This

## TECHNICAL ADVISORY COMMITTEE 2004

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 .

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 buffer requirement if evidence is provided that this design would provide the same level of water quality or better.

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

15% common open space (2.99 acres) is required; only 1.69 acres (8.47%) have been proposed. The Concept Plat cannot be approved without the required common open space.

20% landscaping of the development envelope is required in the SR zone. A Bufferyard Standard C is required, outside the right-of-way, along the MD 272 road frontages of proposed Lots 1 and 6.

Rows of street trees are required, outside the right-of-way, along both sides of any 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.

## TECHNICAL ADVISORY COMMITTEE 2004

Per §196.1.b, no development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures. Therefore, why is a mini-road proposed in the expanded buffer?

Mr. Burcham noted that they wanted to use the existing driveway, therefore not creating any new construction in the expanded buffer area.

Mr. Black asked if the existing driveway was 50' wide.

Mr. Burcham responded that the right-a-way needed to be 50' wide and the roadway needs to meet the 12' wide mini road standard within the County road code. Public Works had made comments earlier that it appeared to be satisfactory.

The topo and soils information must be included on the plat submitted for Planning Commission review (§4.0.13 (n)).

Per §169, the proposed community pier cannot extend outward from the mean high water line more than 300' from where the structure is connected to the shoreline. The proposed community pier extends 400'. The length must be modified.

No more than 15% of the surface area can be converted to impervious surface in the LDA.

No more than 20% of the forest or developed woodland may be removed. The area inside the Critical Area is exempt, per §3.2.B. This must be noted on the plat.

In the Critical Area, no structure shall exceed 35' in height. Mr. Black noted that he will be getting back in touch with Mr. Pugh in regards to the height variance issue discussed earlier.

An Environmental Assessment must be completed for that portion of the project within the Critical Area.

## TECHNICAL ADVISORY COMMITTEE 2004

For the portion outside the Critical Area, a 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/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.

If approved, a Mini-road Maintenance Association must be established with all lot owners becoming members.

Proposed Lots 1 and 6 must be denied direct access onto MD Route 272.

As has been noted on the plat, this property is within the Development District and the SR zone. Therefore, staff will recommend sidewalks on one side of the road outside the Critical Area.

Documentation of sewer capacity/allocation must be obtained from the Department of Public Works prior to Final Plat review.

Minor Subdivision # 298 must be referenced on the plat.

March 3, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. Carter referred to the floodplain issue, stating that the applicant had an elevation that looked like it was graphically shown on the plans. He suggested that the applicant plot it along the topo lines on the plan therefore creating a more accurately view.

Mr. Black stated that the topo and soil information need to be included on the plat for Planning Commission review as well.

Ms. Latham questioned if there were a symbol and if so should it be used to distinguish that Lot 11 was divided in half by the road, therefore making it look like two individual lots on the plat.

Mr. Moore asked the applicants if they knew were the 50 year floodplain was elevation was, because it should be proven and then placed on the plat. Mr. Burcham replied that he would need to do some research because it is not defined on the FIRM map.

Mr. Burcham noted that he needed Mr. Moore to follow up on the regulation as to whether or not it applies only on site sewage, because they are proposing public sewage. Mr. Moore stated that it applies to individual wells.

There were no further comments.

**April 7, 2004, 9:00 a.m.**

**Technical Advisory Committee**

**PRESENT:** Carter, DiGiacomo, Latham, Markwardt, Moore, Ouano, Roop, Woodhull and Jones

**ABSENT:** Ancel, Davis, Funk, King, McDowell, VanFunk

**1. Mr. Doug Coback presented *Glennas Heights, Lots 1-28, Johnson Road, Concept Plat, Campbell & Nolan Associates, Inc., Eighth Election District***

Mr. Coback stated that the project consisted of approximately 70 acres of agriculture land with a Susquehanna transmission ROW that goes through the center of the property. He is proposing 28 single family residents. The land was clustered using the 60% open space requirement. There is one public road leading into the site, minimizing the environmental impact. There is a stream and wetlands which parallel Johnson Road. There will be one road crossing which will minimize any environmental impacts. Perc testings have been conducted; 25 of the 28 lots have passed the perc test.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

The stream you propose to discharge the pond to is a tributary of the Octoraro Creek, which has a Stream Segment Use Designation of IV-P (Recreational Trout Waters). The Engineer is cautioned that Chapter 3, Section 3.1.1 of the 2000 Maryland Stormwater Design Manual, Volume I states The use of stormwater

## TECHNICAL ADVISORY COMMITTEE 2004

ponds on coldwater streams capable of supporting trout (Use III and IV) may be prohibited. Stormwater ponds located in Use III and IV watersheds should be designed to significantly reduce and/or eliminate thermal impacts. Refer to Chapter 4, Section 4.1 of the 2000 Maryland Stormwater Design Manual, Volume I.

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 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 Mr. Coback to note the delineation of continuation of the stream on to the adjacent property on the Preliminary Plat. It does not need a survey just a graphic representation.

Sight distance measurements must be provided to the 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.

Johnson Road is approximately 18' wide with no shoulders and roadside drainage is spotty with some poor conditions in and around the proposed entrance. Section 3.07.15 of the Road Code nominally directs that Johnson Road be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Johnson Road and Cobble Drive. However, the Department anticipates that the addition of some 270 trips per day will require substantial off-site roadwork beyond the limits set by Section 3.07. 15. Existing wetlands may complicate this off-site work.

CCDPW believes the proposed entrance location is a poor choice and strongly recommends that the proposed entrance be relocated to the west in the area of Lot 24. We understand that this would require a fundamental change of the subdivision layout, however the safety of the driving public, including the residents of Glennas Heights, using Johnson Road requires this consideration. If the Planning Commission approves the proposed entrance the Department will require substantial Geo-tech investigation of the suitability of the sub-grade, along the proposed roadway, to support a County road. The area of this investigation runs from the property line between Lots 22 and 23 to the intersection with Johnson Road.

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.

## TECHNICAL ADVISORY COMMITTEE 2004

Any private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (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.).

What provisions are proposed for acquiring ROW across Susquehanna Transmission Company property to access Lots 25-28? Mr. Coback stated that he would have to contact Susquehanna Transmission to get permission for the new road. Susquehanna Transmission is aware of this issue.

The BGE gas line must be identified on the plat.

The cul-de-sac does not meet the radius requirements of Road Code Standard (R-14). The radius of the ROW line must be 75 verses the 65 graphically shown. The length of Cobble Drive requires that an intermediate turnaround be provided. Is the island median section of road adjacent to Lot 23 proposed to meet this requirement? Mr. Coback stated yes but they needed to modify it slightly.

Road Code Standard R-16 details the approved geometry for this. However the Department is open to possible alternatives if substantiated by a Road Code Variance request. 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 and this must be so indicated on the Lot Grading Plan.

It appears that the property line bisects two existing structures on Lot 24. What is proposed for these structures? Mr. Coback stated the base is GIS and the property boundary has not been done.

The 2003 aerial photo of this site indicates that there are existing drives interconnecting Lot 24 with the Lands of Halsey. Please clarify what is proposed for these.

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

A PWA will be required for internal streets and storm drains.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Ouano of Conectiv asked that once the entrance is established, the applicant show the two existing utility poles, near the entrance on the plat for Conectiv's GIS purposes.

Ms. Latham stated that a Water Appropriation Permit would be required.

Mr. Markwardt stated that the Board of Education would need to know the proposed location of the entrance because, at some point, a bus stop may need to be established. At which time they would need to know the site visibility for both directions of oncoming traffic in order to see the bus stop.

Mr. Roop stated that any filling in the unnamed tributary to Octorado Creek or the non-tidal wetlands adjacent to this water way requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Report.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road.

Mr. DiGiacomo read the Rising Sun Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR. The NAR zone permits a maximum base density of one (1) dwelling per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 28 lots on 70.26 acres, for a proposed density of 1/2.51.

Note # 12 is confusing. It intimates that 32 lots are proposed, apparently invoking the minor subdivision potential of deed parcels 1, 2, and 3. However, there are several problems:

- 1) Only 28 lots are being proposed;
- 2) The allowable minor subdivision density is 1/1 in the NAR zone; therefore, deed parcel 1 could contribute only 3, not 4, minor subdivision lots;

TECHNICAL ADVISORY COMMITTEE 2004

- 3) Line 3 of Note # 12 must specifically mention the correct number of minor subdivision lots; and
- 4) Based upon our interpretation of what is being sought, the density calculation must be expressed as follows:

Total site area is                70.26 ac.

8 potential minor sub lots   - 8.00 ac.

Remaining site area            62.26 ac.

1 unit/3 acres:  $62.26 / 3$        = 20 lots

Add minor subs                = 8 lots

TOTAL PROPOSED LOTS = 28

Without invoking the minor subdivision potential of the individual deed parcels, only 14 lots could be realized without the granting of bonus density or 23 with bonus density.

The acreage of the proposed large Lot 28 combined with the common open space equal just over 60% of the total, so this proposal is eligible for bonus density consideration.

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

The deed references are incomplete in Note 7. Full deed references must be provided on the plat submitted for Planning Commission review. Deeds NDS 340/531, NDS 340/532, and SRA 21/273 were not referenced in Note 7, but should be.

A larger polygon next to Parcel A, SRA 21/273, is not referenced. Is it part of Parcel 1, NDS 1/783? Mr. Coback stated that he did not know yet. Mr. DiGiacomo replied that it would need to be clarified.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 landscaping of the development envelope is required in the NAR zone.

No sidewalks are recommended in the NAR zone.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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 must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat. Coble Drive has been approved. Documentation of the formal agreement or arrangements with the Susquehanna Transmission Company to access Lots 25 - 28 must be provided prior to Final Plat review.

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.

A mini-road maintenance association must be established prior to recordation, with the owners of all lots accessing the mini-road 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. Are any of the contiguous properties in agricultural operation? Mr. Coback, state that one area was. Mr. DiGiacomo replied it would have to be determined prior to Preliminary as an ag buffer Bufferyard A, would be required along with the note.

## TECHNICAL ADVISORY COMMITTEE 2004

The two structures straddling the property line on the western edge of proposed Lot 24 have already been addressed, which will be resolved. Although the wells are not required at the Concept Plat level they are noted on the plat for Lots 24 and 12 are shown whereas they are shown of all the other lots. Mr. Coback noted that Lot 24 was an existing but, 12 had been inadvertently omitted.

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

Mr. Woodhull noted that the layout of the SWM facility adjacent to Lot 1 will need adequate area outside from the tow of the embankment to allow for maintenance access without going into the stream buffer. Lots 15 and 16 they have a shared common drive. If the Planning Commission approves this layout the deeds for those two lots must reflect their rights, responsibilities and maintenance of that common drive.

There where no further comments.

### **2. Fred Orr and Steve Lorriello presented Wellington Manor, Red Pump Road, Concept Plat, Civil Technologies & Engineering, Inc., Town of Rising Sun, Sixth Election District**

Mr. Orr stated that project consist of approximately 126 acres by deed. The Town of Rising Sun annexation and hearing process was completed on 1/23/04. The current town zoning of the parcel is R2. A Concept Sketch was presented to the Town earlier this year. They will meet with the Town for their April Planning Commission meeting once they have received the TAC comments. There are 272 units shown with two proposed entrances onto Red Pump Road. The Town has required that a TIS be submitted. They have conducted additional scoping meetings with SHA, Town officials and the CCDPW. After meeting with the Town engineers, the Wellington Drive entrance will be moved 50' further to the south than what is show on the plan. This will provide additional site distance. The internal streets will be turned over to the Town. As long as Red Pump Road remains a County road the dedication along Red Pump Road will go to the Cecil County Commissioners. A request has been received from the fire company to locate an underground storage facility. Town water and sewage has been proposed to the parcel. Mr. Orr requested that the TAC comments be sent to the Rising Sun Town Administrator.

Mr. Woodhull stated that It is CCDPW's understanding that this property will be annexed by the Town of Rising Sun and that the streets along with the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the roads, sanitary sewer, and water distribution system be designed to meet or exceed the County's standards. They also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

## TECHNICAL ADVISORY COMMITTEE 2004

They request that the Town withhold Final Plat approval until the Department has approved the SWM Plan and the Mass and Final Grading Plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

The perennial stream located on this site appears to be a tributary of Stone Run and as such would have a Stream Segment Use Designation of III-P (Natural Trout Waters). Any ponds located within Use III watersheds shall require a small pond review and approval from the MDE Dam Safety Division and the use of stormwater ponds on coldwater streams capable of supporting trout may be prohibited.

The proposed stormwater pond should be designed to significantly reduce and/or eliminate thermal impacts. Refer to Chapter 4, Section 4.1 of the 2000 Maryland Stormwater Design Manual, Volume I.

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 downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. Will the existing farm pond be used to meet any SWM quantity control requirements? Mr. Orr stated that there was no anticipation at the present time but it would be part of the SWM design. He will reserve the right to use it should.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

The TIS is strongly recommended, including an analysis of Red Pump road relative to AASHTO geometric guidance. In the absence of the TIS this analysis will be required separately for the proposed entrance onto the County road.

The Department anticipates that portions of Red Pump Road will require improvements at the Developer'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.

A 30' ROW dedication is required along the entire frontage of this development on Red Pump 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 phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, the Department recommends that the Town require that a phasing plan be submitted for use in developing a plan for when internal road sections will be accepted by the Town and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

The CCDPW recommends that the Town of Rising Sun consider requiring Connectivity to the Lands of Montgomery and the Lands of Lofthouse.

If the Town of Rising Sun requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

An I&M Agreement will be required for all SWM facilities. A PWA will be required for the work done within the County's ROW for the two entrance locations on Red Pump Road.

The Department recommends that the Town require PWAs for the water lines as well as the sanitary sewer.

Mr. Ouano of Conectiv stated that an existing farm lane noted at Blane Carter Lane which he believed was a private lane was shown on his GIS print. The poles along that lane are private poles and therefore will be the

## TECHNICAL ADVISORY COMMITTEE 2004

responsibility of the customer to remove. He requested the applicant to show the two existing utility poles at the entrance on the Final Plat. Conectiv poles are on the opposite side of Red Pump Road therefore all existing poles are the property of the customer.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated that the Board of Education would not be able to provide service at the Wellington Drive entrance due to the approximate location to the crest of the hill. Therefore bus service would be available at the initial part of Sussex Drive and Red Pump Road. Initially the development would not qualify for interior bus service but at some future point and time it would become feasible to load everyone at Sussex Drive. An exception would be made to have the bus enter the development at some future point.

Mr. Roop stated that any filling in the perennial stream or the non-tidal wetlands adjacent to this waterway requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo provided a copy of the Soil Conservation Report to the applicant.

Mr. Markwardt read the Citizen Representative s comments, a copy attached for reference.

Mr. DiGiacomo read the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo stated that no comments had been received from the Rising Sun Fire Department. However Mr. DiGiacomo commented on a prior conversation with them. An entrance on Rte 1 should be considered. Should there be an incident at the Red Pump Road and Rte 1 intersection, and should there be the demand for emergency response, it could be a problem.

Mr. DiGiacomo read the OPZ comments: 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

The Town Zoning is 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 geometrics are consistent with the Town's Zoning Ordinance and Subdivision and Public Works codes and regulations.

It should be confirmed that the Town's Zoning Ordinance and Subdivision Regulations allow for tentative sketch plans.

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 will review and comment on the FSD, PFCP, and FCP.

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 as 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.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Sidewalks are recommended along both sides of all internal streets.

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 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.

It should be confirmed that all street 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.

Consideration should be given to an additional access point on a road other than Red Pump Road.

## TECHNICAL ADVISORY COMMITTEE 2004

The add-on hook in the lower left-hand corner should show direction.

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.

**3. Kevin Small, Brad Harbolt, Harold Harbolt and Ms Sadler presented **Sadler Property, Bladen Street (Town of Charlestown), Preliminary Plat, Frederick Ward Associates, Fifth Election District****

Mr. Small stated that the property was within the Critical Area LDA. They are proposing eight town house lots in addition to the existing residents. Louisa Lane will be extended which is the link to the property. A stormwater management pond will be established directly behind the town houses. Most of the items for the critical area requirements have been met.

Mr. Woodhull stated it is the CCDPW's understanding that this site is within the corporate limits of the Town of Charlestown and that the streets along with the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the roads and water distribution system be designed to meet or exceed the County's standards. The sanitary sewer must be designed in accordance with the County's Water & Sewer Standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

We request that the Town withhold Final Plat approval until the Department has approved the SWM Plan, Sanitary Sewer Plan, and the Mass and Final Grading Plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

A Sanitary Sewer Allocation request must be submitted for this project.

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. This Department has serious concerns about the adequacy of Peddlers Run. Properties adjacent to Peddlers Run, down gradient of the discharge point, already are experiencing significant drainage problems associated with the existing flow. As such the Department may require additional off-site improvements to the stream in order to prevent adverse impacts resulting from this development.

Discharge from the stormwater management facility must be directed to the wetlands buffer line to avoid any short-circuiting of the flow onto the Lands of Starling before it reaches the existing stream.

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 may very well apply to the Lands of Starling in particular.

The proposed tree line shown on the plan must be adjusted to provide unencumbered access for the SWM facility via the easement provided.

If the Town of Charlestown requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

It is recommended that the water line in Louisa Lane (extended) be terminated with a blow off or hydrant. We also recommend a valve in the line as it enters Louisa Lane Extended.

The Department recommends that the Town require a PWA for the road and the water line.

The County will require a PWA for the sanitary sewer work as well as an I&M agreement for all SWM facilities.

## TECHNICAL ADVISORY COMMITTEE 2004

CCDPW recommends that the T turnaround be extended beyond the driveway for the last unit.

Mr. Ouano of Conectiv had no comments.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated that bus service would be provided at the corner of Blaneton Street.

Mr. Roop stated that any filling in the Red Clay Creek or the non-tidal wetlands adjacent to this water way requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo provided the applicant with a copy of the Soil Conservation Report.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project was not on a state road. (Note: Mr. DiGiacomo will notify that this property is adjacent a state highway. Rte 267 was not labeled on the plat and therefore it could have been overlooked by SHA).

Mr. DiGiacomo read the Charlestown Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the Maryland Department of Planning comments addressed to the Charlestown Town Administrator, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: This subdivision is proposed in the Town of Charlestown. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews subdivision proposals within the towns corporate limits.

## TECHNICAL ADVISORY COMMITTEE 2004

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

The Town Zoning is R3 and LDA. 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 Preliminary Plat meets all of the technical requirements set forth in the Town's Zoning Ordinance and Subdivision Regulations.

The Town of Charlestown 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 of FSD's, PFCP's, and FCP's. The FSD and the PFCP have been reviewed and are both up to County Forest Conservation Regulations standards.

The FCP has not yet been submitted for review. It is recommended that the FCP be approved by the Town prior to Final Plat approval.

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 any non-tidal wetlands as 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.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Sidewalks are recommended.

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.

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 the street name Louisa Lane Extended has 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 Charlestown Volunteer Fire Company.

Any 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 Charlestown Volunteer Fire Company.

## TECHNICAL ADVISORY COMMITTEE 2004

It is recommended that the plat explicitly name the public facilities provider.

Water allocation should be confirmed by the Town of Charlestown prior to final approval.

Sewer allocation should be confirmed by the Town of Charlestown prior to final approval.

There were no further comments.

#### **4. Kevin Small presented *Netters Alley South, North Main Street (Town of Port Deposit) Redevelopment Plan, Frederick Ward Associates, Seventh Election District***

Mr. Small stated that this site involves redevelopment of eight residential addresses know as 159, 161-171, 173 North Main Street in Port Deposit. There area four existing houses and one house trailer currently on this site which will be removed. There are 12 off street parking spaces. The currently plan has been approved by the Town of Port Deposit Planning & Zoning Commission and Historic Commission. The current site plan calls for the building of a new duplex at 165, 171 and 173 North Main Street. The Town of Port Deposit has allowed Netters Alley as the ingress egress to a private alley to the rear of the residents. The Site Plan, when approved, will accommodate 23 off site parking spaces. This property is within the critical area.

Mr. Woodhull stated It is the Departments understanding that this site is within the corporate limits of the Town of Port Deposit and that Netters Alley and the water and sanitary sewer mains will belong to the Town and that the intersection with MD Route 222 (North Main Street) will be the responsibility of SHA. The CCDPW recommends that the sanitary sewer, and water distribution system be designed to meet or exceed the County s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

We request that the Town withhold Final Plat approval until the Department has approved the SWM plan and the Mass and Final Grading plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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 Town should closely evaluate the suitability of the 10' wide Netters Alley South to safely accommodate some 80 trip ends per day, recognizing that there will likely be conflicts at MD 222 at times.

The Department recommends that the Town require a PWA for the road, sanitary sewer and the water lines.

The County will require a I&M agreement for all SWM facilities.

Mr. Ouano of Conectiv had no comments.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated that bus service would be provided at the normal existing bus stops inside Port Deposit on Main Street.

Mr. Roop stated that Department of Army (DOA) permit was not required, since no Waters of the U.S. (i.e. Tidal and non-tidal waters or wetlands) are located on the property. No Jurisdictional Determination (JD) has been issued.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. DiGiacomo read the State Highway Administration, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: 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 subdivisions proposed within the towns' corporate limits.

The Office of Planning & Zoning's comments relating to this Final Plat, were predicated on the assumption that the Town's Subdivision Regulations allow for redevelopment plans in lieu of conventional concept, preliminary, and final plats. That should be verified with the Town.

Redevelopment plans comments/questions are as follows:

Town zoning was not provided.

It should be confirmed that the proposed lot sizes meet the minimum lot size and density requirements of the Town's Zoning Ordinance and/or Subdivision Regulations for this zoning classification.

It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for this zoning classification.

It should be confirmed that the proposal is consistent with the provisions of the Town's Critical Area regulations.

Then specific variances required should be cited on the plat.

It should be confirmed that the proposal is consistent with the provisions of the Town's Zoning Ordinance and/or Subdivision Regulations for subdivisions in the flood plain.

## TECHNICAL ADVISORY COMMITTEE 2004

The habitats of rare, threatened, and endangered species should be avoided. Has an environmental assessment been done? Mr. Small replied yes.

It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, if required.

If required, it is recommended that no street trees be planted within 20 feet of any sewer laterals and cleanouts.

It is recommended that any Landscape Plan be approved prior to final subdivision approval.

It is recommended that any Landscape Agreement be executed prior to recordation.

It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

As this site is located entirely within the Critical Area, this project is exempt under §3.2B. A note to that effect should appear on the plat.

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.

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 on the subdivision access by the Port Deposit Water Witch Fire Co.

Any fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations.

## TECHNICAL ADVISORY COMMITTEE 2004

Each lot should be checked for compliance with any Town requirements regarding minimum road frontage.

Water and sewer capacity should be confirmed by the Town prior to final approval.

There were no further comments.

**5. Mr. Whiteman and Thomas Armor presented *Paradise Streams, Red Toad Road and Ebenezer Church Road, Concept Plat, Will Whiteman Land Surveying, Inc., Fifth Election District***

Mr. Whiteman stated that both the Concept and Preliminary would be heard today. He noted that the property before you was in as a mini road subdivision back in December 2003. At that time they were told that they could not cross the mini road for the septic disposal areas, therefore it has been changed to a County road and a major subdivision as apposed to a mini road subdivision. It consist of six lots on just a little over 19 acres of ground. The applicants are seeking minor subdivision potential for Lots 1, 2, 6 and 7. Combined this will total four acres, leaving a total 15.3 acres. The remaining lots will make up the major subdivision at a density of 1/5.1 acres. Perc test have been completed. Field topography has been done on the active areas of the lot. The non-tidal wetlands have been field delineated by ODA. The 110 perennial stream buffer on the northern end of the property and have expanded it to 160 .

Mr. Woodhull stated 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 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 foresees 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.

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 to the DPW to establish compliance with the Cecil County Road Code.

If the road is proposed to be given to the County, then all driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

The proposed 40' ROW is allowable under the Road Code however approval is at the discretion of the Department and will only be granted if the Planning Commission does not require sidewalks.

The use of curb and gutter will have significant inputs on the SWM requirements for this Development and open section should be reconsidered.

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

Lots 1 and 7 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.

## TECHNICAL ADVISORY COMMITTEE 2004

Lots 5 & 6 are proposed with septic disposal fields on the opposite side of Regal Regency Court. If this is allowed by the Health Department, a private maintenance easement will be required to run sanitary sewer under Regal Regency Court for these two lots. 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. These monuments may be offset from the line. All monuments must have a brass plate or other marking indicating a septic line and the amount of offset, if any.

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

A PWA will be required for internal streets and storm drains.

Mr. Whiteman asked if there were specifications for the monuments. Mr. Carter stated anything that would withstand permanence so that it can be readily located.

Mr. Ouano of Conectiv asked what the distance is from the center line of Regal Regency to Ebenezer. Conectiv's nearest pole line is at Ebenezer and that is where they would be bringing their electric from and most likely cable and telephone would be added to the same pole.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated bus service would be provided at the corner at Red Toad and Regal Regency Court.

Mr. Roop stated that any filling in the non-tidal wetlands or the non-tidal waters or the non-tidal streams requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project is not on a state road.

TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the North East Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR with a MEB overlay. The NAR zone permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density is not sought. This Concept Plat proposes seven (7) lots on 19.309 acres. Four (4) of the lots are proposed as minor subdivision lots, and 3 are proposed as major subdivision lots. The density, therefore, would be calculated as follows:

Total site area is                    19.309 ac.

4 potential minor sub lots       - 4.00 ac.

Remaining site area                15.309 ac.

1 unit/5 acres:  $15.309 / 5 = 3$  lots, for a proposed density of  $1/5.103 (15.309 / 3)$

Add minor subs                    = 4 lots

TOTAL PROPOSED LOTS            = 7

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.

A letter must accompany the plats submitted for review for the Planning Commission documenting that the minerals have been recovered or that they are recoverable. This proposal is situated on Red Toad Road. Note #4 s reference to MD 272 is inappropriate. As the NAR setbacks are 40 ,10 and 40 . The 30 front setbacks noted and shown would require a variance.

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

The add-on hook must be added to the add-on from York Building Products.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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 Service indicates that the swamp pink, climbing fern, Darlington's Spurge, Canada Burnet, Rough-leaved Aster, and Halberd-leaved Aster are known to occur in the vicinity of the project. Therefore, a rare, threatened, and endangered species survey must be completed prior to Preliminary Plat approval.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of the proposed Regal Regency Court. 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) was approved on 1/13/04.

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.

The road name Regal Regency Court has been approved.

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

Mr. Whiteman asked if the MEB overlay zone letter to the Planning Commission needed to be submitted prior to the Concept Plat goes before the Planning Commission. Mr. DiGiacomo stated yes. Mr. Whiteman would

## TECHNICAL ADVISORY COMMITTEE 2004

like to meet with DPW to discuss the 75' radius of the cul-de-sac.

There were no further comments.

**6. Mr. Will Whiteman and Mr. Thomas Armor presented Paradise Streams, Red Toad Road and Ebenezer Church Road, Preliminary Plat, Will Whiteman Land Surveying, Inc., Fifth Election District**

Mr. Whiteman stated that there were no changes from the Concept Plat presentation.

Mr. Woodhull stated 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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 to the DPW to establish compliance with the Cecil County Road Code.

Is Regal Regency Court proposed as a County road or private mini-road?

If the road is proposed to be given to the County, then all driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

The proposed 40' ROW is allowable under the Road Code however approval is at the discretion of the Department and will only be granted if the Planning Commission does not require sidewalks.

The use of curb and gutter will have significant inputs on the SWM requirements for this Development and open section should be reconsidered.

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

Lots 1 and 7 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.

## TECHNICAL ADVISORY COMMITTEE 2004

Lots 5 & 6 are proposed with septic disposal fields on the opposite side of Regal Regency Court. If this is allowed by the Health Department, a private maintenance easement will be required to run sanitary sewer under Regal Regency Court for these two lots. 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. These monuments may be offset from the line. All monuments must have a brass plate or other marking indicating a septic line and the amount of offset, if any.

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

A PWA will be required for internal streets and storm drains.

Mr. Ouano had no comment.

Ms. Latham stated no change from Concept Plat comments.

Mr. Markwardt stated no change from Concept Plat comments.

Mr. Roop stated no change from Concept Plat comments.

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

Mr. DiGiacomo provided a copy of the Soil Conservation Report to the applicant.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project is not on a state road.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR with MEB overlay. The NAR zone permits a maximum base density of one (1) dwelling unit per five (5) acres. The Concept Plat has not been reviewed or approved by the Planning Commission. This Preliminary Plat proposes seven (7) lots on 19.309 acres. Four (4) of the lots are proposed as minor subdivision lots, and three (3) are proposed as major subdivision lots.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed major subdivision density is 1/5.103 (15.309 /3).

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. As the NAR setbacks are 40 ,10 & 40 . The 30 front setbacks noted and shown would require a variance.

Has a boundary line survey been done? Mr. Whiteman replied yes.

The add-on hook must be added to the add-on from York Building Products.

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.

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

Slopes greater than 25% must be shown on the Preliminary Plat. The locations of steep slopes shown on the approved FSD are not shown here. The steep slopes must be shown on the Preliminary Plat submitted for Planning Commission review, and that information must agree with that contained in the FSD and PFCP.

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 .

Per Planning Commission policy adopted on 3/20/95 and revised on 1/16/96, if the wetlands have been field-delineated and if all such wetlands are within the proposed forest retention areas, then a JD need not be done. Otherwise, a JD must be done prior to Preliminary Plat review by the Planning Commission. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts

## TECHNICAL ADVISORY COMMITTEE 2004

prior to recordation.

The Natural Heritage Service indicates that the swamp pink, climbing fern, Darlington's Spurge, Canada Burnet, Rough-leaved Aster, and Halberd-leaved Aster are known to occur in the vicinity of the project. Therefore, a rare, threatened, and endangered species survey must be completed prior to Preliminary Plat approval.

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.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed Regal Regency Court. Is this proposed as a County road or a mini-road? Why is curb and gutter being proposed?

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 1/13/04.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

There were no further comments.

**7 Belinda Rush presented NBRF Financials, Rte 40 and Mauldin Road, Final Plat (Town of North East), Campbell & Nolan Associates, Inc., Third Election District**

Ms. Rush stated that the project would be located on a vacant pad site in a previously approved shopping center. Existing water and sewer are already on site with services to the building. Fire Hydrants has adequate coverage for the fire department. A SWM facility has already been designed for the shopping center.

Mr. Woodhull stated it is the Department's understanding that this site is within the corporate limits of the Town of North East and that the water main will belong to the Town and that the work associated with the existing access roads on this site will be the responsibility of the Owners of North East Station and NBRF. The CCDPW recommends that the water distribution system be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

We request that the Town withhold Final Plat approval until the Department has approved the SWM plan Sanitary Sewer plan, and the Mass and Final Grading plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. ) At this time the CCDPW has not received a SWM submittal for review.

A Sanitary Sewer Allocation request must be submitted for this project. To the extent that this project was included in the original allocation for North East Station, copies of relevant correspondence must be provided.

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

DPW will need verification of the SWM pond at North East Station providing quantity control requirements for this project. If so your SWM Report must substantiate that the existing pond was designed with this loading included. DPW will need to look TRF-55, their drainage area maps.

The Department recommends that the Town require a PWA for the water lines.

The County will require a PWA for the proposed sanitary sewer work as well as an I&M Agreement for SWM facilities associated with the Banks site.

Mr. Ouano of Conectiv references the plans stating that the symbol used to note a transformer on the bottom right corner of the parking lot was in fact a junction box. The location of the transformer will be determined at a later date.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt had no comment.

Mr. Roop stated that a Department of Army (DOA) permit was not required, since no Waters of the U.S. (i.e. tidal and non-tidal waters or wetlands) are located on the property. No Jurisdictional Determination (JD) had been issued.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated that the State Highway Administration had no comment, as this project does not have direct access on to US 40.

Mr. DiGiacomo read the North East Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: This is a site plan, which the TAC does not ordinarily review. However, as a courtesy to the towns in the County, the TAC occasionally reviews site plan and subdivision proposals.

Comments/questions are as follows:

It should be confirmed whether the Town's Zoning Ordinances permits these proposed uses in these locations.

It should be confirmed that the number of parking spaces provided meets at least the minimum and maximum number specified by the Town's Zoning Ordinance and Subdivision Regulations.

This location is in the 5th Election District, not the 3rd, so that should be corrected in the title block of the site plan.

It should be confirmed that the setbacks shown meet the requirements of the Town's Zoning Ordinance and Subdivision Regulations.

Consideration should be given to the installation of 2-way traffic signs at the easterly entrance, so as to warn drivers and pedestrians.

A detailed vehicular/pedestrian circulation and access plan should be submitted for the parking area. Potential pedestrian-vehicle conflicts should be identified, especially for those pedestrians accessing this site from other parts of the North East Station. Signage, other traffic control devices, and striping should be considered. A bicycle rack might also be considered.

## TECHNICAL ADVISORY COMMITTEE 2004

It should be confirmed that the proposed landscaping meets the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations. Landscaping of the traffic islands would be desirable, especially under story trees that would not impede visibility.

It should be confirmed whether or not this proposal is exempt from the Forest Conservation Regulations.

It should be confirmed that any proposed signage is consistent with the requirements of the Town's Zoning Ordinance.

Consideration should be given to soliciting review and comment by the North East Volunteer Fire Department.

It should be confirmed whether or not the Town's Zoning Ordinance and Subdivision Regulations require construction details to be included on site plans.

It should be confirmed whether or not the Town's Zoning Ordinance and Subdivision Regulations require soils information be included on site plans.

It is recommended that a detailed lighting plan be submitted for review prior to site plan final approval.

How will trash be disposed of? Any dumpster locations should be shown, and any resultant, potential traffic flow conflicts should be identified and corrected.

There were no further comments.

**8. Michael Burcham and Donald Fieldhouse presented Donald J. Fieldhouse et ux (Lands of), Bouchelle Road, Preliminary Plat, McCrone, Fifth Election District**

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Burcham stated that the project is located on the south side of Bouchelle Road. The intent of this project is to create one lot for Mr. Fieldhouse's daughter. The project began in July 2003 as a minor subdivision. During the process of the subdivision it was found that the property was out of subdivision status and therefore would need to be viewed as a major subdivision. This one lot will be created fronting on to Bouchelle Road but will be accessed by the existing driveway that runs back to Mr. Fieldhouse home. This is an interfamily transfer. There will be no requirements for forest conservation. A Lot Grading Plan has been prepared and submitted to DPW. A SWM exemption was requested for less than 5000 ft<sup>2</sup> of impervious.

Mr. Woodhull stated a Final Grading plan has been reviewed for this property and only minor comments remain outstanding. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

The proposed disturbance indicated on the Lot Grading plan exceeds 5,000 ft<sup>2</sup> and as such does not qualify for a SWM Exemption. Therefore Water Quality (WQv) and Quantity (CPv) must be addressed.

The downstream conveyance of storm water must also 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.

Does this property enjoy the rights ingress, egress, and regress over Mt. Horeb Lane?

This property must be denied access to Bouchelle Road along its entire frontage. The Final Plat must indicate this denied access.

A I&M Agreement will be required for any SWM facilities.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Ouano had no comments.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt had no comments.

Mr. Roop stated that any filling in the intermittent streams or adjacent wetlands requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project is not on a state road.

Mr. DiGiacomo read the North East Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR. The NAR zone permits a maximum base density of one (1) dwelling unit per five (5) acres. This Preliminary-Final Plat proposes one (1) lot plus remaining lands on 13.098 acres, for a proposed density of 1/6.549.

Has a boundary line survey been done? Mr. Burcham replied yes.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

maximum distance of 160 .

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. When will a JD be done? Mr. Burcham stated that there were no delineated wetlands on the site. The intermittent stream has been delineated and the 50' buffer has been shown. There will not be impacted.

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.

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

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

Note #12 indicates that this project is exempt under §3.2K. What is the purpose of creating this lot? Is it for an immediate family member? Mr. Burcham stated daughter.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept 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.

## TECHNICAL ADVISORY COMMITTEE 2004

How and where is access proposed for this lot? Mr. Burcham replied off of the existing driveway which will be labeled prior to Planning Commission.

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. Are any of the contiguous properties in agricultural operation? Mr. Burcham stated not to his knowing.

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

There were no further comments.

### **9. Lanphar s Landing, Lots 1 11, Rte 272, Concept Plat, McCrone, Fifth Election District**

WITHDRAWN

### **10. Michael Pugh and Michael Burcham presented (The) Chesapeake Club Fairway Links, Area H-2 & H-3, Lots 188-349, Shady Beach Road, Preliminary Plat, McCrone, Fifth Election District**

Mr. Pugh stated that this was a revision of the Preliminary Plat for the Chesapeake Club Section H. The current approved Preliminary Plat shows the entire section as being single-family dwellings. All town homes have been exhausted. What is know as H-3 with the exception of along the fairways of the golf course will convert to a town home community. The applicant is seeking approval prior to the development of H-1.

Mr. Burcham pointed out some of the changes made in the revised Preliminary Plat, reflects the ending of what had been approved for H-1. Only lots that will remain on the Final Plat are shown.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated It is the Department's understanding that the Town of North East will be responsible for the water mains. The CCDPW recommends that the water distribution system be designed to meet or exceed the County's standards.

A SWM plan, Street & Storm Drain plan, Mass and Final Grading plan and Sanitary Sewer 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

Identify the 8 sewer main and SMH 88, associated with Area H-1 construction, on this plat.

The Department has issued a sanitary sewer allocation update letter, where by 167 ELU would be available for Areas H-1, H-2, & H-3. The 60 lots in Area H-1 added to the 162 lots proposed for Areas H-2 & H-3 equals 222 lots, therefore a deficit of 55 lots ( $222-167 = 55$ ) will remain after the existing allocation is depleted.

Is an Environment One type system proposed to service Lots 341-348 on Chip Shot Court? Mr. Burcham replied yes. If so the Department is strongly opposed to it. A gravity main to SMH 88 is feasible, albeit requiring substantial fill in Chip shot court. Another possible routing of a gravity main exists by running the line between Chip Shot Court and Five Iron Drive.

With these alternatives and others in mind the Department will require a technical meeting with the Engineer before the sanitary sewer design proceeds forward.

In order to minimize the reliance on force mains in developing the remainder of this property the Department request a strategic plan or if you like a concept of sewer service for all further areas of the Chesapeake Club be submitted for review. All possibilities should be explored including the possibility of connecting to the Village at North East.

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## TECHNICAL ADVISORY COMMITTEE 2004

All sanitary sewer mains located outside of the County's ROW must be ductile iron and an access-way is required along its entire length.

All lots must connect to the sanitary sewer main at the street in front of the units.

The sanitary sewer line must be run to a terminal manhole located beyond the temporary Tee Turnaround on Bay Club Parkway.

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

Tournament Circle is not compatible with the bike/pedestrian path system proposed and the Department will not support their use in this location. If the Planning Commission requires sidewalks the Department will require that they be located as shown on Standard R-5 of the Road Code.

The bike/pedestrian path is acceptable for the remainder of the internal streets in Areas H-2 & H-3. The extent of their use must be delineated on the plat for clarity.

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.

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

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

Outlet culverts must be extended to the SWM facility.

A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. Ouano of Conectiv stated that that the setback lines where 20 for the town houses. Most likely all of the area will be conduit as well as probably the other utilizes.

Ms. Latham a Water Appropriation Permit would not be required.

Mr. Markwardt had no comment.

Mr. Roop stated that any filling in the intermittent stream or adjacent wetland requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued. Mr. Pugh informed Mr. Roop that a JD had been done prior to this portion of the project.

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

Mr. DiGiacomo read the Citizen Representative s comments:

There is a safety issue due the proximity of the houses in the development to the golf course. There have already been several incidents involving errant golf balls in the newest areas of this development. Several persons have been struck by a ball and al least one window has been broken. On the subject plat, the ball trajectories for holes 4 and 13 appear to be directly toward the development. Hole 5 would also be a hazard with a wild shot. Other holes not shown on the plat may also pose a hazard. Since the golf course is already in existence, it appears to be the responsibility of the developer to either relocate some lots or provide a protective barrier to prevent injuries to persons in the development and damage to homes, cars and property. Before this development is approved the golf course management and the developer need to determine how to protect residents, visitors, and property in the planned development.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project is not on a state road.

Mr. DiGiacomo read the North East Fire Department comments, a copy attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments: The zoning is RM. The original Concept Plat was approved 5/19/87 for 1440 units on 411 acres, for a density of 3.5/1. The RM zone allows for a density of 6/1 with community facilities.

A revised Concept Plat was approved 12/20/93, a subsequent revised Concept Plat was approved 6/20/94 (with no conditions), and the most recent revised Concept Plat was approved on 3/16/98. These revised Concept Plats have all adhered to the originally-approved density of 3.5/1, and they have reflected changes in only design, layout and structure types.

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

Another revised Concept Plat was approved on 9/16/02.

A revised Area H-1 Preliminary Plat for proposed lots 128-186 and a portion of Area H was approved on 9/16/02, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The final Forest Conservation Plan (FCP) and landscape plan being approved prior to Planning Commission review of the Final Plat;
- 4) Water allocation being confirmed by the Town of North East prior to Final Plat review by the Planning Commission;
- 5) Sewer allocation being confirmed by the Department of Public Works prior to final approval; and
- 6) A variance for any private roads being obtained from the Board of Appeals prior to the Planning Commission's review of the Final Plat, or Chesapeake Club Drive being accepted by the County prior to Planning Commission review of the Final Plat.

This Final Plat is generally consistent with the approved revised Concept and Preliminary Plats (9/16/02).

What will be the disposition of the golf cart path depicted on proposed Lots 188 - 193? Mr. Pugh replied that it had been removed from 191-188 and will be moved thru 193.

## TECHNICAL ADVISORY COMMITTEE 2004

Chesapeake Club Drive was accepted by the County in July 2003. As the original Chesapeake TIS is dated, a revised TIS may be required prior to the submittal of the Preliminary Plats for subsequent sections.

Permits required from the US Corp of Engineers and MDE for all non-tidal wet lands impacts prior to recordation. Mr. Pugh noted that a JD had been completed. This proposal satisfies a general open space provision of the RM zone 11.58 acres or 25.88% is being proposed. At a minimum 15% of the required open space will not consist of perennial or intermittent stream buffers, non-tidal wetlands or buffers, steep slots or habitats of rare threatened or endangered species. No more than 40% of the common open space requires shall consist of those areas designated as non-tidal or tidal wetlands. Those threshold calculations must be included on the plat prior to Planning Commission review.

Section 176.2A prohibits any common open space from being used as parking. There can be common overflow parking areas but they cannot be included in the open space total acreage. Maintenance of the common open space overflow parking area will be the responsibility of the Home Owners Association.

A fee simple common open space greenway overlaying the sewer easement running between Five Iron Drive and Fireman Circle would enhance common open space access.

Sidewalks or walkways are recommended in keeping with the design of the completed sections. However it is doubtful that the walk/bike lane depicted can be successfully implemented in the proposed townhouse section.

Twenty-five percent landscaping in the development envelope is required in the RM zone.

Street trees with a 10' planning easement are required in areas with community facilities. No street trees shall be planted within 20' of sewer laterals and clean outs.

The Section H2 and H3 Forest Stand Delineation was approved on 5/15/02 and the Preliminary Forest Conservation Plan was approved on 9/11/02.

The intermediate stream buffer between Two Shot Court and Five Iron Drive is labeled 25' but measures 50'. That must be corrected.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Access to common open space between marked with concrete monuments.

Consideration should be give to providing accurate recreation amenities in the areas of common open space.

The proposed road names have been approved.

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 should contain a statement signed by the Health Department approving agencies to the effect that the use of community water and community sewerage is in conformance with the Comprehensive Water Sewer Plan.

Record plats will also contain a statement signed by the owners to the effect that such facilities will be available to all houses and townhouses offered for sale.

Water allocation must be confirmed by the Town of North East prior to Final Plat approval.

Sewer allocations must be confirmed by the CCDPW prior to Final Plat approval.

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

## TECHNICAL ADVISORY COMMITTEE 2004

There were no further comments.

### **11. Donnie Sutton and David Dodge presented Valley Vista Estates, Mechanics Valley Road, Concept Plat, McCrone, Fifth Election District**

Mr. Sutton stated that before the committee was a revised Concept Plat for review. Made up of 217 lots on the Lands of the Futtys. Some changes have been made to the layout and design.

Mr. Woodhull stated that 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, which must reflect the proposed water mains. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

Sight distance measurements must be provided to the 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.

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

The phasing of this development will significantly impact the capacity of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

Clearly a second entrance onto Route 40 will provide an enormous benefit in this regard.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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 95, 96, 107, 116, 136, & 144 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 where required must show as a requirement on the Lot Grading Plan.

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) and/or full upgrade of Mechanics Valley Road.

What potential exists for access to U.S. Route 40? Mr. Sutton stated that Ms. Mable Futty is against it for now. Mr. Dodge noted that the design is open to a access to Rte 40 in the future. The nature and extent of the Mechanics Valley Road upgrades will be affected by whether or not access is achievable. We believe that a

## TECHNICAL ADVISORY COMMITTEE 2004

217-unit subdivision with only one point of ingress/egress is unprecedented in Cecil County.

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.

The Route 40 pump station has no more capacity and sewer allocation cannot be made until it is upgraded. Mechanics Valley LLC has executed an agreement with the Board of County Commissioners that, if successfully executed, will provide build-out capacity for the corridor. The agreement projects completion of the new station by February 2006.

Rerouting of the AT&T R/W should be considered as discussed at TAC to lessen impact on Lots 53-55, 60-62, 154, and 200.

The Department recommends that the Town require a PWA for the water line.

The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities

Mr. Ouano of Conectiv had no comments.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated that initially bus service will be provided at Valley Vista and Mechanics Valley Roads but at some point in time the buses will come into the property to pick up.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Roop stated that any filling in the Northeast Creek or the Little Northeast Creek, the perennial or intermittent streams or wetlands adjacent to these waters way requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued. Mr. Sutton noted that the JD would have been under Fuddy.

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

Mr. DiGiacomo read the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo read the North East Fire Department comments, a copy attached for reference.

Mr. DiGiacomo provided a copy of the Soil Conservation Report to the applicant.

Mr. DiGiacomo read the following Citizen Comments:

Residents of the area including Mechanics Valley, Indian Falls, Bouchelle Road, and Lums Road are concerned about the impact this very large new development of 217 homes will have on their community. The following impacts will occur:

Traffic safety hazards.

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 217 homes will add 300-400 cars, each making several trips every day in and out of the development. This will significantly increase 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 steep 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 proposed 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.

## TECHNICAL ADVISORY COMMITTEE 2004

The county should require improvements, including acceleration/deceleration lanes, road widening with adequate shoulders, improved drainage, regrading of the road bed to cut off the knoll, and repaving in order 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 all be channeled onto the unsafe entrance location on Mechanics Valley Road.

### 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. Consequently stormwater management is a significant issue. Also the farm has been a haven for wildlife which will end with this development.

### 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.

### Diminished quality of life impacting a quiet community.

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. The planned common open space is almost all devoted to wetlands, creeks, steep slopes, and stormwater management. For a development of 217 homes, there is very little area provided for family recreation.

### 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.

## TECHNICAL ADVISORY COMMITTEE 2004

The close proximity of the railroad tracks to the homes is a hazard, as it is to anyone walking in the area, especially children. At the least, a protective barrier should be provided to prevent children from accessing the track area. Also, the open space to the North of the railroad tracks does not provide any access other than walking over the railroad tracks which is a safety hazard. This open space does not benefit the residents of the development but as *common open space* they will be responsible for its care and maintenance. The Cecil County Zoning Ordinance defines *common open space* as A parcel of land or an area of water, or combination thereof within a designated development tract, such as a subdivision, which is designed and intended for the use of all lot owners and residents of the development tract. Due to the inaccessibility of this tract of land it does not meet the criteria of the ordinance.

Actions Recommended - 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.

Require adequate road improvements on Mechanics Valley Road.

Reduce the density of the housing, increase the usable/ recreational open space, and plan upscale homes which will be an asset to the community.

Mr. DiGiacomo read additional Citizen Representative emailed comment, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is SR. The SR zone permits a maximum base density of one (1) dwelling unit per one (1) acre or two (2) dwelling unit per one (1) acre with community facilities. This Concept Plat proposes 217 lots on 216.805 acres, for a proposed density of 1/.999. A Concept Plat for this property was reviewed by the TAC in December 2003; it proposed only 209 lots. In addition, this project was previously reviewed by the TAC on 9/5/01 to be annexed into the Town of North East.

Mr. Andy Zarins, from MDE, called this office with concerns about the possible effects of a nearby superfund site on the well water. He suggested consideration of the use of monitoring wells, although MDE has not chosen to submit comments in writing.

Note #16 indicates that a boundary line survey has already been completed.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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'.

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.

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 and the Mason Dixon Trail. The Comprehensive Plan identifies a greenway along the Little Northeast Creek. In accordance with §§ 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? That rail line is a Class 1 main line. Mr. Sutton stated that it is not intended for community use. It is intended for Forest Conservation preservation. There is an access between Lots 8 and 9, which is for maintenance use. Pedestrian crossings would not be safe and are not permitted. Despite that, proposed open space access between lots 8 & 9 seems to invite a crossing of the tracks by pedestrians.

Should Tracts 2 and 3 be sold off, then that would affect the density, common open space, forest conservation, and other calculations.

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 again 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

20% 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? Are they proposed to be off-street?

Mr. Sutton noted two off street.

Who will own and maintain the 16 proposed open space parking spaces opposite proposed Lots 51 53? Mr. Sutton replied the Home Owners Association.

Bufferyard Standard C is required, outside the right-of-way, along the frontages on Mechanics Valley Road and the Pulaski Highway. Why does Note #20 indicate that a waiver of the Bufferyard C requirement is being requested? Mr. Sutton replied along Mechanics Valley Road for site distance issues and open space against Mechanics Valley 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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 12/5/03. The site is not home to any rare, threatened, or endangered species.

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.

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

A Homeowners Association for maintenance of common open space and common facilities 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 lots offered for sale.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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 recommended that the developer pursue the construction of an additional southbound lane along Mechanics Valley Road. This additional lane would allow for an exclusive left turn lane and one shared thru and right turn lane.

Consistent with SHA comments, the TIS must be updated.

Staff recommends 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.

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.

What is the structure depicted on proposed lots 136 & 149? Mr. Sutton stated that it was an old shed or barn that will be moved.

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

There were no further comments.

**12. David S. Willis, Jr, et al (Lands of), Blue Ball Road, Concept Plat, McCrone, Fourth & Ninth Election District**

WITHDRAWN

## TECHNICAL ADVISORY COMMITTEE 2004

### **13. David Strouss presented **Maple Heights Apartments, Maple Heights Lane, (Town of Rising Sun), Concept Plat, McCrone, Sixth Election District****

Mr. Strouss stated that the project was in the Town of Rising Sun. Seventy-Eight apartment units have been proposed with a two story townhouse style look to them. There will a private drive extended from the existing Maple Height Lane which is a public road. There will be a turnaround at the beginning of the development.

Mr. Woodhull stated it is the Department understands that this property is located within the Corporate Limits of the Town of Rising Sun and that the streets along with the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that this infrastructure including fire hydrant locations be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

The Department requests that the Town withhold Final Plat approval until we have approved the following submittals, Stormwater Management Plan and a Mass and Final Grading Plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

The existing stream that you proposed to receive the discharge pond run-off to appears to be a tributary of Stone Run and as such has a Stream Segment Use Designation of III-P (Natural Trout Waters). Any ponds located within Use III watersheds shall require a small pond review and approval from the MDE Dam Safety Division and the use of stormwater ponds on coldwater streams capable of supporting trout may be prohibited.

The proposed stormwater pond should be designed to significantly reduce and/or eliminate thermal impacts. Refer to Chapter 4, Section 4.1 of the 2000 Maryland Stormwater Design Manual, Volume I.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Runoff from the fields has been known, during severe storm events, to overtop Stevens Road and adversely impact properties to the east. The SWM design must take care to not exacerbate this condition and a downstream analysis is critical.

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.

Discharge from the stormwater management facility must be piped to the non-tidal wetlands buffer line to avoid any short-circuiting of the flow onto the Lands of Thompson before it reaches the existing stream.

To where do you propose draining the two bio-retention areas? Mr. Strouss showed Mr. Woodhull where it would come down from to the stormwater pond.

The proposed extension of Maple Heights Lane is only 24' wide, curb to curb and 37' ROW does not correspond to any Standard we know.

If the road is private, how will Parcels 709 and 622 legally be provided access? Mr. Strouss stated that there was an existing ROW that shares those properties which will provide access with that road.

What is planned for when Lands of Hall and/or D&J Builders develop? Will they tie into this modified section of road? If either Hall or D&J Builders where to develop, at that time additional ROW could be required to make that a public road.

Drainage along the proposed road section (first 400+/-) will be challenging for gutter spread.

The geometry of the connection between the new and existing portions of Maple Heights Lane is awkward at best. The CCDPW recommends that the Town of Rising Sun require that the geometry of this connection be re-evaluated and that the existing Tee-Turnaround be removed.

## TECHNICAL ADVISORY COMMITTEE 2004

Fire Hydrant spacing and locations should be reviewed by the serving fire company and comply with the Ten States Standards for Water Works (1997).

What is the propose occupancy of the Community Center? Mr. Strauss was not sure what the occupancy would be.

The Department recommends that the Town require PWAs for the water lines and sanitary sewer.

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

With the extinguishing of the existing 30' ROW, will access be re-established to the Lands of the Board of County Commissioners of Cecil County? Mr. Strauss replied that he did not know.

Mr. Ouano of Conectiv stated that the existing pole line on the east side of the road is private property. He had fielded the property but a transformer is shown at the end of the line that he believes is on the Thompson's land. Is there any plan to move the pole. Mr. Strauss stated that there are some poles that will need to be relocated and easements will need to be worked out. Mr. Ouano stated that those changes would be at the cost of the homeowner because Conectiv will only provide the meter and transformer to the house. Mostly Conectiv's facilities will run underground, on the west side of the roadway, from Maple Heights Lane to the apartment complex and service to the Thompson property will be above ground.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated that the bus service would be available at the corner of Maple Heights and East Main Street.

Mr. Roop stated that any filling in the stream in non-tidal wetlands on the east sides requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo provided a copy of the Soil Conservation Report to the applicant.

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Mr. DiGiacomo read the Rising Sun Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the Citizen Representative comments:

I have been contacted by three property owners whose lands abut this development. These neighbors live in the county on Stevens Road and their lands abut the East and Northeast boundaries of the subject property. The creek which runs through the property floods frequently. The water extends into the back yards close to their homes and over the fields of these neighbors and then floods across Stevens Road. The land adjacent to the creek stays wet and boggy year-round. The flooding has occurred a number of times in the last year, and Stevens Road was closed three times last Fall due to flooding. I observed the properties and was shown pictures of this flooding with water blocking the road. This problem has increased in recent years, they believe due to the continuing development all along this creek from Rising Sun Plaza, the American Legion parking lot, Bucks, and other development to the West and Boyle farms on Little New York Road on the East. They are concerned that the proposed 79 apartment complex with its large areas of impervious surfaces consisting of buildings, access roads, sidewalks, and parking areas will significantly increase the water runoff and contribute to this problem. I was told that the subject land has not been developed in the past because it does not have adequate areas that perc. Consequently, the remaining open areas may not allow infiltration of the stormwater into the soil. They are concerned that the proposed bio-retention areas and stormwater pond will not be adequate to hold all the water flowing from the property and the overflow will contribute to the frequency and severity of the flooding. They understand there are also plans in process for another 94 homes near the apartment tract and 45 homes near the American Legion. If built, these will further exacerbate the flooding.

Mr. DiGiacomo read the OPZ comments: This project is proposed in the Town of Rising Sun. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews development proposals within the towns corporate limits.

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

The Town zoning is R3.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 geometrics are consistent with the Town's Zoning Ordinance and Subdivision and Public Works codes and 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 will review and comment on the FSD, PFCP, and FCP as a courtesy to the Town.

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 as 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.

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.

Sidewalks are recommended along both sides of all internal streets.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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 names have been approved by the County's Emergency Management Agency prior to Final Plat approval.

A detailed vehicular/pedestrian circulation and access plan should be submitted for the parking area. Potential pedestrian-vehicle conflicts should be identified. Signage, other traffic control devices, and striping should be considered. A bicycle rack might also be considered.

Consideration should be given to soliciting review and comment on the subdivision layout by the Rising Sun Volunteer Fire Company. How accessible are the backs of the structures backing up to the abandoned railroad line to emergency responders.

Consideration should be given to an additional access point on a road other than Maple Heights Lane.

Consideration should be given to the use of protective fencing around the proposed stormwater management facility.

Consideration should be given to requiring a Traffic Impact Study (TIS).

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.

## TECHNICAL ADVISORY COMMITTEE 2004

It should be confirmed that the structure heights do not exceed the maximums established in the Town's Zoning Ordinance.

It is recommended that a detailed lighting plan be submitted for review prior to site plan final approval.

It is recommended that a separate site plan be considered for the approval of the proposed community center.

How will trash be disposed of? Any dumpster locations should be shown, and any resultant, potential traffic flow conflicts should be identified and corrected.

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.

Mr. Ouano of Conectiv asked what the square footage for the apartments and community center were. Mr. Strouss replied that he did not know.

There were no further comments.

### **14. Mr. Tim Whittie presented West Creek Village Apartments, Fletchwood Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fourth Election**

Mr. Whittie stated that the project consist of two parcels, Parcel 316 and Parcel 175. Both parcels are zoned RM. The proposed approvals consist of 190 townhouses at the lower end adjacent to Fletchwood Road and 192 apartments which where previously approved on a separate plan. With an additional construction of 288 additional apartments the project will total 904 units. Density allows 1226. Water will come from Fletchwood Road and extend up into the site. There is an existing sewer for the apartments which will be utilization on site. In addition there is a transmission line being construction on the Aston Pointe project that will be utilized along with the upgrades of the pumping and treatment station to get the development in place. West Creek Village Drive will be a public road until it reaches the bridge, where it will become private.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated that 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 and a Water System Plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein .

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.

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.

Has the fire company commented on the need for fire hydrants? Mr. Whittie replied 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 was commissioned and is currently underway. The Applicant will be responsible to update it.

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the

## TECHNICAL ADVISORY COMMITTEE 2004

time frame over which they will be held.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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 Village Drive could be under water during a significant flood and could pose emergency response concerns.

A request for water allocation must be submitted to DPW.

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.

The DPW can allocate 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. A design-build project for the Meadowview WWTF began March 2004 with completion scheduled 18 months later at which point sufficient capacity will be available. It was 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 new units until that time. Units beyond the pre-paid 240 ELU will also be subject to a Benefit Assessment, in addition to Connection Fees.

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

PWAs will be required for internal streets& storm drains, sanitary sewer, as well as water mains.

Mr. Ouano of Conectiv stated that there was an existing private line off of Fletchwood Road. The poles are privately owned by the property owner. Conectiv owns the transformer and meter. There are existing underground facilities opposite Willow Drive and a pole line on Fletchwood Road. The roads would need to be within six inches of final grade to extend the lines.

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham stated that a Water Appropriation Permit would not be required. What is the water source? Mr. Whittie replied Meadowview.

Mr. Markwardt stated that the bus service will remain outside initially. Depending on the number of student generated the determination of when and if to come in will be decided at a later time.

Mr. Roop stated that any filling in the West Branch or the non-tidal wetlands requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued, but has been received and field verified.

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

Mr. DiGiacomo read the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo read the Singlerly Sun Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: 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

## TECHNICAL ADVISORY COMMITTEE 2004

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).

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

- 1) A Traffic Impact Study being complete prior to the TAC review of the Preliminary Plat;
- 2) A Jurisdictional Determination being done prior to the Planning Commission's review of the Preliminary Plat;
- 3) The internal road names being approved by the County's 911 Emergency Management Agency prior to the Planning Commission's review of the Preliminary Plat;
- 4) The open space sensitive area acreages being provided prior to the TAC review of the Preliminary Plat;
- 5) Waiver of the stream buffer expansion in the Development District;
- 6) Sidewalks being installed on both sides of all internal roads and along Fletchwood Road;
- 7) The depicted R-1 zoning being corrected on the Preliminary Plat;
- 8) A boundary line survey for density calculation purposes being complete prior to Preliminary Plat review;
- 9) All proposed Phase III structures being labeled or numbered on the preliminary Plat, for easier reference; and
- 10) If not done already, the elevations from the West Branch flood study being included on the Preliminary Plat.

This Preliminary Plat proposes a total of 904 dwelling units (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 units 1 acre for townhouses and 16/1 for apartments or condos, with community facilities. This is consistent with the approved Revised Concept Plat.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

The Traffic Impact Study (TIS) has been submitted and is currently under review. It indicates that a traffic signal will be warranted at the Fletchwood/Peach Drive/West Creek Village Road when approximately 50% of the development is built out, and that all intersections in the study area will operate at level-of-service D which is permitted under the Comprehensive Plan.

Note # 9 indicates that the boundary line survey has been done.

Note # 14 indicates that there are no slopes greater than 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.

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. Has the evidence been provided that this design would provide the same level of water quality or better? Mr. Whittie replied no. Mr. DiGiacomo stated that it would need to be before the Preliminary Plat goes before the Planning Commission.

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.

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 have been provided on the Preliminary Plat.

The Phase III structures still have not been labeled or numbered for easy reference, as was a condition #9 of Revised Concept Plat approval will need to be addressed prior to Preliminary Plat submittal.

Consideration should be given to providing active recreational amenities in the areas of common open space.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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). There is one unnumbered building in Phase III that appears too close to the property line. A Variance may be required.

The maximum length of an apartment building is 300 feet (§29.4.j). Note # 15 indicates that a waiver is sought; however, a Variance will be required.

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.

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 two (2) lots; that situation should also be avoided.

## TECHNICAL ADVISORY COMMITTEE 2004

§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. A revised FSD, expanded to include both Parcel 75 and Parcel 316, was approved on 1/13/04.

The Phase I area could be considered exempt under §3.2M, as has been noted. 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. If there are no deviations, then Phase II can be include in Note # 16, covering the §3.2M exemption.

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. Per the recommendation, the previously-proposed West Creek Drive name has been changed to West Creek Village Drive, to avoid confusion but Azalea Lane and Spice Bush Court have been disapproved. Therefore those name issues must be resolved prior to Preliminary Plat being reviewed by the Planning Commission.

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,

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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

There were no further comments.

### **15. Tim Whittie and Kevin Garrity presented **Ridgley Forest, Rte 7 and Deans Bank Road, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District****

Mr. Whittie stated that the plan consist of three parcels totaling 196.86 acres. Mr. Whittie spoke on the proposed improvements. There will be three access points leading into the development. Water and sewer will be public provided. Sewer will be routed down Rte 7 and water from the Courts of Mallory. SWM will be design as per MDE and CCDPW standards. A JD had previously been approved.

Mr. Garrity stated that this property had been previously approved under the name Fuddy. The Town of North East has changed their operating procedure with regard to the water, therefore they are before the committee for county approval. The lots have increased in the results of the boundary survey completion and reallocation of some of the design elements.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated that the following comments are predicated on this site being annexed by the Town of North East.

It should be noted for the record that the Town of North East will own the roads & storm drains as well as the water distribution system in this development. The CCDPW recommends that the roads and water distribution system including fire hydrant locations be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

We request that the Town withhold Final Plat approval until the Department has approved the SWM Plan, the Mass and Final Grading Plan and the Sanitary Sewer Plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. ).

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

The sanitary sewer submittal must reflect the proposed water lines and all proposed fire hydrant locations.

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.

Are any of the existing ponds on site proposed to be used as SWM facilities? Mr. Garrity replied no.

The Developer should inform AMTRAK of any stormwater impacts on their ROW.

## TECHNICAL ADVISORY COMMITTEE 2004

What does the heavy line adjacent to the AMTRAK ROW above Winwood & Alex Courts indicate? Mr. Whittie replied he believed it transferred from a previous file. Mr. Woodhull asked that it either be labeled or removed.

A sanitary sewer allocation request must be submitted.

The Developer must provide the Department with an analysis of the existing sanitary sewer lines running back to Mauldin Avenue demonstrating to the Departments satisfaction that they are adequate to accommodate the new flows. The analysis approach proposed must be reviewed with the Department prior to any analysis. Any upgrades required to meet the new demand will be the responsibility of the Developer. A feasibility study, performed by McCrone Engineering, for the Mauldin Avenue sewer line is available for review at the CCDPW s office.

This project will be subject to the Benefit Assessment for the North East Sanitary Sub-district as well as Connection fees.

Are sanitary pump stations envisioned? If so where? Mr. Whittie replied they need one in the upper northeast section. They are not quite sure yet.

A sanitary sewer stub is being provided in Augusta Loop in the Courts of Mallory.

A sanitary sewer stub should be included with the stub road to the Lands of Rasnake.

All lots must front on the least major roads wherever possible.

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, The Department recommends that the Town require that a phasing plan be submitted for use in developing a plan for when internal road sections will be accepted by the Town and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

If the Town of North East requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

## TECHNICAL ADVISORY COMMITTEE 2004

The Department recommends that the Town require PWAs for the water line as well as internal streets & storm drains.

An Inspection and Maintenance Agreement will be required by the CCDPW for the SWM facilities and a PWA will be required for the sanitary sewers.

Mr. Ouano of Conectiv had no comments.

Ms. Latham stated that a Water Appropriation Permit would not be required. Is this also Meadowview? Water will be provided by the Town of North East.

Mr. Markwardt stated that the bus service will be initial provided at the corners of Ridgley and Forrest Drive and Ahern. Until the County has accepted road a waiver maybe required which would not hold the School Board responsible for any damage and an agreement with the owner to maintain the roads.

Mr. Roop stated that any filling in the perennial or intermittent streams or non-tidal wetlands or areas labeled Waters of the U.S. or non-tidal wetlands adjacent to this waterway requires a Department of Army (DOA) permit. The isolated wetlands are under MDE s jurisdiction. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo read that the State Highway Administration comments, a copy attached for reference.

Mr. DiGiacomo read the North East Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is DR. The DR zone permits a maximum base density of one (1) dwelling unit per one (1) acre or 4/1 with community facilities. This project, with some minor variations, was reviewed by the TAC for the Town of North East in January 2004.

## TECHNICAL ADVISORY COMMITTEE 2004

This Concept Plat proposes 336 lots on 196.86 acres, for a proposed density of 1.706/1.

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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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

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

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

This proposal satisfies the common open space requirement (15%). All proposed common open space must be identified as common open space.

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 thresholds must appear on the Preliminary Plat.

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

Sidewalks are recommended on both sides of all internal streets.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposal to locate active common open space where it would be surrounded by a forest retention area is unreasonable.

A Traffic Impact Study (TIS) would be required prior TAC reviewing the Preliminary Plat.

The number of panhandle lots exceeds the maximum recommended in §7.2.12.F.5 of the Subdivision Regulations. The layout of proposed Lots 41-44 is also contrary to §7.4.2.

Fire hydrant/standpipe locations must be selected in accordance with the requirements of the Department of Public Works and the North East Volunteer Fire Company.

Bufferyard Standard C is required, outside the right-of-way, along the MD 7 road frontage.

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

An FSD was approved on 7/7/03. However, it didn't include parcels 675 and 1279. Therefore, it must be revised and 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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.

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. Are any of the contiguous properties in agricultural operation? Mr. Whittie and Mr. Garrity stated that they did not think that there were any agriculture operations in the proximity.

The specific community facilities providers must be explicitly identified on the plat, and they must verify the respective capacities prior to Final Plat approval.

Staff will recommend Connectivity to the Courts of Mallory as shown. The record plats shall contain a statement concerning about Health Department including the authority to the effect that the use of community water and community sewage systems in conformance with the Comprehensive Water & Sewer Plan. The Master Water and Sewer Plan must be amended to include this project site in its entirety. The record plats shall also include a statement signed by the owner to the effect that such facilities will be available to all units offered for sale.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. Woodhull added that the cul-de-sac bulbs that we talk about before is non compliance with the smaller bulb.

There were no further comments.

### **16. Bill Stevens and Taylor Cameron presented Constellation, LLC, Irishtown Road and Old Elk Neck Road, Concept Plat, Stephens Environmental Consulting, Inc., Fifth Election District**

Mr. Stevens stated that they were proposing a five lot major subdivision called Constellation LLC, located off of Old Elk Neck Road and Irishtown Road. The lots will be access by a mini road off of Irishtown Road. Forest Conservation has been completed and approved. Open space at the lower end of the site along with SWM. A minor subdivision was previously submitted for three lots and is close to approval. It is zone NAR. All perc test have been completed. It will be served with private wells and septic.

Mr. Cameron added that the road and development may change. Mr. DiGiacomo stated that the name of the development may be changed before Final Plat but the applicants will need to change the road name prior to submittal of Preliminary Plat to TAC review because that is when Emergency Services will see it.

Mr. Woodhull stated 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

Section 3.07.15 of the Road Code directs that Irishtown Road must be upgraded to a Minor Collector Standard for a distance of 100 either side of the point of intersection between Irishtown Road and Taurus Lane.

Any private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (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 other lands to the west of Taurus Lane, subject to a pending Minor Subdivision, should be required to access Taurus Lane and join the Private Mini-Road Association. This other lands should be denied access to Irishtown Road and access through an easement where Taurus Lane is proposed until such time as Taurus Lane is constructed.

Any applicable Road Code Variance must be requested prior to submittal of the Preliminary Plat.

A PWA will be required for the Private Mini Road and storm drains

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A I&M Agreement will be required for any SWM facilities.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Ouano of Conectiv stated that their intention is to extend the pole line from Old Elk Neck Road up the side of the development to the very last lot, then to extend our underground electric into Taurus Lane.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated that the bus service for homes will be provided at the mini road and Irishtown Road.

Mr. Roop stated that any filling in the non-tidal wetlands in the open space and Lot #1 requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo provided a copy of the Soil Conservation Report to the applicant.

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project is not on a state road.

Mr. DiGiacomo read the North East Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR. The NAR zone permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 5 lots, common open space, and a mini-road on 25.6652 acres, for a proposed density of 1/5.133.

Tax records indicate that Parcel 152 consists of more than 30 acres. What is meant by the term original parcel size in the data table? Mr. Stevens replied that there were three in a minor subdivision.

There are three areas shown as other lands, that show septic areas, well locations, and areas of forest retention. There is apparently a minor subdivision in progress. That must be stated on the plat, and, if

## TECHNICAL ADVISORY COMMITTEE 2004

approved, then the minor subdivision number must appear on the plat.

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

Will the proposed minor subdivision lot between the mini-road and the common open space access onto the proposed mini-road? Mr. Stevens stated yes. Mr. DiGiacomo stated that even through that is part of the minor subdivision they should be included in the Mini Road Maintenance Association.

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

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.

No open space is required. The proposed open space must be referred to as common open space. Will the common open space be accessed only from Irishtown Road? Mr. Stevens replied yes.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Irishtown 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) was approved on 10/20/03, and the FCP was approved on 11/20/03.

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 Taurus Lane has been approved but again the applicant may change the name prior to the Preliminary Plat TAC submittal.

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

A mini-road maintenance association must be established with all lot owners accessing the proposed mini-road 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. Are any of

## TECHNICAL ADVISORY COMMITTEE 2004

the contiguous properties in agricultural operation? Mr. Stevens replied that outside of a farmhouse, no.

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

There were no further comments.

**17. Mr. McAllister and Robert Murray presented Winfield, Section 2, Calvert Road, Preliminary Plat, McAllister Surveyor, Ninth Election District**

Mr. McAllister stated that this subdivision was approved April 2003. Perc tests have been completed. Some slight revision had been made to the septic areas. Site distance has been approved by CCDPW. Ten lots have been proposed.

Mr. Woodhull stated a SWM Plan, a Road & Storm Drain Plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

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.

## TECHNICAL ADVISORY COMMITTEE 2004

A Road Code Variance request to Section 3.07.15 is currently under review. The Department is considering allowing the change in distribution of road upgrade from 100' either side of the entrance to a non-symmetrical layout.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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

Modify Note 12 to read, 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Change item 8 under Legend to ROW = 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.

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

Mr. Ouano of Conectiv had no comments.

Ms. Latham stated that a Water Appropriation Permit would be required for Section 1. CE20001G012 will need to be revised to add Section 2.

Mr. Markwardt stated that transportation would be provided at the corner of Rollin Way and Albert Road for buses.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Roop stated that any filling in the tributary to the Northeast River or the adjacent wetlands requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. McAllister stated that a JD had been requested by Fred Ward Associates.

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

Mr. DiGiacomo stated that the State Highway Administration had no comment as this project is not on a state road.

Mr. DiGiacomo read the Rising Sun Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the Citizen Representative comments:

There has been a long standing problem of stormwater on Calvert Road where the Winfield development is located. The work done during the Section One development was supposed to address this problem and certainly not add new water from the development to the runoff. Unfortunately, grading for the front lot and the entrance road in Section One directs water to Calvert Road, rather than to the back of the farm. The Section One stormwater engineering as implemented has taken all of this water under Calvert Road across to Berkley Road and discharges it into the meadow of the adjacent Orr farm. Mr. Orr did not agree to this design and it has created new problems for him. Recently Mr. Orr had to pull a cow mired in this wet area out with his tractor. The grading done in Phase One has not been effective in controlling the flow of water to the road. The topography noted on the plat for Section Two shows Pearlwin Way sloping down to Calvert Road (approximately six foot drop in 200 feet), so it will discharge additional water into the Calvert Road side ditch. The stormwater management for Section Two must address the issue more directly than it did for Section One or the problem will only be increased. Lot #2 at the South side of the plat for Section Two along Calvert Road is part of the same farm and is being developed concurrently under Minor Subdivision No. 3304. Construction on this lot has been in progress for some months. Runoff from this lot has carried large quantities of silt into the roadside ditch due to sod being removed and the berm at the edge of the road being graded away. The silt fence is totally missing from over half of the area and the remaining fence was not placed in the correct location and has not been effective. The erosion and washing of this bare ground shows clearly the direction of the stormwater flow from the lot into Calvert Road. There is another lot in the minor (#3) on the North side of Section Two which will add further to the problem when construction starts on it, unless some action is taken to control the water. This minor was to be considered as part of the stormwater control for the development of this farm. Winfield, Section Two, being presented today should not be approved until the stormwater issues for Section One and the minor subdivision are resolved.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments: The zoning is NAR. The NAR zone permits a maximum base density of one (1) dwelling unit per five (5) acres. A condition of Section 1's approval was that any subsequent subdivision on the remaining lands would require the submission of a Concept Plat.

The Section 2 Concept Plat was approved on 4/21/03, at a density of 1/6.58 for this section, conditioned on:

- 1) All acreage discrepancies being satisfactorily resolved prior the TAC review of the Preliminary Plat;
- 2) A road name being approved prior to the Planning Commission's review of the Preliminary Plat; and
- 3) Bufferyard A requirements on Lot 21 being waived provided the 300-foot setback, as depicted, is maintained.

This Preliminary Plat proposes 10 lots on 65.7627 acres, and it is consistent with the approved Concept Plat. The 8 approved lots in Section 1 and the 10 proposed lots in Section 2 would yield a combined density of 1 dwelling unit per 5.26 acres.

Has a boundary line survey been done? Mr. McAllister replied yes

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.

Provided the wetlands have been field-delineated, then, per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space or the forest retention area, a JD need not be done.

This proposal satisfies the general open space provisions of the NAR zone. 14.2 acres of common open space are required. 17.8 acres are proposed. The common open space must be labeled as common open space.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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. Note # 14 must be modified accordingly.

Rows of street trees are required, outside the right-of-way, along both sides of the proposed County road. 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 4/10/03.

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 name Pearlwin Way 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 each recorded lot, for Section 1 and 2, placed in escrow for improvements prior to recordation

## TECHNICAL ADVISORY COMMITTEE 2004

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

Discussion followed among Mr. DiGiacomo, Mr. Roop and McAllister concerning a JD.

Both Mr. Roop and Mr. DiGiacomo advised Mr. McAllister that by obtaining a JD he would be covered in the future, for example 10 years from now when Mr. Roop may not be with Corp of Engineers.

There were no further comments.

**May 5, 2004, 9:00 a.m.**

**Technical Advisory Committee**

PRESENT: Carter, DiGiacomo, King, Latham, Markwardt, McDowell, Moore, Ouano, Roop, Woodhull and Jones

ABSENT: Ancel, Davis

**1. Andy Wishart presented the Racine Property, Lots 1-60, Theodore Road and Washington School House Road, Preliminary Plat, Wilson, Deegan & Associates, Inc., Fifth Election District.**

Mr. Wishart stated the project consisted of 181.7 acres zoned NAR. There would be two proposed accesses into the project, Washington School House Road and Theodore Road. A bonus density of 5/1 is being sought. Forest Stand Delineation (FSD) was approved on 6/5/02. Environmental Review from the Wildlife and Heritage Division of DNR was approved 8/13/01. The lots would be served by well and septic. Perc testing had been done. The Health Department requires an additional 10%. After the majority of the issues had been resolved on the Preliminary Plat; a Ground Water Appropriation Permit would be sought prior to the Final Plat. SWM had been proposed in three different locations in accordance with Cecil County Regulations and the 2000 MDE Regulations. Roads and Storm drains would be designed to the Cecil County standards. Sentiment control to be designed under current Cecil County standards and all Mass and Final Lot Grading would be submitted to CCDPW in accordance with their standards. In regards to the Planning Commission comments on 9/20/02 concerning the Concept Plan and submittal of the Preliminary Plat, the TIS had been revised to include future fields on Bard Cameron Road. This report was submitted to CCDPW per their request. A Boundary Line Survey had been performed. The wetland and wooded areas have been delineated accordingly. The general notes have been updated. Bryan Way (Road A) and James Court (Road B) road names will be proposed and submitted for approval.

Mr. DiGiacomo asked when the road names would be submitted for approval.

Mr. Wishart replied he would submit the paperwork within the next two weeks.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Wishart went on to state that a Jurisdictional Determination (JD) had been completed and approved by the US Army Corp of Engineers on 3/5/04. All aerial tables have been included on the preliminary plan sheets.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying, No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

Access easements for the SWM facilities may need to be widened on the final design. This will dependent on the type of conveyance proposed and/or combination of conveyance and access.

All driveways must be paved at least to the ROW.

The ROW dedication for Theodore and Washington School House Roads 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 Variance must be requested prior to submittal for Preliminary Plat approval. The cul-de-sac bulb on Court A does not comply with the Road Code.

Note 13 is presumptuous in that no request has been made to date and the Department is not aware of any reason to grant such a request.

Drainage improvements will be required both entrances.

Sight distance measurements must be submitted to the DPW for both entrances in order to establish compliance with the Cecil County Road Code.

## TECHNICAL ADVISORY COMMITTEE 2004

Access should be denied to Washington School House Road for Lot 41 and both Washington School House Road and Theodore Road for Lot 40, except for existing entrances.

A Public Works Agreement will be required for internal streets and storm drains.

The potential for inclusion of Dry Hydrants should be discussed with the serving Fire Company. This is all predicated on whether the SWM facilities designed are wet ponds of sufficient volume to support dry hydrants.

It should be noted that the Department has obtained traffic counts, in April 2004, on Theodore Road. These counts indicate an ADT of approximately 2270 over a seven day average with a single day high of 3284. There is a substantial difference compared to the 1520 ADT expressed in the July 2003 TIS for this road. The Department's belief that the Theodore Road corridor, as it stands, will not continue to adequately support existing traffic demands without improvements is reflected in that in the current CIP, substantial road improvements for Theodore Road are projected for design in FY2005 and build in FY2006. However, the actual construction date will depend largely on the County's timely success in ROW acquisition. With the proposed 600 ADT increase generated by this development added to the loading on Theodore Road, the Department recommends that approval of this proposed project include off site improvements to Theodore Road along the frontage of the property to full Minor Collector Road status.

Mr. King of SHA had no comments.

Ms. Latham stated that a Water Appropriation Permit would probably be considered a Large User Permit. The applicant should plan to give Public Notice. Also plan to conduct an Aquifer Test.

Mr. Markwardt of the Board of Education asked if the site distance measurement had been taken between Court A and the curve, or towards Crestfield Drive.

Mr. Wishart replied he had not been aware.

Mr. Markwardt stated that they would have a concern with the entrance. Theoretical with the impending bus stop, there was a concern with visibility of traffic heading southbound on Washington School House Road and the ability to see the school buses.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Carter stated that obviously DPW needed to review the site distance. A previously completed item was an additional easement that needs to be shown on the Final Plat. This would secure site distance through the curb.

Mr. Markwardt stated that the additional easement would make a positive contribution. Bus service would be provided at Court A and Washington School House Road, and Drive B and Theodore Road.

Mr. Markwardt questioned the size of the proposed homes and what the price range would be.

Mr. Wishart replied 2400 ft<sup>2</sup> at mid \$300,000.

Mr. Markwardt asked assuming approval, when would the project start? Mr. Wishart replied somewhere in 2005.

Mr. Ouano of Conectiv had no comments.

Mr. Roop of the of the (US Army) Corps of Engineers stated that any filling in the unnamed non-tidal wetlands and streams required a Department of Army (DOA) permit. Jurisdictional Determination (JD) has been issued, 3/5/04.

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

Mr. McDowell, Citizen s Representative stated The residents in the area of the proposed development stated their concerns when the concept plat for this property was presented. Twenty-nine residents signed a petition stating concerns about traffic, loss of rural character, emergency services, impact on wildlife habitat, SWM, water and sewer systems, overloading of the local schools, and reduced property values. The residents have also had a continuing problem with wells and springs going dry and are concerned that this may increase that problem. These concerns still exist.

Perhaps the primary concern is the inadequacy of the county roads to accommodate the increased traffic load. Washington Schoolhouse Road, Theodore Road and Bard Cameron Road are all narrow with no shoulders.

## TECHNICAL ADVISORY COMMITTEE 2004

They are in poor condition with cracks, potholes and roughly patched areas. These roads already serve a significantly larger traffic load than the typical county road due to the events and activities at the Cecil County Dragway on the corner of Theodore Road and Washington Schoolhouse Road, and the Cecil County Sports Complex and the Bible Fellowship Church both nearby on Bard Cameron Road. The sports complex serves several baseball leagues, as well as soccer and junior football teams. There are current plans to enlarge the sports complex. The Dragway has many trucks and trailers transporting race cars and a large number of spectators at their events. They operate 4 to 5 nights each week for about seven months. The church has an active schedule of activities. Any traffic count or study should be conducted during the season for the events at the Sports Complex and the Dragway. The traffic due to 60 new homes will add a significant safety hazard on these roads. It is unsafe for children, pets, and adults to walk along these roads. The two intersections on state Route 274 with these roads are currently safety hazards. Anyone regularly traveling Route 274 will observe the danger due to cars waiting on Route 274 to make a left turn onto both Washington Schoolhouse and Theodore Roads. This is particularly bad when trucks and trailers are arriving with race cars for the Dragway. A left turn lane is needed at each intersection.

Mr. DiGiacomo stated that the North East Volunteer Fire Department would like to see some type of static water source for the Racine Property. OPZ added that dry hydrants should be considered either at the existing pond or SWM areas and that the design includes some access to those.

Mr. DiGiacomo read the OPZ comments: Zoning is NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres, or bonus density of 1/3.

The Concept Plat (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC review;
- 2) A boundary line survey being done prior to submission of the Preliminary Plat;
- 3) Discrepancies in the depictions of wetland and wooded areas being rectified prior to the submission of the Preliminary Plat for TAC review;
- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC review;
- 5) Proposed Road names being approved prior to the submission of the Preliminary Plat for Planning Commission review;
- 6) A Jurisdictional Determination being done prior to Preliminary Plat review by the Planning Commission; and
- 7) An area table being included in the Preliminary Plat submitted for TAC review.

## TECHNICAL ADVISORY COMMITTEE 2004

This Preliminary Plat is generally consistent with the approved Concept Plat, but not with its conditions of approval.

Where is the Area Table that was a requirement of Concept Plat approval? Mr. Wishart questioned if the site analysis was not an appropriate format? Mr. DiGiacomo replied there were no areas for the individual lots only the large lot and the common open space. This is something that should be done.

The Title Block has been amended to reflect that this proposal is for Cecil County, not Harford County.

Note #10 refers to a boundary determination. Has a boundary line survey been done? Mr. Wishart replied yes.

The approval of road names was a condition of Concept Plat approval. Why have no road names been provided on this Preliminary Plat?

Mr. Wishart stated that it was his understanding that the road names need to be approved prior to submitting to the Planning Commission and they intend to do that.

Mr. DiGiacomo stated that the Subdivision Regulations §4.0.13, requires that the road name be included on the Concept Plat. EMS is one of the agencies that review s the plat. If the road names are not on the Concept Plat for TAC review the only other opportunity that EMS will have to review the plat (EMS does not received a copy of any plat submitted to PC) would be preliminary, prior to the plat going before Planning Commission. Therefore this is the point at which all road names, given that they where not on the Concept Plat, should have been provided.

Although the open space acreages have been reduced, this proposal still qualifies for bonus density eligibility. Using the figures from sheets 2 & 3, the proposed large lot, proposed Lot 40, is 50.5597 acres and the proposed aggregate common open space is 58.4908 acres. Together, they total 109.0505 acres and comprise 60.01% of the total acreage. One of the reasons that both TAC and PC like to see the area table are because it allows the opportunity to double check the acres numbers.

There still seems to be some confusion regarding what is common open space and what is open space. All common open space must be labeled as common open space on all sheets, consistent with a condition of Concept Plat approval. These sheets are all inconsistent in that regard.

## TECHNICAL ADVISORY COMMITTEE 2004

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

No steep slopes have been depicted.

There are no habitats of rare, threatened, and endangered species.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Theodore and Washington School House Roads, which needs to be depicted.

Bufferyard Standard A is required along the lot lines of proposed Lots 18 and 49-53 to buffer adjacent agricultural uses. The proposed structure sites on proposed Lots 18 and 53 are depicted inside the 100' setback, which has not been shown. The Bufferyard A and the 100' setback must be shown, and no buildings can be proposed inside the building setback. Note #14 indicates that additional lots must have a Bufferyard A, however, as noted during the Concept Plat reviews, 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 Forest Stand Delineation (FSD) has been approved (6/5/02).

The Preliminary Forest Conservation Plan (PFCP) has not been submitted, but it must be approved prior to Planning Commission review of the Preliminary Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

As noted at Concept Plat reviews, the deed reference on parcel 95 should be WLB 556/816.

The BRL still has not been shown on the stub to Washington Schoolhouse Road. Concept Plat reviews noted that that must be rectified on the Preliminary Plat submitted for TAC review.

As the Health Department noted, the proposed dwelling, septic reserve, and well locations have not been shown for proposed Lots 41 and 60.

Mr. DiGiacomo asked Mr. Moore, Do you usually see the specific well locations points. What this proposes is areas. Is this acceptable to the Health Department?

Mr. Moore replied it would be acceptable if all areas shown comply with the distance requirements.

Mr. DiGiacomo questioned whether some part of the area do and some parts don't.

Mr. Moore replied probably.

Mr. DiGiacomo stated the road names must be approved by the Cecil County Emergency Management Agency prior to Planning Commission review of the Preliminary Plat and he was not sure how that would be accomplished.

## TECHNICAL ADVISORY COMMITTEE 2004

The TIS, dated October 2001 and received on 3/26/02, revealed that local roadways would operate at acceptable Levels of Service (A,B,C) for Rural Conservation Areas, as defined in the Comprehensive Plan, and recommended several improvements, such as striping the edge of Theodore Road.

Per a condition of the 8/19/02 Concept Plat approval, the TIS calculations and LOS projections had to be revised to take the athletic fields on Bard Cameron Road into account the prior to the submission of the Preliminary Plat for TAC review. Those revisions have been received and they note the methodological questions posed by the DPW.

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. As noted during the Concept Plat reviews, proposed Lot 41 must be denied access to Washington Schoolhouse Road. A note to that effect must appear on the plat.

Again the acreage had been specified for proposed Lot 41 and the large lot and the area table has not been provided.

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.

As there is missing data and information, as conditions 4, 5 & 7 of Concept Plat approval have been ignored, and as no street names have yet even been proposed, this Preliminary Plat must be revised accordingly and then resubmitted for TAC review prior to submission for Planning Commission review. If it is submitted for Planning Commission review, staff will recommend disapproval.

Mr. McDowell, Citizen's Representative, stated that he had another note that he had neglected to mention.

Cars waiting on Rte 274, to make a left turn and the hazard due to that were commented that it is particularly noticeable when area events at the dragway, and trailers and trucks hauling cars setting there are waiting to make that turn and obscuring vision.

There were no further comments.

**2. Pat McClary presented Sycamore Lane Nursery (Lands of), Lots 1-90, Cecilton/Warwick Road (Rte 282) and Bohemia Church Road, Concept Plat, Michael Scott Inc., First Election District**

Mr. McClary stated that he was representing the owners of Sycamore Land Nursery, who were proposing to do a bonus density subdivision. The area shows open space but it is actually large lot open space. The top of the table shows are 90 lots but it is actually 89 lots. The open space is a combination of greenhouses and plants that are grown in open sunlight. There is a contract to purchase this property by the Eastern Shore Land Conservancy. However, from the Sycamore Land point of view they cannot wait until that decision is made because the density may have changed. Therefore the owners will subdivide the property unless the Eastern Shore Land Conservancy purchases it. If the Land Conservancy buys it they will buy the section of 85 lots and the triangle piece. In addition, the Sycamore Land Nursery will give up all rights to development on the property. At which time Mr. McClary would seek a minor subdivision.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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 questioned the purpose for a pond on the property.

Mr. McClary was not sure of the purpose.

Ms. Latham stated that she believed that it was a collection basin for fertilizers that would prohibit the migration of chemicals into the local water ways.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. McClary stated that those ponds were at the bottom of the slope.

Mr. Woodhull went on to state that 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 Department recommends against the use of a single entrance for 89 houses on to MD. Rte. 282.

The Department requests that it be included in any scoping sessions held in regards to this property.

With the likelihood that that some percentage of the traffic generated by this development may use Church Road and Bohemia Church Road, the Department will be reviewing these roads for adequacy of condition.

Why are you indicating a property line down the center of Church Road? The Tax Map indicates ownership of both sides of the road. Is this proposed as new property along these lines?

Mr. McClary replied it was taken off of the land records showing the present conditions.

Any newly created lot lines for Lots 86-89 as well as the large lot must be 30' back from the center line of Church Road with the resultant 60' ROW being dedicated in fee simple to the County.

The ROW dedication for Church Road must be denoted as, 60' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County.

Lots 86-89 must use shared entrances on to Church Road and these entrance locations must be reflected on the Lot Grading Plan and be made part of the PWA for roads in this development.

Sight distance measurements for these shared driveway entrances (Lots 88 & 89 and 86 & 87) must be provided to the DPW to establish compliance with the Cecil County Road Code and their centerlines must be

## TECHNICAL ADVISORY COMMITTEE 2004

marked in the field.

Mr. Carter referenced a shared entrance that had been done on the Racine Estates.

Mr. Woodhull continued the Minor Collector Standard is not required throughout the internal streets of the development. The Department recommends that only those sections of road from Lot 61 out to MD Rte. 282 and from Lot 44 to MD. Rte. 282 should be built to a Collector Standard and the others could remain as minors.

The Vicinity Map must be corrected to reflect the actual road alignments and names as well as including Tax Map & Parcel references.

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

PWAs will be required for internal streets & storm drains.

If the existing pond or any of the other existing ponds area proposed for SMW DPW will need As-Builts for the ponds, in order to verify that the are capable of handling the additional loading.

Mr. King of SHA comments are attached for reference.

Ms. Latham questioned if Sycamore would continue the nursery business?

Mr. McClary replied yes.

Ms. Latham stated there was an existing Water Appropriation Permit for the wells and mag in the aquifer. An additional Water Appropriation Permit would be required. There are multiple aquifers, therefore the applicant may want to do some additional studies into which aquifer they want. An aquifer test was done back in the late 80 s or early 90 s by MDE. There is one aquifer test for the mag at the aquifer but it is pretty deep. If the decision is made to go with a shallower aquifer, which might make more sense, the applicant may be required to do another aquifer test which will require public notice.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt stated bus service would initially be on Rte 282. At some point if an increase of the number of student warrants it, the bus would come into the development. Otherwise the distance is typically too short, but at the same time they would not try to load 50 children on Rte 282.

Mr. Markwardt questioned the size of the proposed homes and what the price range would be. Mr. McClary replied a rough estimate was 1600 to 2800 ft<sup>2</sup>, cost mid \$200,000 s.

Mr. Markwardt asked assuming approval, when would the project start? Approximately one year.

Mr. Ouano of Conectiv stated that the providing company would be Choptank.

Mr. Robert Etgen, Eastern Shore Land Conservancy, had no comments.

Mr. Roop of the (US Army) Corps of Engineers stated that the land did not show any wetlands therefore a Department of Army (DOA) permit will not be required. No Jurisdictional Determination (JD) has been issued.

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

Mr. McDowell, Citizen's Representative stated I have been contacted by Mr. John Coleman who owns the farm to the West of the subject property. His farm is in the agricultural preservation program and he had planted the farm in Christmas trees. He has made a long term commitment and a large investment for the agricultural use of his farm. He has plans for making the site an attraction for families. He also has a similar operation in Delaware and has experienced problems from neighboring developments there. He is concerned about trespassers, vandalism of crops and equipment, theft of Christmas trees, and litter. He is also concerned about liability from trespassers. He feels it is the developer's responsibility to restrict access to his lands. On his other properties he has had to erect a chain link fence to effectively stop these activities. He feels that a simple bufferyard would be totally ineffective and in any case would take years to grow. He believes that the nursery on the other side of the development will encounter the same problem, particularly in the area around the existing pond. He requests that an effective barrier fence be required of the developer to prevent access to his lands.

## TECHNICAL ADVISORY COMMITTEE 2004

I have also been contacted by Mr. Quinn who owns the farm on the North of the subject property. He would also like to control access from the development on to his farm land. He is concerned about safety, liability, and crop damage due to hunters, young people using four-wheelers and mini-bikes, and just general trespassers. He also questioned whether adequate water would be available for the 90 homes plus the nursery.

Both callers are concerned about families purchasing homes in the development, finding they are in the middle of intensive farming activities, and then protesting their operations. There are active farms on all sides, with a large egg farm across Route 282 with almost a million layers, a nursery farm on the East, a tree farm on the West and traditional farms on each side in addition. There will be flies and odors from the chicken farm and dust, noise, odors, and late night operations on the other farms.

Mr. DiGiacomo stated that he had the opportunity to speak with Mr. Coleman and one of the problems he had in Delaware was that a cul-de-sac had been placed right next to his property and people were driving up and stealing his Christmas trees.

Mr. McClary stated that he agreed with Mr. Coleman's concerns and that there was a mature hedge road along the line that could be taken care of.

Mr. DiGiacomo stated that no comments had been received from the Cecilton Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments: Zoning is SAR which permits a maximum base density of one (1) dwelling unit per eight (8) acres. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 90 lots on 465.265 acres, for a proposed density of 1/5.1696.

Per §4.0.13 (e), the owner's name and address must be added to the plat prior to Planning Commission review.

The tax map and parcel numbers must be added to the plat prior to Planning Commission review. If this site is parcel 9 on tax map 58, then tax records show that that it contains only 449 acres, rather than 465.

In addition, the acreages provided in the Lot Table total only 433.077, not the 465.265 acres cited above.

## TECHNICAL ADVISORY COMMITTEE 2004

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

The current parcel 9 corresponds to the original parcel of record, parcel 10. All relevant subdivisions involved in that transformation must be referenced on the plat prior to Planning Commission review. Mr. DiGiacomo noted that through his research he had found the transformation was accomplished via Minor Sub 95, 109, 479, 2350, 2471, 2484, 3114, 3346, 3356, and 3418.

Special Exception # 2565 must be referenced on the plat prior to Planning Commission review. What are the current plans for the proposed golf course? Mr. McClary replied none.

The proposed large lot's lot number must be added to the plat prior to Planning Commission review.

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

The areas marked open space, including the proposed large lot, had a combined total acreage of 334.304. That sum is at odds with the total open space figure of 338.292 acres. If the areas marked afforestation and landscape are added, then the resulting sum of 342.6 is also at odds with the 338.292-acre total open space figure. These acreage discrepancies must be resolved on the plat submitted for Planning Commission review.

If the proposed afforestation and landscape areas are to be part of the common open space, then they must be so labeled. All common open space must be labeled as common open space on the plat submitted for review by the Planning Commission.

§23.3 of the Zoning Ordinance required 15% common open space for this proposal. Above 10 lots requires 15%. The total acreage for the areas marked open space consist of only 6.68% of the total acreage. If the areas marked afforestation and landscape are added, then the new total common open space is still only 8.47% of the total acreage. Therefore the current layout, therefore, cannot be approved.

Based upon the 465.265-acre figure, 69.79 acres of common open space must be provided, per §23.3. Per §23.2.b, the total open space required for bonus density eligibility would be 279.159 acres (or 60%) again based upon the 465.265-acre figure.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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 landscaping of the development envelope is required in the SAR zone. However, part of this proposal is adjacent to the Warwick VR zone, which, in contrast, has a landscaping requirement of 20% of the development envelope. Per § s 28.2.d & 187.2, a vegetative buffer is required on the southerly property line of proposed Lot 86 and part of proposed Lot 90 which must be numbered.

In addition, locating more of the smaller lots adjacent to the VR zone and shifting the larger lots near to the large lot could contribute to a more harmonious design that better protects the rural and village characters of the area.

Sidewalks are not recommended.

## TECHNICAL ADVISORY COMMITTEE 2004

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 282 and Church Road (Correct Church Road on the ariel a long with 292 being depicted). A row of street trees could be considered along the east side of Church Road near the VR zone. Along the west side of Church Road and MD 282, the Bufferyard C requirement could be waived on proposed Lot 90 if a modified Bufferyard A (without the 100 BRL) were installed long the rear lot lines of proposed Lots 1-8.

A Bufferyard Standard A is required along the rear lot lines of proposed Lots 34 - 48.

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 with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

The installation of dry hydrants at the existing pond and any stormwater management ponds should be considered. Quick access to those hydrants should be incorporated into the layout design.

A second entrance should be considered for 85 proposed lots. Alternatively, a monumental/boulevard entranceway extending back to the second internal intersection could be considered, pending input from the Cecilton Volunteer Fire Company.

A Traffic Impact Study (TIS) will be recommended to be completed prior to Preliminary Plat review by the TAC.

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

There were no further comments.

### **3. Tim Whittie presented Mendenhall Square, Telegraph Road (Rte 273) and Blue Ball Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Ninth Election District**

Mr. Whittie stated that the property was split zoned. Approximately 98.2 acres was zoned NAR and 12.85 was zoned BG for a total area of 111.05 acres. The proposed development consists of 35 lots. No development is proposed for the BG area at this time. It will be private well and septic. There will be two accesses to the site. Mendenhall Village Road West will align with Blue Ball Village Road, which will be the monumental entrance; and Mendenhall Road West will align with Mendenhall Hall Road, which will be the standard entrance. The roads within the subdivision will be 22' wide pavement with a 50' wide ROW. Density requirements have been met. SWM will be in accordance with both MDE and CCDPW. The applicant is currently finalizing the septic locations and completing perc testing which may require some lot

## TECHNICAL ADVISORY COMMITTEE 2004

line adjustments. JD has been approved. They will be avoiding both the floodplain and wetlands.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

Mr. Whittie noted that they will be patrolling the 100-Year and the ponds under the BG would be sized in proportion of both the residential portion and BG.

Mr. Woodhull stated the design of the SWM facilities discharge must ensure that they will be conveyed to the intermittent stream. If it is directed off of the site on to adjacent property owners it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

The Department supports the request for a 30,000 gal drafting tank made by Community Fire Company of Rising Sun, Inc. The Department recommends the tank be placed in the open space along Blue Ball Road adjacent to Lot 28. A suitable pull-off area must be provided for the staging of fire fighting equipment. Input on this location should be solicited from the Rising Sun Fire Company.

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 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.

## TECHNICAL ADVISORY COMMITTEE 2004

Blue Ball Road between Mendenhall Road and MD Route 273 has several areas that have experienced base failure. The road as is will not support the additional traffic load created by this development. Therefore, the Developer must provide for the repair of these areas. The Department will field locate the locations and extent of repair required on Blue Ball Road. The type of repair will be in accordance with the Road Code and as directed by the Department.

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.

Sight distance measurements have been provided for the two entrances but is also required for Lot 35.

The pavement should be marked to indicate the entrance centerline to allow departmental review of the proposed location.

Lots 1 and 33 must be denied access to Mendenhall Road West along their frontage.

Lot 28 must be denied access to Blue Ball Village West Drive to avoid conflict with proposed boulevard entrance.

All driveways must be paved to the ROW.

The fee simple ROW should extend along the Blue Ball Road frontage of the Remaining Lands.

Consider using the northern access as a dedicated construction entrance or beef-up the base to 5' of asphalt installed in two lifts. This will be recommended to the Planning Commission as a condition of 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

A PWA will be required for the road and storm drains.

DPW and Mr. Whittie discussed access to the SWM.

Mr. King of SHA comments have been attached for reference.

Ms. Latham stated that a Water Appropriation Permit would be required.

Mr. Markwardt stated that bus service would be provided at Mendenhall Road West and Blue Ball Village Road West.

Mr. Markwardt questioned the size of the proposed homes and what the price range would be. Mr. Whittie replied four bedroom starting around 3300 - 3400 ft<sup>2</sup>, \$400,000 +.

Mr. Markwardt asked, assuming approval, when would the project start? September or October of 2004.

Mr. Ouano of Conectiv had no comments.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the intermittent stream or the non-tidal wetlands required a Department of Army (DOA) permit. Jurisdictional Determination (JD) was issued on 3/2/04.

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

Mr. McDowell, Citizen's Representative, Citizen's Representative stated I have been contacted by Mr. Schmel, who lives across Blue Ball Road from the proposed development, on the lot marked # 9 in Blue Ball Village. At the North end of his lot there is a culvert that carries storm water from the field being developed

## TECHNICAL ADVISORY COMMITTEE 2004

and from the road shoulders of Blue Ball Road. The water travels across his lot in a stormwater ditch to a perennial stream at the back on the East side of his lot. The culverts (two side by side) currently are not adequate to carry the run off during a heavy rain, causing the water to cross the road and flood onto his lot. As can be seen by the topography on the plat, the culvert location is the low spot with water flowing to it from three directions--water flows from the South down Blue Ball Road from lot 34 of the proposed development to the culvert area, water flows from the North beyond lot 35 down Blue Ball Road to the culvert area, and water flows from the field on the West. The topography on the plat shows that in the proposed development, stormwater will flow South down Blackborne Drive then East on Mendenhall Road West to Blue Ball Road where it will travel to the culvert. Also feeding into this flow will be the runoff from impervious surfaces on a number of the lots on Blackborne Drive. It does not seem unlikely that the planned SWM pond at the North of lot 4 can handle the water from heavy rains, nor is it located where it can catch the water flow from Blackborne Drive. Mr. Schmel would be willing to have his lot disturbed to install a larger culvert and grading to channel the water to the stream on the back of his lot, if this would keep the water away from his yard.

The Traffic Impact Study does not appear to consider the traffic load due to future usage of the Business General parcel which is part of this development. Any businesses such as a convenience store, service station, etc., would significantly impact the traffic patterns.

Mr. DiGiacomo stated the Rising Sun Volunteer Fire Department is requesting a dry hydrant in the SWM area and gravel access between Lots 16 and 17 to the dry hydrant or a 30,000 gallon drafting tank.

Discussion on the appropriate action of the RSFD issue followed.

Mr. DiGiacomo read the OPZ comments: Zoning was NAR which permits a base density of one (1) dwelling unit per five (5) acres, or bonus density of 1/3.

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

- 1) A boundary line survey being complete prior to the TAC's review of the Preliminary Plat;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All proposed lots other than 34 & 35 having access off the internal roads;
- 4) The proposed Blackborne Drive entrance aligning directly with Blue Ball Village Drive;
- 5) A TIS with signal warrant analysis for the Blue Ball Road/MD 273 intersection being complete prior to the TAC review of the Preliminary Plat;

## TECHNICAL ADVISORY COMMITTEE 2004

- 6) Lot 34's Bufferyard C requirement along Blue Ball Road and the street tree requirement along Blackborne Drive being waived in favor of a rear Bufferyard B and a row of pines along the side lot lines;
- 7) A setback modification being granted for the existing building on proposed Lot 34;
- 8) The Bufferyard C requirement along MD 273 being waived and a Bufferyard C being provided between the BG zone and the NAR zone; and
- 9) Dry hydrants or a drafting tank being discussed with the Rising Sun Fire Company and a report being made to the Planning Commission with the Preliminary Plat.

This Preliminary Plat proposes 31 lots on 94.2 acres, for a proposed density of 1/3.039, plus 4 minor subdivision lots. It is generally consistent with the approved Concept Plat.

Tax records indicate that the parcel consists of 116.25 acres, but Note # 19 indicates that a boundary line survey has been done by Joe Webb. Was the survey sealed? Mr. Whittie will check. Mr. DiGiacomo stated that OPZ would like a sealed survey attesting to the accuracy of the survey.

Any future development of the BG-zoned remaining lands must proceed through the site plan process, per §§ 290 or 291 of the Zoning Ordinance. The proposed development must be consistent with §32 and all other applicable sections of the Zoning Ordinance. The issuance of any building permit(s) will be contingent upon site plan approval.

In looking at the TIS the OPZ had some concerns, and will defer to CCDPW and SHA that the assuming whatever happens in the future, on the BG portion the \_\_\_\_\_ where not included in the TIS but out side of that TIS erroneously states (p. 30) that the key intersections and road section will continue to operate at satisfactory levels of service under future conditions. The Comp. Plan's recommended minimum levels of service in the Rural Conservation District are B in the off-peak hours and C in the peak hours. Two Blue Ball Road approaches to the Rte. 273 intersection are projected to operate at LOS's of C and D, and C and E, respectively.

Therefore, staff cannot recommend approval of this Preliminary Plat without specific recommendations to achieve the LOS's recommended in the Comprehensive Plan.

A well location has not been proposed for Lot 21. That must be corrected prior to the Planning Commission's review of the Preliminary Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

No steep slopes have been depicted.

A 25' buffer is required around all non-tidal wetlands intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and as stated earlier the JD was issued 3/5/04.

There are no habitats of rare, threatened, and endangered species on site.

This proposal satisfies the bonus density open space 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.

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

Bufferyard Standard A is shown to buffer adjacent agricultural uses on the lands of Russell. 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 with 10' planting easements 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 details of the FSD are inconsistent with those of the Preliminary Plat.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat and its details and those of the approved FSD must match up.

## TECHNICAL ADVISORY COMMITTEE 2004

The 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 names have been approved.

A report on discussions with the Community Fire Co. of Rising Sun regarding dry hydrants or a drafting tank was a condition of Concept Plat approval.

Consideration should be given to future pedestrian access to the BG portion of the parcel.

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.

§4.1.22 (i) requires topo information for the entire project area.

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

Mr. Woodhull stated, in reference to TIS, in the background condition the Traffic Concepts Inc., referenced specifically that they dropped High s out of consideration because the final approval had not been reached yet and it had been on hold for several months. DPW is proceeding as if this is a go. They have had design work done on it, therefore Highs should be included. At least some sort of generic BG loading should be developed for the parcel on Rte 273.

Mr. DiGiacomo stated the recommended LOS where on page 37 of the Comprehensive Plan.

There where no further comments.

May 5, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

### **4. Michael Burcham, Tom Montgomery and Barry Montgomery presented Crane Fields, Lots 11-20 & revised Lot 21, Wheatley Road, Preliminary Plat, McCrone, Inc., Ninth Election District**

Mr. Burcham stated Lots 11 - 20 were the remainder of the Cranes Field Subdivision, in addition to the revised Lot 21, which has previously preliminary approved by the Planning Commission. The revision is for the rear line, which is required in order to make needed adjustments to the open space for the next section. There have been no changes to the well and septic on Lot 21. There will be an extension of Frank Crane Drive to a standard cul-de-sac. The common open space has been increased to the left of Frank Crane Drive. There were some slight changes from the Concept Plat due to unsuccessful perc tests. There are two proposed SWM areas behind Lots 18, 19 and 15 showing panhandle access points to the common open space for access and maintenance of the SWM facilities. There is a panhandle for Lot 16 to meet the bonus density requirement of the 15% common open space and the remainder of 45% for the one large lot. The cul-de-sac has increase from the Concept Plat.

Mr. Woodhull stated that 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 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 Department will not recommend acceptance of Frank Crane Drive until 80% of the total development is complete.

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 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Lot 9 must be denied access to Wheatley Road

The 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 and will not require any new access to Wheatley Road, which is classified as a collector road. 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.

A PWA will be required for the Street and Storm Drains

Mr. King of SHA had no comment.

Ms. Latham stated a permit was not required for up to 10 lots, but because there will be 10 plus lots, a Water Appropriation Permit would be required.

Mr. Markwardt noted that he was concerned about the sight distance at Greystone and where it would connect to Frank Crane Drive. Bus service will be at Frank Crane Drive and Wheatley Road.

Mr. Markwardt questioned the size of the proposed homes and what the price range would be. Mr. Montgomery replied 2500 ft<sup>2</sup> at \$300,000.

Mr. Markwardt asked assuming approval, when would the project start? Mr. Montgomery replied one year.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Ouano of Conectiv had no comments.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the streams or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. McDowell, Citizen's Representative had no comments.

Mr. DiGiacomo stated the North East Volunteer Fire Department would like to see some type of static water source in the area probably a dry hydrant at the proposed SWM pond with access between Lots 19 and 20.

Mr. DiGiacomo read the OPZ comments: Zoning is NAR which permits a maximum base density of a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density of 1/3.04 was granted on 4/21/03 with approval of the Concept Plat for 18 (numbered 5-22) 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.

The Preliminary Plat is generally consistent with the approved Concept. On the approved Concept Plat, proposed Lot 19, the large lot, consisted of 24.8 acres, and there were 8.2 acres of common open space proposed, totaling 33 acres (60.21%). The previous section's approved Preliminary Plat proposed .9 acres of common open space. This Preliminary Plat proposes only 22.0 acres for the large lot and 10.5 acres of common open space.

## TECHNICAL ADVISORY COMMITTEE 2004

All together, the common open space and large lot (.9 + 10.5 + 22.0) consist of 33.4 acres.

Has a boundary line survey been completed? Mr. Burcham replied yes. What is the total acreage, 58.5?

Mr. Burcham replied yes in total and they were above 60% bonus density thresholds for the overall project. He will verify the totals.

Per condition # 4 of Concept Plat approval, 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 Service indicated that bog turtles were known to occur within the vicinity of the site. A Phase One bog turtle habitat report that was submitted on 7/11/03 indicated that one area of potential bog turtle habitat exists near to the common open space to the east of proposed Lots 19-20. Therefore, in accordance with Heritage service guidelines, a 125' no-disturbance buffer must be shown around that habitat area on the plat submitted for Planning Commission review.

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.

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.

The Forest Stand Delineation (FSD) has been approved.

The PFCP for this section must be approved prior to Preliminary Plat approval.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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. Dry hydrants should be considered at the stormwater management ponds.

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.

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

**5. Michael Pugh and Michael Burcham presented Rhodes Mountain Estates, Lots 1-34, Irishtown Road, Preliminary Plat, McCrone, Inc., Fifth Election District**

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Pugh stated the reduced number of lots was required in order to allow for the non-cluster, non-bonus basis due to the soils evaluations. After the perc tests were finalized by the Health Department, the applicant would have a firm lot number. The approximate number was 34. There was a proposed add-on of the land leading to the Cam-Ron Corporation, which Concept Plat approval for a mini-road from sometime ago. The applicant will produce a concept for that property once this part is completed. Spence Drive, which will allow a left turn off of Rhodes Mountain Drive, has been introduced. This will also become an access to the Cameron Drive. Once the perc tests are finalized the applicant will proceed to Planning Commission with the Concept Plat for both the Cam-Ron Concept and Rhodes Mountain. This will allow the Planning Commission the opportunity to review the overall appearance of the property.

Mr. Burcham stated in the change of the layout from the Concept Plat the loop road that was formerly Spence Circle was eliminated and the intermediate turnaround on the layout to help better circulate the traffic in accordance with the road code was introduced.

Mr. Pugh added Rhodes Mountain Drive was created as a collector road from Irishtown Road back to the intersection of Spence Road.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. Currently there is a note on the plat addressing lot grading. There is one sentence that needs to be added (Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW.)

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

The Department conducted a traffic count/speed study of Irishtown Road in 2001. The results indicate an existing ADT of 1,458 with nearly 35% of the vehicles exceeding the 40mph speed limit.

The Department looked at Irishtown Road to carefully evaluate the road's ability to accommodate an additional 340 trips per day.

The Developer must evaluate edge control on the north side of Irishtown Road approximately 300' West of the proposed entrance and propose a remedy.

The Department assumes that the two dwellings located on Jesse Lane will continue to use this access point to Irishtown Road. If that is the case, adequate drainage must be provided under Jesse Lane in line with the existing roadside ditch. This new drainpipe must be connected to the existing down gradient driveway pipe and provide for drainage from the Lands of Eldreth.

The Department strongly recommends that the Developer provide these dwellings with access to Rhodes Mountain Drive and extinguish the Jesse Lane entrance to Irishtown Road. With this single entrance the Department foresees no additional road upgrades to Irishtown Road to what has already been stated. However, if the Developer wants to keep the Jesse Lane entrance they must re-grade Irishtown Road from Jesse Lane to approximately the location of the proposed entrance. This is required to improve safe egress from the Lane by reducing the over-vertical (crest) that exists at the site of the proposed entrance.

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

Some portion of Rhodes Mountain Drive, from Irishtown Road in, must meet Minor Collector Road Standards.

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.

## TECHNICAL ADVISORY COMMITTEE 2004

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. For the 30' wide ROW indicated on Irishtown Road.

There appears to be a well-established swale or drainage way running through Lots 17 & 18. Special care must be taken to address this issue during design and construction. The Developer should consider reworking this swale to assure adequate conveyance of runoff across these lots as well as establishing a Drainage Easement around this swale.

Is Spence Drive considered as a replacement for access to the Cam-Ron property from Irishtown Road? Yes.

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

A PWA will be required for the streets and storm drains.

Mr. King of SHA had no comment.

Ms. Latham stated that a Water Appropriation Permit would be required.

Mr. Markwardt asked what the site distance was like on Mountain Road Drive coming into Irishtown Road.

Mr. Pugh replied he believed it was the optimal condition. In addition it met the code for site distance.

Mr. Ouano of Conectiv asked what the size of the proposed homes and what the price range would be. Mr. Pugh replied \$250,000 - \$300,000 price range with three/four bedroom single family dwellings, 2500 ft<sup>2</sup>.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the streams or the non-tidal wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. McDowell, Citizen's Representative had no comment.

Mr. DiGiacomo stated that the North East Volunteer Fire Department has requested that a water line be extended with hydrants. Mr. DiGiacomo noted this request was not consistent with the agreement with the Town of North East nor is it consistent with the Master Water & Sewer Plan. Therefore, a dry hydrant, as a static water source would be more appropriate in this case.

Mr. DiGiacomo read the OPZ comments: Zoning is NAR & RR which permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3.

The Concept Plat was approved on 11/22/03 (60 lots on 180.79 acres, for a proposed density of 1/3.01), conditioned on:

APPROVAL, conditioned on:

- 1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Minor subdivision # 2724 being referenced; and
- 4) The zoning being corrected on the Lands of Wells.

This Preliminary Plat proposes 34 lots on 180.79 acres, for a proposed density of 1/5.32.

Reference should be made to Minor Subdivision # 2724, as was a condition of Concept Plat approval.

How will the adjacent parcels Lynch and Wells be accessed? Mr. Pugh replied either Jessie Lane or Rhodes Mountain Drive. The preference is Rhodes Mountain Drive, but it has not been finalized to date. As was noted during the Concept Plat reviews, the Wells parcel is zoned RR, not NAR. That will need to be corrected, as it was a condition of Concept Plat approval.

## TECHNICAL ADVISORY COMMITTEE 2004

Note # 13 indicates that a boundary line survey has not been done. A boundary line survey would need to be completed prior the Preliminary Plat review by the Planning Commission.

There are two (2) well locations depicted on proposed Lot 12.

Steep slopes are depicted on portions of proposed Lots 6-20, 22-25, common open space and roadways. 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 has been expanded on the plat.

Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The locations of wetlands depicted on the plat are at odds with those depicted on the approved FSD. A Jurisdictional Determination (JD) must be done prior to Preliminary Plat review by the Planning Commission.

15% common open space is required; 38% is proposed. Are the landscaped islands & acreages in the cul-de-sacs included? Yes.

No landscaping of the development envelope is required in the NAR & RR zones.

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

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 with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

## TECHNICAL ADVISORY COMMITTEE 2004

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, and its details must be consistent with those of the Preliminary Plat s.

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.

All road names have 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 existing pathway shown on the proposed common open space at the western edge of the property should be linked with the Elk Neck Trail greenway or other greenways if, feasible.

Consideration should be given to the installation of dry hydrants along the streams and stormwater management facilities.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Pugh stated from speaking to the Elk Neck Trail he had not been aware of the proposed spur to the south.

Mr. DiGiacomo replied if was feasible.

There where no further comments.

### **6. Michael Burcham and Mary Slagle presented Marley Farms, Section D, Lots 51-56, Childs Road, Preliminary Plat, McCrone, Inc., Third Election District**

Mr. Burcham stated the original Concept Plat had been approved for 10 lots with a little bit different road configurations. With the reduction of lots after perc testing they were proposing a mini-road to access this property off of the existing Marley Farm/Vista Drive ROW. The 36 wide mini-road ROW inside of what was originally a 60 wide stub road access point into this parcel was shown on the plat. The mini-road will access Lots 53-56. Lots 51 and 52 will share a proposed common drive way out to Childs Road. Non-tidal wetlands have been reviewed in the field but a JD had not been issued. The intermittent stream had been shown and the perennial stream buffer from Little Elk Creek was consistent with the Concept Plat. It has been expanded out for slopes and soils consistent with the Zoning Ordinance.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat approval.

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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, 54, & Common Open Space 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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Lots 53 & 56 must be denied access to Vista Drive. They must access the private mini road.

The common driveway entrance for Lots 51 & 52 must be paved to the ROW and made part of the PWA and as such bonded. These lots must be denied access to Childs Road except for this common entrance.

There appears to be sump area in the southeast corner of the subdivision between Lot 52 and the 171 Childs RD., LLC property, along Childs Road, that does not drain. 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.

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

A PWA will be required for the road and storm drains.

Mr. King of SHA had no comment.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated bus service would be provided to Lots 51 and 52 at the common driveway. The other lots would access the current bus stops within the development.

Mr. Markwardt questioned the size of the proposed homes and what the price range would be. Ms. Slagle answered 2500 and above at \$300,000 - \$350,000 and above.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt asked assuming approval, when would the project start? Ms. Slagle responded ASAP.

Mr. Ouano of Conectiv had no comments.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the creek, streams or wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. McDowell, Citizen's Representative had no comment.

Mr. DiGiacomo stated that no comments had been received from the Singery Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments: Zoning is SR which permits a maximum base density of one (1) dwelling unit per one (1) acre in the absence of community facilities.

The Section D Concept Plat (10 lots, common open space, and road area on 26.52 acres, for a proposed density of 1/2.652) was approved on 11/17/03, conditioned on:

- 5) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
- 6) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 7) The vegetative equivalent of a Bufferyard D being incorporated into the FCP/Landscape Plan along the boundaries of the adjacent M2-zoned property; and
- 8) All road names being approved prior to the Planning Commission's review of the Preliminary Plat.

This Preliminary Plat proposes 6 lots on 26.52 acres, for a proposed density of 1/4.417.

Except for common open space, it is generally consistent with the approved Concept Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Does the slight change in acreage indicate that a boundary line survey has been completed? Mr. Burcham replied yes.

A building permit has been issued for this parcel with direct access from Childs Road in the area of proposed lots 51-52.

All proposed lots except 54 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.

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'. That buffer is labeled expanded on the plat in the area of GeC2 soil (highly erodible), but it scales at 110'. That must be rectified on the plat submitted for review by the Planning Commission.

Intermittent streams 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.

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

The approved Concept Plat included 4.12 acres of common open space. This proposal includes only 1.4 acres of common open space and is deficient. If common open space is to be provided, consistent with the approved Concept Plat, then note that 15% (3.98 acres) are required in the SR zone.

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 figures are not given.

Sidewalks are recommended on at least one side of all internal roads in the SR zone, unless their inclusion would be inconsistent with the design of previous sections of the subdivision.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

The immediately adjacent property at 171 Childs Road is zoned M2. Staff recommends that the FCP/Landscape Plan include the vegetative equivalent of a Bufferyard Standard D along the border of the adjacent M2-zoned property, on proposed Lots 52, 59-60, and the common open space.

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) has been approved without the Natural Heritage Letter as the Natural Heritage Service exceeded their 30 days to respond to the applicant's request. The Natural Heritage Letter must be received prior to PFCP approval, and any issues must be addressed then.

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 Deer Creek Lane has been approved.

## TECHNICAL ADVISORY COMMITTEE 2004

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

If there is a Marley Farms Homeowners Association and these lot owners are to become members, then any necessary revisions to the HOA charter must be approved and recorded, and \$50 per recorded lot must be placed in escrow for improvements prior to recordation.

If not, then a Section D 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 and noted on the Record Plat.

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.

Mr. Burcham asked if Bufferyard D along the M2 Zone property was a recommendation.

Mr. DiGiacomo replied yes.

Mr. Burcham, not a requirement by the ordinance?

Mr. DiGiacomo replied the ordinance does require a vegetative buffer between zones. The natural vegetative equivalent can serve any street tree or bufferyard requirement.

Mr. Burcham noted in reference to the comment about labeling the stream buffer as an expanded perennial stream buffer. Portions of it have been expanded to include those areas of soils so it's not a consistent 110 and that is why it is labeled as such.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Burcham asked if open space was required for developments of 10 lots or less. Originally there were 10 lots, but now it was only 6.

Discussion continued between Mr. DiGiacomo and Mr. Burcham.

There were no further comments.

**7. Donald Sutton, Mary Slagle and Mr. David Willis Sr., presented Antego, Lots 1-34, Deaver Road, Preliminary Plat, McCrone, Inc., Third Election District**

Mr. Sutton stated that this plat was a previously approved Concept Plat, revising the number of lots from 44 to 34. The looped road did not work with the perc testing; therefore the number of panhandle lots has been reduced. In addition the lots along Deaver Road have been eliminated with the exception of one lot.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

The topography on the plat is erroneous or at a least questionable. The 100-Year Flood Plain Line appears to be shown rising above the 185' contour line as opposed to the 165' contour shown before.

## TECHNICAL ADVISORY COMMITTEE 2004

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 14-19 as well as several SWM facilities. Because they could potentially be within the floodplain, an engineering analysis must be completed to delineate the 100-year flood plain line by contour.

Antego Drive will cross several 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.

A sight distance measurements provided for Antego Drive must be reviewed by DPW to establish compliance with the Cecil County Road Code.

In the area of the entrance substantial tree removal and bank grading will be required to achieve good sight distance.

Lot 1 must be denied access to Deaver Road along its 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.

## TECHNICAL ADVISORY COMMITTEE 2004

Drainage easements may need to be wider depending on joint usage as conveyance and SWM access.

SWM runoff must be conveyed by pipe between Lots 11 &12, 16 & 17, and 27 &28 to the rear property line at a minimum.

Correct the spelling of nominal in the Flood Certification.

A PWA will be required for internal streets and storm drains.

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

Mr. King of SHA had no comments.

Ms. Latham stated that a Water Appropriation Permit would be required.

Mr. Markwardt noted a concern that currently the bridge over the B&O railroad was closed. Therefore the school buses closest loading site to the development would be Stemmers Road. A waiver agreement will be required in order for the buses to turn around within the mouth of the development. There was additional discussion on this matter between Mr. Sutton and Mr. Markwardt.

Mr. Markwardt questioned the size of the proposed homes and what the price range would be. Size would be 2500 and above, starting at the \$300,000 - \$350,000 range.

Mr. Markwardt asked assuming approval, when would the project start? ASAP

Mr. Ouano of Conectiv had no comments.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the east branch of Laurel Run, the intermittent stream or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional

## TECHNICAL ADVISORY COMMITTEE 2004

Determination (JD) has been issued.

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

Mr. McDowell, Citizen's Representative had no comments.

Mr. DiGiacomo stated that no comments had been received from the Fire Department.

Mr. DiGiacomo read the OPZ comments: Zoning is SR which permits a maximum base density of one (1) dwelling unit per one (1) acre in the absence of community facilities.

The Concept Plat (44 lots on 138.1 acres, for a proposed density of 1/3.138) was approved on 12/15/03, conditioned on:

- 1) A boundary line survey being conducted prior to the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All SWM areas being relocated outside stream buffers, and
- 4) All intermittent stream buffers being shown.

This Preliminary Plat proposes 34 lots on 138.15 acres, for a proposed density of 1/4.063. It is generally consistent with the approved Concept Plat.

Has a boundary line survey been done? Mr. Sutton replied yes.

As now proposed, the number of panhandle lots has been reduced.

Why does sheet 2 of 3 have a different date than sheets 1 and 3? Mr. Sutton said it was a typo.

## TECHNICAL ADVISORY COMMITTEE 2004

Steep slopes are depicted on portions of proposed on portions of Lots 15, 27-31, and common open space. 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' as has been shown.

The word 'minimal' continues to be misspelled in the second line of the flood certification statement.

The word 'aid' has been misspelled in Note # 15.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Has a JD been done? Mr. Sutton replied it is currently being completed.

A portion of the intermittent stream buffer to the east of proposed Lot 1 and south of proposed Lot 31 has been omitted, as it was on the Concept Plat. A condition of Concept Plat approval was that all intermittent stream buffers be shown. Why hasn't this been corrected? Mr. Sutton noted it would be corrected.

15% common open space is required in the SR zone; 43.65% 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. Those thresholds must be calculated and included on the Preliminary Plat submitted for Planning Commission review.

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, except where sight distance creates a safety issue.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Sutton stated that at the Planning Commission the applicant had requested a waiver for the sidewalk and the Bufferyard C, which was in the minutes.

The contiguous agricultural operation notice appears on the plat. Why hasn't a Bufferyard A been depicted on proposed Lot 2?

Mr. Sutton noted that he would verify.

Rows of street trees with a 10' planting easement are required, outside the right-of-way, along both sides of the proposed Antego Drive. 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 12/9/03.

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 Antego Drive has been approved.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Consideration should be given to the installation of dry hydrants along the ponds, streams, and stormwater management facilities.

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

Mr. Woodhull stated the existing dwelling on Lot 30 will need to be removed.

There were no further comments.

**8. Mr. Sutton and Mr. David Willis Jr. presented David Willis Jr. (Lands of), Lots 1-16, Blue Ball Road, Concept Plat, McCrone, Inc., Fourth and Ninth Election Districts**

Mr. Sutton stated the property was 161 acres. The primary goal is Lots 1-4 to be developed. The remainder of lots will be developed over a time period of 5-10 years. Most of the development has been placed on the west side of Blue Ball Road. Lot 16 will have access issues crossing the Little Elk Creek. Lots 1-4 will share a proposed common access easement area. Mr. Sutton presented a proposed 50 scale layout of the four lots to TAC. The goal being to have all four lots accessing one entrance, in order to promote the best site distance.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

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

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a Maintenance bond of 50% of the roadway construction costs.

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

The entrance geometry for the proposed road serving Lots 5-15 must provide for acceleration/de-acceleration lanes. While the Road Code, for the proposed traffic loading, may not warrant them the Department is concerned that the proximity of the over-vertical condition on Blue Ball Road, just north of the entrance, combined with turning movements in and out of the Development will create a traffic safety issue.

Has any consideration been given to accessing Lots 1-4 from the proposed internal road?

## TECHNICAL ADVISORY COMMITTEE 2004

The Department strongly recommends to the Planning Commission that these lots not be allowed to directly access Blue Ball Road. Blue Ball Road currently warrants a Minor Collector Road classification with an ADT of 2,615. The proposed 16-lot development will generate approximately 160 vehicle trip ends per day. This impact added to the existing ADT would bring Blue Ball Road to the lower level of Major Collector Road Classification and Blue Ball Road as it exists lacks many of the aspects of a Collector Road. (i.e. pavement width, shoulders and road side drainage) The definition of Major Collector Road in the Road Code states that they are not intended to provide immediate access to abutting properties.

If the Planning Commission approves these 4 lots, and if they don't access the internal road, they must access Blue Ball Road via a single Private Mini-Road.

If a second entrance for these lots is approved, the Department is more likely to require additional off-site improvements to Blue Ball Road.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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

The Department recommends consideration of a stub connection between the Lands of Brown and Old Creek Drive.

A PWA is required for the Roads and Storm Drains.

An I&M Agreement is required for SWM facilities.

Mr. King of SHA had no comments

Ms. Latham stated that a Water Appropriation Permit would be required.

Mr. Markwardt stated bus service would be where the homes access out onto Blue Ball Road.

May 5, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt questioned the size of the proposed homes and what the price range would be. Mr. Willis replied 1800 ft<sup>2</sup>. Mr. Willis replied he had no idea of the price.

Mr. Markwardt asked assuming approval, when would the project start? Lots 1-4 would begin ASAP.

Mr. Ouano of Conectiv had no comments.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in Little North East Creek, the adjacent wetlands or perennial streams required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. DiGiacomo read the Rising Sun Volunteer Fire Department comments, for the lands of David S Willis we are requesting two 30,000-gallon holding tanks, one at the entrance of Blue Ball Road and one in the open space area between Lots 16 & 17.

Mr. Sutton replied there was no Lot 17. Did they confuse us with a different parcel?

Mr. DiGiacomo stated that they may be looking for a drafting tank or a dry hydrant.

Mr. Sutton stated it would depend on the SWM area between Lots 12 and 11. He will be in contact with the fire department.

Mr. DiGiacomo read the OPZ comments: Zoning is NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres. This Concept Plat proposes 16 lots on 161.1 acres, for a proposed density of 1/10.068.

## TECHNICAL ADVISORY COMMITTEE 2004

It has been brought to the County's attention that a private deed restriction limits the subdivision of this property to 15 lots until 5/29/13. This proposal exceeds that limitation by one lot; however, the County has no authority to adjudicate this matter. Rather, it is the County's role to administer a planning process that ensures proposals' consistency with public development policies as articulated in documents such as the Comprehensive Plan, Zoning Ordinance, Subdivision Regulations, Forest Conservation Regulations, and Critical Area Program.

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

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

The common open space requirement is satisfied (15% is required; 16.01% is proposed).

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

No sidewalks are required in the NAR zone.

## TECHNICAL ADVISORY COMMITTEE 2004

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball Road.

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

Bufferyard Standard A is required along the lot lines of proposed lots 1-2, 7-10 & 16 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 with 10 planting easements, 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) 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.

## TECHNICAL ADVISORY COMMITTEE 2004

The internal road names will need to 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.

Four (4) panhandle lots are proposed. Why hasn't a mini-road been proposed? Mr. Sutton stated because they are technically dealing with four lots the perc will not support any additional lots. The goal is not to maximize the amount of impervious surface.

Consideration should be given to the installation of a dry hydrant along the Little Northeast Creek.

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 bottom 2 notes under the Area Table read as if this proposal were seeking bonus density eligibility.

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

Mr. DiGiacomo stated he believed Mr. McDowell, Citizen's Representative, had received comments on the deed restriction. OPZ had given their position. There is a good possibility some citizens may state their position before the Planning Commission.

There were no further comments.

Respectfully submitted,

Lisa A. Jones

May 5, 2004, 9:00 a.m.

Administrative Assistant

**June 2, 2004, 9:00 a.m.**

**Technical Advisory Committee**

PRESENT: Carter, DiGiacomo, Latham, Mandras, Markwardt, McDowell, Moore, Roop, Woodhull and Jones

ABSENT: Ancel, Davis, Funk and Ouano

**1. Will Whiteman and Henry Passi presented EagleAire, New MD Rte 272, Preliminary Plat, Will Whiteman Land Surveying Inc., Fifth Election District**

Mr. Whiteman stated EagleAire was a proposed mini road subdivision located to the east of Rte 272. The applicants met with DPW and the engineer to discuss drainage issues. The applicants have also met with SHA to discuss the entrance design, which is currently being worked by Jim Ryan, Project Engineer. There were no non-tidal wetlands present. Intermittent streams along with the buffers around them have been contained within forest retention. SWM areas have been proposed by the engineer, were noted on the plat. The wells for Lots 3, 4 and 5 are down slope from their respective areas. A letter has been written requesting a variance for these lots. There will be a 36' wide mini road with a 50' wide cul-de-sac bulb constructed.

Mr. Whiteman referenced a note from DWP, at the Planning Commission concept level, stating any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat. Per DPW's request a note has been placed on the plat concerning the Variance, but he is unsure what Variances DPW was referring to.

Mr. Carter stated the note was a standard precaution used by DPW suggesting the applicant may need a Road Code Variance if they were to use a portion of the existing drive as part of the mini road.

Mr. Carter stated that a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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 facility 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 2.13 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 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. If the existing driveway is proposed for use as the Private Mini-Road, cores must demonstrate adequate aggregate material and a Road Code Variance will be required if the road will not be centered in the ROW.

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. Mandras, read the State Highway Administration comments, a copy attached for reference.

Ms. Latham, MDE, stated a Water Appropriation Permit would not be required.

Mr. Markwardt stated that bus service would be provided at the junction of EagleAire and Rte 272, assuming the road was approved. He questioned the size, price range and construction commencement of homes. Mr.

## TECHNICAL ADVISORY COMMITTEE 2004

Passi stated the size would be 2,800 ft<sup>2</sup> at an approximate price range of \$350,000 starting immediately after approval.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the intermittent stream or adjacent wetlands required a Department of Army (DOA) Permit. No Jurisdictional Determination (JD) has been issued.

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

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: The existing house of Lot 6 has an address of 1636 Turkey Point Road. Underground electric exists on the south side of the existing driveway to 1636.

Mr. DiGiacomo read the OPZ comments: Zoning was SR which permits a maximum base density of 1 dwelling unit per 1 acre without community facilities. The Concept Plat was approved on 10/20/03 for 6 lots at a density of 1/2.822, conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;
- 2) A Jurisdictional Determination (JD) being completed prior to Preliminary Plat review by the Planning Commission; and
- 3) No sidewalks being required.

This Preliminary Plat is consistent with the approved Concept Plat. Note #13 indicates that a boundary line survey has been done.

Note #3 above the signature blocks, is missing. In addition there are two sets of notes beginning with the #1 which is somewhat confusing.

Parcel 652 was created when MD 272 cut through the property, per the cited plat (SRC Plat No. 17013).

The existing dwelling currently has a Turkey Point Road address. Upon approval, Lot 6 must have an EagleAire Way address.

## TECHNICAL ADVISORY COMMITTEE 2004

There appear to be steep slopes on proposed Lot 6; they should be shaded on the plat submitted for Planning Commission review.

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 25' intermittent stream buffer is required, except in FRA's, where it is expanded to 50', as depicted.

Per Planning Commission policy adopted on 3/20/95 and revised on 1/16/96, if the wetlands have been field-delineated and if all such wetlands are within the proposed Forest Retention Areas, then a JD need not be done. Permits are required from the (US Army) Corps of Engineers and MDE for all stream impacts prior to recordation.

No open space is required for only 6 lots but the applicant may want to consider common open space for the SWM area.

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

A Bufferyard C is required, outside the right-of-way, along the MD 272 road frontages.

Sidewalks are not required.

Rows of street trees, with 10' planting easements, are required outside the right-of-way, along both sides of the proposed EagleAire Way. 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. There are no habitats of rare, threatened, and endangered species on site.

## TECHNICAL ADVISORY COMMITTEE 2004

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 EagleAire Way 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.

There where no further comments.

**2. Milburn (Lands of), Black Snake Road & Singerly Road (Rte 213), Concept Plat, Glackin Thomas Panzak Inc., Third Election District**

WITHDRAWN

**3. Stanley L. & Agnes G. Barczewski (Lands of), Middle Road, Preliminary/Final Plat, Clifton L. Bakhsh, Jr., Inc., Fourth Election District**

WITHDRAWN

**4. Prelude, Rte 274, Minor Plat, American Engineering & Surveying, Inc., Fifth Election District**

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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 Rte 274.

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.

Sight distance measurements are required for the driveway on Lot 2. The location of the driveway must be marked in the field.

## TECHNICAL ADVISORY COMMITTEE 2004

All driveways must be paved at least in the County ROW.

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

The existing driveway to the Lands of Edwards crosses Lot 2 in the Northeast corner. What is proposed to address this? Applicant was not present; therefore the questions will need to be addressed at a later date.

The ROW 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.

The preparation of the grading plans for these lots must satisfactorily address the slopes on site and how adverse impacts from runoff will be prevented.

The proposed private force main must terminate in a terminal manhole located at or near the lot owner's side of the new ROW boundary and continue on as a gravity line to the main. The gravity line and the manhole will be County maintained and the force main from the manhole back to the dwellings will be private. This must be made abundantly clear to all lot owners, including a note on the Final Plat and the deeds must reflect perpetual maintenance responsibilities for the lot owners.

Why are septic tanks indicated for Lots 3 & 4? Applicant was not present; therefore the questions will need to be addressed at a later date.

An Inspection and Maintenance Agreement will be required for the SWM facilities. A PWA will be required for the sanitary sewer connections.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference

Ms. Latham stated that a Water Appropriation Permit would not be required.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt had no comments.

Mr. Roop of the (US Army) Corps of Engineers stated a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or waters of the US present on the property. A Jurisdictional Determination (JD) hasn't been issued.

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

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: The neighbors, Mr. and Mrs. William Edwards, who live on the adjacent lot to the north of the subject property, were concerned that the plat shows the northeast corner of Lot 2 in the middle of their driveway, which is marked on the plat as Existing Driveway. The plat also notes the corners of the newly surveyed lots with CPS for Capped Pin Set. However no pins or stakes have been set, therefore, they cannot determine where the surveyors have actually located this corner. The plat also shows the existing driveway entering at an angle; however, it actually enters at 90 degrees to Old Bay View Road. The Edwards have lived at this location for 37 years and there has been no change in their driveway location. The plat appears to show an encroachment on their property and their long established driveway, which is and has been in daily use.

They were also dismayed to find that what has been a single lot since they have lived there, can now be subdivided into small lots due to the availability of public water and sewer service. This lot of 1.6 acres with only one house can now be subdivided into small lots at a density of up to four dwelling units per acre. Also, the minimum side yard setback for the VR zone is 7 feet. This subdivision is in the middle of old Bay View. The lot sizes and small side setback are out of character for Bay View, where most homes are located on larger lots.

The Cecil County Zoning Ordinance, Article VII, Section 170, Setback Modifications, permits the Cecil County Planning Commission to modify the setback requirements when such modifications will contribute to better subdivision or site plan design. Article III, Section 28. VR--Village Residential District, paragraph 2, also states, It is recognized that residential subdivisions could have a negative impact on the essential land use characteristics of the existing villages in the county; therefore, Item b, proposed subdivisions in the VR zone must demonstrate that the proposed development is consistent with existing land use character of the village. Paragraph 3, Lot Size, Lot Dimensions, Lot Coverage, Height, Open Space and Yard Requirements states, The setback, lot size, lot dimensions, lot coverage, height, open space and yard 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.

## TECHNICAL ADVISORY COMMITTEE 2004

It is requested that the Planning Commission exercise its authority to establish an appropriate lot size and setback to maintain the character of Bay View. A minimum lot size of 20,000 square feet and a side setback of 10 feet are requested for this subdivision in order to not adversely impact the neighbors and to maintain the character of the village of Bay View.

Mr. DiGiacomo stated that Conectiv had no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was VR, Village Residential, which permits a maximum base density of 1 dwelling unit per 1 acre, or 4/1 with community facilities.

This Minor Subdivision Concept Plat is being reviewed by the TAC, consistent with §28.2.a of the Zoning Ordinance, which stipulates that all subdivisions in the VR zone must be reviewed by the TAC and the Planning Commission. It consists of Parcels 49 and 138, both original parcels of record, and it proposes 4 lots on 1.6113 acres, for a proposed density of 2.48/1.

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

Proposed road frontages do not appear adequate. Will Variances be sought? Mr. Willen replied yes and asked if Mr. DiGiacomo was talking about along Old Bayview Road? Mr. DiGiacomo replied and along Rte 274. There is a requirement for 100' road frontage.

A fee simple road widening dedication will be required on Old Bayview Road.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

maximum distance of 160 .

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

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

§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 except for those minimum road frontages in the VR district.

With respect to open space, this proposal requires no common open.

With respect to the proposed intensity of the project this proposed intensity and density is generally consistent with that of the existing village.

With respect to the existing character of the village, this proposal is generally consistent with that of the existing village.

Sidewalks are not recommended in this case.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

Bufferyard Standard C is recommended along the MD 274 road frontages; street trees with 10' planting easements are recommended along Old Bayview Road.

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.

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 sewage 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 lots offered for sale.

Written verification of water and sewer allocation must be received prior to Final Plat review.

## TECHNICAL ADVISORY COMMITTEE 2004

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

### **5. Tim Whittie and Kevin Geraghty presented **Ridgley Forest, Rte 7, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District****

Mr. Whittie stated the project before the committee consisted of three parcels, 235, 971 and 1279, all totaling 196.86 acres, with a DR zone. The proposed improvements consist of construction of 364 individual lots with associated roads, storm drains, public water and sewer, with at least one pumping station in the upper northeast corner of the site. Sewer will enter the site along Rte 7 and, water will enter from the Courts of Mallory and loop through the project. At a later date water will be extended down Rte 7 and tied into the existing 8" waterline. There are three access points for the site, two on Rte 7 and a connection to Augusta Loop in the Courts of Mallory. The access points on Rte 7 has been reviewed by the SHA. The final engineering drawings will be submitted along with obtaining a State Access Permit. A TIS covering the road improvements on Mechanics Blvd was submitted. A 30' ROW from the center line of Ridgley will be dedicated to the State. SWM will be designed and constructed in accordance of MDE and CCDPW standards and requirements. A revised JD has been approved.

Mr. Geraghty stated the TIS required a traffic light at the intersection of Mechanics Valley Road and Rte 7. The elimination of a couple parking spaces will fulfill the Town of North East requirements.

Mr. Carter stated it should be noted for the record that the Town of North East will have ownership of the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County's standards and the hydrants be spaced at no greater than 600' and at each intersection, in accordance with the 10 States Standards for Water. We recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

DPW also recommends consideration of looping the water supply from Courts of Mallory (Augusta Loop) back to an available connection point on MD Rte 7.

A SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

The sanitary sewer submittal must reflect the proposed water lines and all proposed fire hydrant locations.

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.

DPW still has concerns with the location of the discharge from the SWM pond adjacent to Lots 174-176 and its impact on the existing lots on Oak Drive. At a minimum a conceptual answer to this concern should be provided to DPW prior to going to Planning Commission.

Access for the maintenance/repair of this pond, as well as those adjacent to Lots 151-154 and Lots 104-106 will be a concern at this point. It appears that access might be limited so we will look at that as they proceed. This access should be provided through Common Open Space.

Stormwater conveyance located outside of the County s ROW must be located in easements of sufficient width to allow for maintenance of the conveyance.

The pond located in Phase VI must be constructed in Phase V.

Consideration of providing a looped road connection in Phase I was strongly recommended by DPW. As shown, Ponfield Road from Daly Court to Howland Drive will not be started until Phase V. Howland Drive to Blue Ridge Way and Blue Ridge Way to Ponfield Road will not be started until Phase III.

## TECHNICAL ADVISORY COMMITTEE 2004

The stub road to the Lands of Rasnake must be ended at or just beyond the PCs to allow for the installation of the proposed inlets in conjunction with Phase I.

The cul-de-sac bulbs do not meet the County's Road Code Standard for radius. Therefore, a Variance request, in accordance with Section 1.06 of the Road Code, to use 50' radii vs. the standard 75' must be received by the DPW prior to submittal for Preliminary Plat approval.

Young Avenue, from Ponfield Road to Loring Drive, Nagle Court, from Ponfield Road to Loring Drive, and Loring Avenue must be designed as Collectors. Alternatively, the applicant may request a Variance to retain these sections as Minor Road cross-section using Minor Collector pavement design of Standard R-23 of the Road Code.

All driveways must be paved to the ROW and this must be so indicated on the Lot Grading Plan.

All lots must front on the least major roads wherever possible. Denied access must be shown on the Final Plat.

Any lots that must front on a Collector Road must have a driveway turnaround. This requirement must be reflected in a note on the Lot Grading Plan.

DPW assumes that SHA will require full accel and decel lanes at the two MD Rte 7 entrances.

The TIS must be amended to include a Link Analysis of Mechanics Valley Road from MD Rte 7 to MD Rte 40. This analysis must address how the existing physical condition of this section of road affects its ability to carry the additional loading from this development. This analysis must address whether AASHTO guidelines for Local Roads of the classification of Mechanics Valley Road are met or how the developer intends to upgrade it to those guidelines.

A Sanitary Sewer Allocation request must be submitted.

The developer must provide DPW with an analysis of the existing sanitary sewer lines running back to Mauldin Avenue demonstrating to DPW's satisfaction that they are adequate to accommodate the new flows. The analysis approach proposed must be reviewed with DPW prior to any analysis. Any upgrades required to

## TECHNICAL ADVISORY COMMITTEE 2004

meet the new demand will be the responsibility of the developer. A feasibility study, performed by McCrone Engineering, for the Mauldin Avenue sewer line is available for review at the CCDPW's office and may prove useful.

If the Planning Commission approves the Concept Plat, DPW will require a concept Master Sanitary Sewer Plan for the entire development prior to Preliminary Plat submittal for any section of the development. DPW will require that gravity sewer be maximized where feasible and pump stations will be minimized.

This project will be subject to the Benefit Assessment for the North East Sanitary Sub-district as well as connection fees.

A sanitary sewer stub should be included with the stub road to the Lands of Rasnake.

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.

DPW recommends that the Town require PWA for the water line.

PWA's will be required by the CCDPW for the sanitary sewer and the roads & storm drains.

If the Planning Commission requires tot lots or other amenities be bonded with the PWAs, they should be separate PWA, they must result from a construction plan that we will review.

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

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Ms. Latham stated that a Water Appropriation Permit would not be required.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt stated initially bus service would be provided on Rte 7, until a loop access in and through the development is constructed. A waiver will be required once the number of students increases. The waiver simply states, the Board of Ed will not be held responsible for any damage to the road surface caused by the heavy buses and that the road will be plowed, and salt/sanded in the winter.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the perennial stream, areas labeled as Waters of the U.S. and non-tidal wetlands requires a Department of Army (DOA) Permit. Any filling in the isolated wetlands requires approval from MDE. A Jurisdictional Determination (JD) has been issued, 12/22/03.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo stated that Conectiv had no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was DR which permits a maximum base density of 1 density unit per 1 acre, or 4/1 with community facilities. This project, with some minor variations, was reviewed by the TAC for the Town of North East in January 2004.

The Concept Plat (proposing 364 lots on 196.86 acres, for a proposed density of 1.849/1) was approved on 4/19/04, conditioned on:

- 1) The boundary line survey being completed prior to Preliminary Plat review by the TAC;
- 2) The TIS being completed prior to Preliminary Plat review by the TAC;
- 3) A JD being completed prior to Preliminary Plat review by the Planning Commission; and
- 4) At least three areas of active open space with tot lots being included in the design.

This Preliminary Plat, consistent with the approved Concept Plat, proposes 364 lots on 196.86 acres.

Note #12 indicates that a boundary line survey has been done.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed phasing of the project raises some concerns as proposed Phases I, III, & V have no stormwater management facilities. In addition, the phasing may pose temporary access issues, as well as inconvenience to early residents of the proposed Howland Drive.

Some proposed lots, such as 293 & 353, do not appear to meet the minimum width requirement of the DR zone.

Steep slopes 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.

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 (expanded to 50' in FRAs) and intermittent streams present. Permits are required from the Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. The JD was completed on 12/22/03.

15% common open space is required; 44.3% is proposed. The sensitive areas thresholds have been provided. All proposed common open space must be identified as common open space.

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

Sidewalks are recommended on both sides of all internal streets.

The TIS has been submitted and is currently under review. It cites the need for a number of improvements, including the signalization of the MD Rte 7/Mechanics Valley/Cemetery Roads intersection.

## TECHNICAL ADVISORY COMMITTEE 2004

Fire hydrant/standpipe locations must be selected in accordance with the requirements of the Department of Public Works and the North East Volunteer Fire Company.

Bufferyard Standard C is required, outside the right-of-way, along the MD Rte 7 road frontage.

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

An FSD was approved on 7/7/03, and a revised FSD was approved on 4/16/04. There are no rare, threatened, and endangered species habitats on site.

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 proposed road names have 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.

## TECHNICAL ADVISORY COMMITTEE 2004

The specific community facilities providers have been identified on the plat.

The Master Water & Sewer Plans must be amended to include this project site in its entirety, which will need to be completed prior to Final Plat review.

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 lots offered for sale.

An Area Table, as required by §4.1.22 (r), 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.

There were no further comments.

### **6. Cornell Willen presented Bay View Woods, Lots 1-36, Old Bayview Road, Concept Plat, American Engineering & Surveying, Inc., Fifth Election District**

Mr. Willen stated a full boundary survey had not been done. Some preliminary boundary surveys had been done on the adjoining areas. The purpose is to establish an approved density ultimately by the Planning Commission. There is a water agreement with the Town and there is a verbal or written agreement with the adjoining property owner for access to the sanitary sewer, as well as providing him access through the site to Old Bay View Road. The FSD has been approved. JD has been done.

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & 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

## TECHNICAL ADVISORY COMMITTEE 2004

the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

The existing sediment trap on the Lands of Aston Woods drains across this property. The existing and future impacts of this flow must be considered in the SWM Plan and redirected accordingly.

Bay View Woods Lane, as shown, extends to and provides access for the adjacent lands of Barry Montgomery therefore it must be designed as a Minor Collector with a 60' ROW throughout. Connectivity between this parcel and Montgomery Oaks, through the remaining lands of Montgomery, appears substantially feasible and should be strongly encouraged. Only if the Planning Commission endorses the connectivity concept should Bay View Woods Lane be ended in a Tee Turnaround. Otherwise it should be terminated in a cul-de-sac.

Lots 8-21 must include driveway turnarounds and the Lot Grading Plan must reflect this by note.

Lots 1-7 must be denied access to Bay View Woods Lane.

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 required of the adjacent property owner, as required by the Cecil County Road Code.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code. It should be noted that the safe stopping distances in AASHTO tacitly assume a straight road section. This must be taken into consideration when evaluating these distances. The sight distance to the south along Old Bayview Road is limited and great care must be taken in locating the access to this site. The proposed entrance should be marked on the pavement. A site meeting with the engineer, Gary Page, and Mark Woodhull is recommended and sight distance easements may be required on the adjacent lots immediately south of the proposed entrance.

## TECHNICAL ADVISORY COMMITTEE 2004

The large gore area at the intersection of the Bay View Woods Lane and Bay View Woods Loop is undesirable as it promotes free-wheeling traffic condition. It must be redesigned to a 90° tee intersection.

Who has legal access to the existing gravel lane at the southern property line? What will be done with it? Mr. Willen replied it was originally a haul road that will be eliminated.

All driveways must be paved at least to the right of way and so noted on the Lot Grading Plan.

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

The applicant must provide as-built information of the connecting sewer (rim and invert elevations, pipe sizes and types) and engineering calculations to demonstrate total and available capacity from Manhole #493 to Manhole #476 of the Stoney Run Interceptor (North East Sanitary Sewer Extension A )

A PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

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

Mr. Mandras, State Highway Administration, had no comments.

Ms. Latham stated that a Water Appropriation Permit would not be required.

Mr. Markwardt informed the applicant that bus service would be provided at the intersection of Old Bay View Woods Lane and Old Bay View Road. He questioned the size, price range and construction commencement of homes. Mr. Willen stated the size would be in the 2000 ft<sup>2</sup> range and the price range would be around \$250,000 with the initial phase beginning within one year.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in intermittent stream or adjacent wetlands requires a Department of Army (DOA) Permit. The final Jurisdictional Determination (JD) has not yet been issued.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo stated that Conectiv had no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was DR which permits a maximum base density of 1 dwelling unit per 1 acre. With community facilities, a density of 4/1 is permitted. This Concept Plat proposes 36 lots, a roadway, and common open space on 12.27 acres, for a proposed density of 2.934/1.

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

Tax records indicate the correct deed reference to be WLB 925/314.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission.

This proposal satisfies the common open space provisions of the DR zone. 15% is required; 27.22% is proposed.

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 thresholds must be calculated and included on the Preliminary Plat.

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

Sidewalks are recommended on both sides of all internal roads.

Access to proposed Lots 1-7 is recommended from the proposed Bay View Woods Loop in order to reduce the potential for vehicle conflicts. Consideration should be given to having proposed Lots 1-7 fronting on Bay View Woods Lane, as the resultant enhance sense of neighborhood could have a traffic calming effect.

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of proposed Banks Boulevard. 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 MD DNR.

An FSD for this site has been approved for a previous proposal known as Lands of Dan Banks Co., Inc. The wetlands locations shown on the FSD do not match those shown on the plat.

The details of the PFCP and the Preliminary Plat must match up.

## TECHNICAL ADVISORY COMMITTEE 2004

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary.

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 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 lots offered for sale.

Written verification of water and sewer allocation must be received prior to Final Plat review.

The proposed road names must be approved prior to Preliminary Plat review by the Planning Commission.

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.

There were no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

### 7. Donald Sutton and Mike Pugh presented **Leyland, Lots 5-10, Rte 213, Preliminary Plat, McCrone, Inc., Second Election District**

Mr. Sutton stated the Concept Plat was reviewed in November 2002. The applicants are proposing a mini-road for the access of Lots 5-10.

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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

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.

The ditch flow from the cul-de-sac must be piped approximately 300 past the ROW of the bulb to convey run-off past the septic fields of any impacted lot.

## TECHNICAL ADVISORY COMMITTEE 2004

Lots 8, 9, & 10 must be denied access to the Lands of Rickman to the north.

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. Mandras, read the State Highway Administration comments, a copy attached for reference.

Ms. Latham stated the project was less than 10 lots and therefore would not require a Water Appropriation Permit.

Mr. Markwardt stated bus service would be provided at Leyland and Rte 213. He questioned the size, price range and construction commencement of homes. Mr. Sutton stated three to four bedroom homes with a range around \$300,000 plus. He asked assuming approval, when would the project start? Mr. Sutton replied Spring of 2005.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the perennial stream or adjacent wetlands requires a Department of Army (DOA) Permit. A Jurisdictional Determination (JD) has not been issued.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo stated that Conectiv had no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was SAR which permits a maximum base density of 1 dwelling unit per 8 acres. This parcel is shown as Lot #5 on Minor Subdivision # 2490. The Concept Plat (proposing 6 lots, a private mini-road, and a landscaped cul-de-sac bulb island on 69.9 acres, for a proposed density of 1/11.65), was approved on 11/17/02, conditioned on:

## TECHNICAL ADVISORY COMMITTEE 2004

- 1) The name Leyland Drive being approved prior to the Planning Commission's review of the Preliminary Plat;
- 2) The survey for the Halberd-leaved Greenbrier not be required since no development is proposed outside that area of the property now under cultivation; &
- 3) Any decision regarding any modification of the Bufferyard C requirement being deferred until the applicant has conferred with the State Highway Administration to receive further guidance on what they would like along the scenic highway.

This Preliminary Plat, consistent with the approved Concept Plat, proposes 6 lots on 69.9 acres for a proposed density of 1/11.65.

Has a boundary line survey been done? Mr. Sutton replied yes as it was done for the minor subdivision.

There appear to be steep slopes on proposed Lots 6, 8, & 9; they should be shaded on the plat submitted for Planning Commission review.

There appears to be conflicting topo information on the plat. Why, and which is correct? Mr. Sutton replied the topography for the major part of the front was done by field run, and the remainder was done by the County. The two topes were not compatible, that being the reason for the confusion. Mr. Sutton replied the field run is correct.

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.

No common open space is required for only 6 lots.

The 110' perennial stream buffer has been shown. The 25' non-tidal wetlands buffer has also been shown. Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland impacts prior to recordation.

Per Planning Commission policy adopted on 3/20/95 and revised on 1/16/96, if the wetlands have been field-delineated and if all such wetlands are within the proposed forest retention areas, then a JD need not be done. Permits are required from the (US Army) Corps of Engineers and MDE for all stream impacts prior to

## TECHNICAL ADVISORY COMMITTEE 2004

recording.

No open space is required for subdivisions of fewer than 10 lots. However, a mini-road maintenance association must be formed to maintain the mini-road cul-de-sac and the landscaped open space in the mini-road cul-de-sac. All lot owners must become members.

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

Bufferyard Standard C is required, outside the right-of-way, along the MD Rte 213 road frontages. In that location, Bufferyard Standard C may not be optimal to the maintaining of rural character of that area as MD Rte 213 is a scenic highway.

Mr. DiGiacomo asked if SHA had any landscaping preferences. Mr. Mandras stated SHA had met with the applicants to discuss landscaping alternatives and in doing so had reduced the amount of accel/decel and curbing required, in order to maintain a more scenic view. They have cut back on in keeping with the scenic view. The applicants have SHA's criteria for some type landscaping in the front. Mr. DiGiacomo asked SHA to share the information with OPZ and they would endorse their requirements in the Planning Commission's recommendations.

Bufferyard Standard A is required along the southerly lot lines of lots 5, 6 & 7 to buffer adjacent agricultural uses but it is not referred to Lot 7. Mr. Sutton replied that Lot 7 was in an existing Forest Retention Area. Mr. DiGiacomo stated that it should still be noted. Although the natural vegetation can be substituted it should still be shown. Notice has been provided on the plat that an agricultural operation is being conducted on a contiguous property and that it is protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the proposed Leyland Drive. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) was approved 11/15/02.

The Preliminary Forest Conservation Plan (PFCP) must be approved prior to Planning Commission review of the Preliminary Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

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 Leyland Drive 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 5 and 10 must be denied access onto MD 213.

There is a typo in Note #8.

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

There where no further comments.

### **8. Michael Pugh and Donnie Sutton presented **Bracebridge, Grove Neck Road, Concept Plat, McCrone, Inc., First Election District****

Mr. Pugh stated the property was a 540 acre project located off of Grove Neck Road with 294.8 acres being within the Chesapeake Bay Critical Area that was designated RCA. Two tenant houses and a fairly large main house where located on the property. The base zoning is SAR. The bull s eyes circles on the plat represent eagles nests on the site. The applicants have constructed the property such as to utilize the non sensitive lands and creates the context for the requested bonus density.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

It appears that the majority of this site direct discharge into tidally influenced water. Any drainage areas not doing so will require that the downstream conveyance of storm water 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 100-Year Flood Pain line must be identified on the plan.

If a Traffic Impact Study is required for this project input should be sought from SHA in regards to the intersection of Grove Neck Road, Sandy Bottom Road, & MD 282 relative to the addition of 1080 trips.

Section 3.07.15 of the Road Code directs that Grove Neck Road must be upgraded to a Minor Collector Standard for a minimum distance of 100 either side of the point of intersection between Grove Neck Road and McGill Creek Lane.

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.

McGill Creek Lane does not comply with the maximum distance of 1200 , identified in Standard R-13 of the Road Code, between an existing County Road and another street or intermediate turnaround. The proposed layout will require a Road Code Variance.

## TECHNICAL ADVISORY COMMITTEE 2004

Any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. Regardless of phasing, DPW will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.

Lots 1, 10, 11, 19, 22, 57, 63, 93, 94, 101-104, & 107 must be denied access to McGill Creek Lane.

Is the access to Lot 35 proposed as coming off of Gettysburg Drive or the existing dirt lane identified on the plan? Mr. Sutton replied yes. Mr. Carter state if the existing lane is to be used the deeds for Lots 35 & 108 must reflect the rights, responsibilities, and maintenance requirements associated with the use of this lane.

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.

There is an obvious conflict between Lot 68 and an existing loop drive.

An Inspection and Maintenance Agreement will be required for the SWM facilities. Mr. Pugh replied generally all to remain.

A PWA will be required for the streets and storm drains.

Mr. Mandras, State Highway Administration, had no comments.

Ms. Latham asked what water source would be used. Mr. Pugh and Mr. Sutton replied private wells would be used. Ms. Latham stated that a Water Appropriation Permit would be required.

Mr. Markwardt stated bus service, assuming that McGill Creek is approved, would initially be provided at McGill Creek Lane and Grove Neck Road. At a future date buses will need to enter into the development, but based upon distance it wouldn't be until construction of the homes begins on President Circle. He questioned the size, price range and construction commencement of homes. Mr. Pugh replied the homes had not been selected yet, but would probably be executive style and size homes. He did not have a price range. Construction would begin in the Fall of 2005. Mr. Markwardt asked if the homes would be built in phases. Mr. Pugh replied yes.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Roop of the (US Army) Corps of Engineers stated that any filling or structures in McGill Creeks, back creek or wetlands adjacent to these waterways require a Department of Army (DOA) Permit. A Jurisdictional Determination (JD) has not been issued.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo stated that Conectiv had no comments. This property is in the Choptank service area.

Mr. DiGiacomo read the OPZ comments: Zoning was SAR & RCA. SAR permits a maximum density of 1 dwelling unit per 8 acres, or 1/5 if bonus density is granted. The RCA zone permits a density of 1/20.

This Concept Plat proposes 108 lots on 540.1 acres, for a proposed bonus density of 1/5.

Thirteen lots are proposed in the Critical Area (RCA) on 294.8 acres, for a proposed Critical Area density of 1/22.68.

Portions of proposed Lots 35, 75, and 108 are within the 100-year tidal floodplain. Per §241.2.d (1), any building sites within the 100-year tidal floodplain can be approved only after a Variance has been granted. If the building sites are located outside the floodplain, then the Variance(s) would not be necessary.

Should any variance application to create a building site in the 100-year tidal floodplain be successful, then the requirements of §243 must be strictly adhered to.

§241.2.f (2) states that, High priority should be given to clustering development out of the floodplain while preserving the low lying land and forested areas in natural vegetation.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. Steep slopes are shown on portions of proposed Lots 1, 4, 14-18, 35, 41-44, 49-50, 53-54, 58-59, 61, 108, and common open space.

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

Not enough information has been provided to determine if proposal satisfies the bonus density open space requirements, per §23.2.b of the Zoning Ordinance and §4.0.13 (j) of the Subdivision Regulations.

How will the discrepancy in total acreage, as noted under the Area table, be resolved? Mr. Sutton replied he would add acreage for Lot 108 to the plat.

Having 3 sheets, all numbered sheet 1 of 1, is confusing. If more than 1 sheet is to be submitted for review by the Planning Commission, then each must be numbered appropriately.

## TECHNICAL ADVISORY COMMITTEE 2004

Adding to that confusion is the fact that all information (such as the zoning classifications of adjacent properties) is not on all sheets.

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

Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of Grove Neck Road, although the present landscaping may suffice.

In the interest of preserving rural character, a vegetative buffer along the northwesterly side of the proposed McGill Creek Farm Lane (to its second point of intersection with the proposed Union Circle) and along the rear/side lot lines of proposed Lots 1-6 is recommended. Mr. Pugh and Mr. Sutton stated the slopes were steep to the rear of Lots 1-6. There are existing woods in that area. Mr. DiGiacomo stated the existing vegetation would satisfy the requirement.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

The portion of the project located in the RCA zone is exempt under §3.2B. An Environmental Assessment is currently under review.

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.

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.

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.

Per §7.2.12.B.9, the proposed McGill Creek Farm Lane and Gettysburg Drive require mid-block turnarounds.

A Traffic Impact Study (TIS) must be done prior to the Title's review of the Preliminary Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Is Lot 108 proposed to have access via the mini-road or the existing driveway via the proposed Presidents Circle? Mr. Pugh stated that Lot 108 would continue its access off of McGill Creek Farm Lane.

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

What are the plans for the existing residence and other existing structures? Mr. Pugh stated to continue as residents.

Last year, a golf course was being considered for a portion of this property. Has that idea been abandoned or deferred? Mr. Pugh and Mr. Sutton replied, abandoned.

If there are any plans for a community pier, then § s169 and 198 of the Zoning Ordinance must be adhered to. In addition an access easement will be necessary.

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

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

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

There where no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

### 9. Michael Pugh and Michael Burcham presented **Rhodes Mountain Estates, Section 2, Lots 33-47, Irish town Road, Concept Plat, McCrone, Inc., Fifth Election District**

Mr. Pugh stated the applicants had created a balance between Rhodes Mountain Estates and the Cam-Ron property which would yield an additional 15 lots. The Cam-Ron property was review during the May TAC meeting. The applicant has abandoned the additional access off of Irishtown Road and will be coming in off of Spence Drive with a major collector which would split, accessing both sections of Rhodes Mountain Estates.

Mr. Burcham stated the Rhodes Mountain plan, which was previously reviewed by TAC, showed a total of 34 lots. After additional perc testing the original 34 lot submission of Rhodes Mountain Estates, was reduced to 32 lots. With the increased amount of area added to the adjoining property, in addition to a request for bonus density on the adjoining property, the add-on will create 15 additional lots for a total of 47 lots. The remaining acreage on the original Rhodes Mountain Estates will allow for 32 lots under the modified five acre density calculation. Because of the extension of Spence Lane the applicant would like to request the elimination of the intermediate turn-around, as it traverses though the large open space and lot creating 60% open space, large lot scenario.

Mr. Pugh stated that the land has been maintained for the trail as it will now turn southwards from it previous location.

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Spence Drive does not comply with Road Code Standard R-13. It exceeds the maximum distance of 1200 allowed between a County Road and another street or intermediate turnaround. The proposed layout will require a Road Code Variance.

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

Regardless of phasing, DPW will not accept the internal roads until 80% of all the lots are complete, unless the Developer includes a separate, dedicated construction entrance beyond the first phase of construction.

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

A PWA will be required for the streets and storm drains.

Mr. Mandras, State Highway Administration, had no comments.

Ms. Latham asked the applicant if they had applied for a Water Appropriation Permit for Section 1. She stated that both sections could be combined on the same permit or requested separately. Mr. Pugh stated that Section 1 was at the Preliminary Plat stage which they anticipate to be complete first. Therefore, they would prefer to apply for separate permits.

Mr. Markwardt informed the applicant that initially there would be no interior bus transportation until the roads were accepted by the County. Bus service is typically placed at the corners of the streets.

Mr. Markwardt stated bus service, depending on the volume, would eventually tie into Rhodes Mountain Drive. He questioned the size, price range and construction commencement of homes. Mr. Pugh replied the size would be 2500 ft<sup>2</sup> and up. Price range would be from \$300,000 to \$350,000, to start in Fall of 2005.

Mr. Roop of the (US Army) Corps of Engineers stated any non-tidal wetlands will require a Department of Army (DOA) Permit. No Jurisdictional Determination (JD) has been issued.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo stated that Conectiv had no comments.

Mr. DiGiacomo stated that although no comments were received from the North East Volunteer Fire Company, but they had previously had a comment for the Section 1 regarding hydrants and dry hydrants, which might be feasible, along the perennial stream where the common open space is.

Mr. DiGiacomo read the OPZ comments: Zoning was NAR & RR zones permit a maximum base density of 1 dwelling unit per 5 acres, or 1/3 if bonus density is granted. This Concept Plat proposes 15 lots on 45.42 acres, for a proposed density of 1/3.03.

The original (what now would be considered Section 1) Rhodes Mountain Estates Concept Plat was approved on 1/22/04 (60 lots on 180.79 acres, for a proposed density of 1/3.01), conditioned on:

- 1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) Minor subdivision # 2724 being referenced; and
- 4) The zoning being corrected on the Lands of Wells.

The subsequent Preliminary Plat (proposing 34 lots for a proposed density of 1/5.32) was reviewed by the TAC on 5/5/04. The fact that this plat begins with lot # 33, and the previously reviewed Section 1 Preliminary Plat ended with proposed Lot # 34 creates confusion. In addition, having separate Concept Plats for each individual section of a subdivision is inconsistent with §§ 2.0 and 4.0.13 (j) of the Subdivision Regulations.

The Irishtown Mews (25± acres of the proposed Section 2) Concept Plat was approved conditioned on:

- 1) A boundary line survey being completed prior to TAC review of the Preliminary Plat;

## TECHNICAL ADVISORY COMMITTEE 2004

- 2) A JD being completed prior to TAC review of the Preliminary Plat;
- 3) The intersection design conforming with §7.2.12.E.1 of the Cecil County Subdivision Regulations; and
- 4) Consideration being given to redesigning to eliminate one or more of the panhandle lots prior to preliminary plat

While OPZ recognizes the logistical realities of the evolution of this proposal, staff, nevertheless, recommends that a 2nd sheet, containing the details of the proposed Section 1 with overall density and common open space calculations, be attached to Concept Plat submitted for Planning Commission review. That would provide to the Planning Commission a more holistic perspective upon which to base a decision.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices 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 USGS Quad map indicates that a perennial stream may be on site.

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

9.25 acres of common open space are proposed, which represents 20.37%. 15% is required. Access to common open space between lots must be marked with concrete monuments.

No landscaping of the development envelope is required in the NAR & RR zones.

## TECHNICAL ADVISORY COMMITTEE 2004

Rows of street trees are required, with 10 planting easements, outside the right-of-way, along both sides of the proposed Spence Drive. If feasible, the natural vegetative equivalent may be used to satisfy the street tree buffer requirements.

Sidewalks are not recommended.

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

An FSD for parcel 153 and the add-on was approved on 1/20/04, and the Irishtown Mews FSD was approved on 5/19/03. The details of the approved FSD do not match those of the plat. Those discrepancies must be rectified on the plat submitted for Planning Commission review.

The site is not home to any rare, threatened, and endangered species.

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 Spence Drive has been approved.

## TECHNICAL ADVISORY COMMITTEE 2004

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 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.

There were no further comments.

**10. Michael Pugh and Michael Burcham presented Elk Nest, Lots 1-25, Rte 272, Concept Plat, McCrone, Inc., Fifth Election District**

Mr. Pugh stated the property was located on the west side of Rte 272, where Hances Point Road bends southbound. Elk Nest is a combination of two properties; the McDaniel's Yacht Basin property to the south of Hances Point Road and the bulk of land which is on the north side of West Shady Beach Road. West Shady Beach is currently a private road services the lots located at the T intersection. The applicant's proposal would be to make West Shady Beach Road, from the intersection of Hances Point Road to the where it makes a T at West Shady Beach Road, a County road. Elk Nest Drive would be built as a County Road and a mini road servicing the lots at the secondary location. Public sewer and private, on-site wells are proposed for single family homes.

Mr. Carter asked if the remaining lands, approximately 3.9 acres, of the Yacht Basin would be slated for any type of development in the future. Mr. Pugh stated this area was contiguous to the boat yard. Mr. Burcham added a portion of the acreage was zoned for the marina business.

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat approval. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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.

Careful consideration of the existing stormwater drainage along Hances Point Road must be given in developing the Lot Grading Plans for Lots 1-6. This also applies to the lots located in the area of the existing smaller culvert under West Shady Beach Road.

Is West Shady Beach Road proposed to remain as private? If so Elk Nest Drive cannot be public (non-contiguous). Please indicate the proposed road ownership on the plat.

If West Shady Beach Road is to be deeded to the County, DPW will require details as to how this will be accomplished relative to the remaining private rights of way. This will entail bring the existing road up to Minor Road standard per the Road Code including the requirement that the road must be terminated in a cul-de-sac bulb.

Section 3.07.15 of the Road Code directs that Hances Point Road must be upgraded to a Minor Collector Standard for a minimum distance of 100 either side of the point of intersection between Hances Point Road and the Shady Beach Road West.

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

DPW is currently conducting a traffic count study of Hances Point Road.

## TECHNICAL ADVISORY COMMITTEE 2004

All driveways must be paved to the ROW and so noted on the Lot Grading Plan.

Clear up the denied access references associated with West Shady Beach Road.

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

The applicant will need to specify if the existing utility lines running adjacent to Lots 1-6 and the Common Open Space will have an easement on any of these lots.

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

The sizing and routing of the sanitary sewer lines for this subdivision must follow those recommendations set forth in Alternative #5 of the Sewage Collection Alternatives for Carpenter Point and Hances Point Study Areas for West Shady Beach Road. This includes providing a pump station to be built adjacent to Lot 7 at the southwestern end of West Shady Beach Road, running gravity line from this development along the southern section of West Shady Beach Road to the pump station, providing house connection for all dwellings adjacent to this new section of gravity main. The gravity main required from De La Plaine extending toward Hances Point Road must be maximized in length to allow as short a run of force main as is possible.

The pump station must be sized for build out flows in the future design.

The developer will be responsible for obtaining all easements and ROW required to successfully routing the sanitary sewer lines.

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

A PWA will be required for the streets and storm drains as well as for sanitary sewer.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference

Ms. Latham stated that a Water Appropriation Permit would be required. Mr. DiGiacomo asked if 25 lots on 18 acres was achievable. Ms. Latham replied there was no lot size requirement in the coastal plain, only in the areas where the wells will be completed in hard rock.

Mr. Markwardt stated bus service would be provided at West Shady Beach Road and Hances Pointe. He questioned the size, price range and construction commencement of homes. Mr. Pugh stated size would be approximately three bedroom homes in the price range of \$250,000.

Mr. Roop of the (US Army) Corps of Engineers stated that any filling in the intermittent stream or adjacent wetlands requires a Department of Army (DOA) Permit. Any filling in the isolated wetlands requires a MDE approval. A Jurisdictional Determination (JD) has not been issued.

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

Mr. McDowell, Citizen's Representative, stated that after looking at the plat he was confused by Dune Drive, which does not appear to lead anywhere and is cut off as a result of Shady Beach Road via common open space. What is the status of Dune Drive and how is it accessed? Mr. Burcham stated the ownership and limits of West Shady Beach Road, where it runs up and down the water front, are unknown at this time, but the applicant are in the process of having title work done. The applicants' deed does plot across the end of West Shady Beach Road along what is shown as Dune Drive on the adjoining subdivision plat. Mr. McDowell stated currently it does tie into West Shady Beach Road. Mr. Woodhull stated there was reference on one deed that he had come across mentioning beach access. Mr. Carter asked if Dune Drive accessed off of West Shady Beach Road and not Shady Beach Farm Lane. Mr. Pugh replied there was a private road, identified as Dune Drive, which intersects with Rte 272. The applicants will investigate Dune Drive further.

Mr. McDowell read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: Current residents on West Shady Beach Road in the waterfront area are concerned about the proposed use of the existing road for access to the new development. This is a private road that is maintained by the current residents. They have the following questions: Does the developer have the right to use this road? Who will pay for the required upgrades to this road? And who will be responsible for maintaining it in the future? Mr. Pugh stated some of these questions have already been covered. The T intersection has been discussed. There were several possibilities, but they could not comment at the present time.

There is an area zoned MB on the Remaining Lands of McDaniel Yacht Basin, Inc. At the time this area was rezoned to MB, permitting storage of boats, it was required that a 100 foot buffer area zoned SR remain

## TECHNICAL ADVISORY COMMITTEE 2004

between the MB area and the residential lots. This has not been retained on this plat and in fact there are MB areas in Lot 25 and the Common Open Space. It was also required that a bufferyard of trees be established to shield the homes from the boat storage lot.

The homeowners in the waterfront area have been living with marginal private septic systems. This has required careful maintenance, limited use of water, and regular pumping of the septic tanks. It has been requested that if public sewer is provided to this development, that the service be extended to the existing homes to resolve this long standing problem.

Mr. DiGiacomo stated that Conectiv had no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was SR, MB & LDA which permits a maximum base density of 1 dwelling units per 1 acre, or 2/1 with community facilities.

The LDA zone permits a density of 3.99/1 or the density permitted in the underlying zone (2/1), whichever is more restrictive.

The MB zone permits detached dwellings provided that the dwelling is for the owner, operator, or employee of an on-site business. (§69)

This Concept Plat proposes 25 lots on 18.57 acres, for a proposed density of 1.346/1. It also creates a non-conforming use on portions of proposed Lot 25 and common open space. Could that be avoided? Could the MB portion be in the common open space? Mr. Pugh stated that they would need look into this matter and evaluate before giving an answer. Mr. Burcham asked what the definition for the non conforming use was; because the MB zone does not appear to exclude residential use. Mr. DiGiacomo stated according to §69 it did. Mr. Burcham replied ok. Mr. Pugh stated his understanding was if the zone was not improved in any way, and continued to be unoccupied land, without structure, it would not be nonconforming simply because there was a property line running through it. Mr. DiGiacomo replied OPZ would not want the dwelling situated in the MB zone. The proposed lot itself is in a residential use.

Mr. McDowell asked how this would impact the statement made by the resident that a MB zoning would need to maintain a 100' buffer with a different zoning from residential. Mr. DiGiacomo replied that OPZ would need to check the Comprehensive Rezoning records in order to verify if there were any requirements. Generally there are no such requirements in the ordinance itself.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

This proposal satisfies the general open space provisions of 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.

20% landscaping of the development envelope is required in the SR zone; 25%, in the MB zone.

Sidewalks will not be recommended in this case, in order to limit the amount of impervious cover.

## TECHNICAL ADVISORY COMMITTEE 2004

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD 272 and Hances Point Road.

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

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

The Forest Stand Delineation (FSD) 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.

The portion of the project located in the LDA zone is exempt under §3.2B, as noted. An Environmental Assessment is required.

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. It appears that the buffer may need to be expanded onto portions of proposed Lots 21-22.

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 LDA.

## TECHNICAL ADVISORY COMMITTEE 2004

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 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.

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

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

How will proposed Lots 14 and 22 be accessed? As noted there is still no access to Lot 22. Mr. Burcham stated that Lot 22 had access on West Shady Beach Road. Mr. DiGiacomo replied that it was denied access on West Shady Beach Road. Mr. Burcham stated the dash line above the deed reflects the end of denied access. Mr. DiGiacomo stated the note stated that it is denied access to West Shady Beach Road. The question is which West Shady Beach Road. There are two West Shady Beach Roads and that issue will need to be addressed.

A Variance will be needed for any lots proposed on private roads. The legal arrangements for the proposed allowable access to the proposed County and mini-roads from the private West Shady Beach Road, in regards

TECHNICAL ADVISORY COMMITTEE 2004

to at least one of the West Shady Beach Roads has been discussed.

The Master Water and Sewer Plan must be amended to include this site prior to Final Plat approval.

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 lots offered for sale.

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

There where no further comments.

Respectfully submitted,

Lisa A. Jones

Administrative Assistant

# July 7, 2004, 9:00 a.m.

## Technical Advisory Committee

PRESENT: Carter, DiGiacomo, Latham, Mandras, Markwardt, McDowell, Moore, Woodhull and Jones

ABSENT: Ancel, Davis, Funk, Ouano and Roop

**1. Andy Wishert presented Racine Property, Washington Schoolhouse Road, Preliminary Plat, Wilson Deegan & Associates, Inc., Fifth Election District**

Mr. Wisher stated this plan was reviewed by the May 2004 TAC meeting with two proposed access roads and 54 lots which includes one large lot. Bonus density is being sought. FSD, DNR Environmental Review and JD have been approved. TAC issues that have been address are as follows. ROW is shown as 30' wide to be dedicated. Steep slopes have been depicted and bufferyards labeled. Six road names submitted to OPZ and EMS have been approved. Cul-de-sac has been designed with an intermediate turnaround. Road Code Variance has been submitted to DPW. The proposed Farm Mill Court has been shortened. Perc's have been clarified altering the number of lots from 60 to 54.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

## TECHNICAL ADVISORY COMMITTEE 2004

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. Access easements for the SWM facilities may need to be widened on the final design.

All driveways must be paved at least to the right of way and so noted on the Lot Grading Plan.

The Road Code Variance request has been made but will be return for revisions.

Drainage improvements will be required both entrances and adequate conveyance must be established at each intersection.

Sight distance measurements must be submitted to the DPW for both entrances in order to establish compliance with the Cecil County Road Code.

Access should be denied to Washington School House Road for lot 37 and both WSHR and Theodore Road for Lot 36 except for existing entrances.

The potential for inclusion of Dry Hydrants should be discussed with the serving fire company. This is all predicated on whether the SWM facilities designed are wet ponds of sufficient volume to support dry hydrants.

It should be noted that the department has obtained traffic counts, in April 2004, on Theodore Road at Stony Run. These counts indicate an ADT of approximately 2270 over a seven-day average with a single day high of 3284. This compares with the ADT expressed in the revised July 2003 TIS for this road. The department's belief that the Theodore Road corridor, as it stands, will not continue to adequately support existing traffic demands without improvements is reflected in that in the current CIP, substantial road improvements for Theodore Road are projected for design in FY2005 and build in FY2006. However, the actual construction date will depend largely on the County's timely success in ROW acquisition. With the proposed 540 ADT increase generated by this development added to the loading on Theodore Road, the department recommends that approval of this proposed project include off site improvements to Theodore Road along the frontage of the property to full Minor Collector Road status.

A PWA will be required for internal streets and storm drains.

## TECHNICAL ADVISORY COMMITTEE 2004

An I&M Agreement is required for all SWM facilities.

Mr. Markwardt stated he would like to obtain the site distance for Farm Knoll Court. Bus service would be provided at Farm Knoll Court and Farmstead Drive.

He questioned the size, price range and construction commencement of homes. Mr. Wisher replied the price range would be \$300,000. He asked assuming approval, when would the project start? Mr. Wisher replied spring/summer of 2005.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that private wells need a Water Appropriation and Use Permits which would very likely require an Aquifer test.

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

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: The residents in the area of the proposed development stated their concerns when the Concept Plat for this property was presented. Twenty-nine residents signed a petition listing their concerns about traffic, loss of rural character, emergency services, impact on wildlife habitat, stormwater management, water and sewer systems, overloading of the local schools, and reduced property values. The residents have also had a continuing problem with wells and springs going dry and are concerned that this may increase that problem. All of these concerns still exist.

Perhaps the primary concern is the inadequacy of the County roads to accommodate the increased traffic load. Washington Schoolhouse Road, Theodore Road and Bard Cameron Road are all narrow with no shoulders. Some areas are in poor condition with cracks, potholes and roughly patched areas. These roads already serve a significantly larger traffic load than the typical county road due to the events and activities at the Cecil County Drag way on the corner of Theodore Road and Washington Schoolhouse Road, and the Cecil County Sports Complex and the Bible Fellowship Church both nearby on Bard Cameron Road. The sports complex serves several baseball leagues, as well as soccer and junior football teams. There are current plans to enlarge the sports complex. The Drag way has many trucks and trailers transporting race cars and a large number of spectators at their events. They operate four to five nights each week for about seven months. The church has an active schedule of activities. Any traffic count or study should be conducted during the season for the events at the Sports Complex and the Drag way. The traffic due to 54 new homes will add a significant safety hazard on these roads. It is unsafe for children, pets, and adults to walk along these roads. The two

## TECHNICAL ADVISORY COMMITTEE 2004

intersections on state Route 274 with these roads are currently safety hazards. Anyone regularly traveling Route 274 will observe the danger due to cars waiting on Route 274 to make a left turn onto both Washington Schoolhouse and Theodore Roads. This is particularly bad when trucks and trailers are arriving with race cars for the Drag way. As a minimum a left turn lane is needed at each intersection on state Route 274.

Mr. DiGiacomo stated for the record no comments were received from the Corp of Engineers.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR which permits a base density of 1 dwelling unit per 5 acres, or a bonus density of 1/3.

The Concept Plat (60 lots on 180.77 acres, at a density of 1/3.01) was approved on 8/19/02, conditioned on:

- 1) The calculations and LOS projections being revised (to take the athletic fields on Bard Cameron Road into account) the prior to the submission of the Preliminary Plat for TAC review;
- 2) A boundary line survey being done prior to submission of the Preliminary Plat;
- 3) Discrepancies in the depictions of wetland and wooded areas being rectified prior to the submission of the Preliminary Plat for TAC review;
- 4) General and Legend Notes being corrected prior to the submission of the Preliminary Plat for TAC review;
- 5) Proposed Road names being approved prior to the submission of the Preliminary Plat for Planning Commission review;
- 6) A Jurisdictional Determination being done prior to Preliminary Plat review by the Planning Commission; and
- 7) An area table being included in the Preliminary Plat submitted for TAC review.

This Preliminary Plat proposes 54 lots on 181.71 acres, and is generally consistent with the approved Concept Plat. Unless this Preliminary Plat is approved beforehand, the Concept Plat approval is set to expire on 8/19/04.

The Area Table has been included (a condition of Concept Plat approval).

The Title Block has been amended to reflect that this proposal is for Cecil County.

## TECHNICAL ADVISORY COMMITTEE 2004

Note # 10 refers to a boundary determination. The acreage has increased by almost one acre. Mr. DiGiacomo asked the increase was the result of a boundary line survey. Mr. Wisner replied yes a boundary line survey had been completed.

Mr. DiGiacomo stated the approval of road names was a condition of Concept Plat approval. On 5/18/04, road names were submitted for approval, including Farmstead Drive and Farm Knoll Court. The name Brian Drive was approved, but this plat uses the name Brian Court. The developer can either use the approved name (Brian Drive) or seek approval of the change prior to Planning Commission review of the Preliminary Plat. This Office will not recommend approval of any Preliminary Plat unless all proposed road names have been approved.

Although the open space acreages have been reduced, this proposal still appears to qualify for bonus density eligibility. The proposed large lot, now Lot 36 (was Lot 40), is 50.44 (was 50.5597) acres, but the proposed aggregate common open space is in question. Sheet 3, apparently commingling the large lot and common open space acreages cites total open space acreage of 63.182 acres on the plat sheet summary. By subtracting the 10.640 acres of common open space (shown on the plat) from that total, the remainder should equal the 50.44 acres of the large lot, as shown on the plat and the sheet 1 Area Table. However, the remainder is 52.542 acres.

If the 111.867 acres of total open space is accurate, then bonus density is not in jeopardy; however, all the acreages must be consistent from sheet to sheet on the Preliminary Plat submitted for review by the Planning Commission.

There still seems to be some confusion regarding what is common open space and what is open space. There should be an aggregate common open space acreage to which is added the large lot acreage to confirm compliance with §22.2.b (1) & (3).

All common open space areas have been labeled as common open space on all sheets, consistent with a condition of Concept Plat approval.

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

Per the Planning Commission's policy, established on 3/20/95 and revised on 1/16/96, so long as the wetlands are in the common open space, the forest retention area, or on the large lot, a Jurisdictional

## TECHNICAL ADVISORY COMMITTEE 2004

Determination (JD) need not be done.

Probable wetland impacts associated with road improvements will trigger the need for a JD. Mr. DiGiacomo asked if the applicant had previously stated the JD was completed on 3/5/04. Mr. Wisner replied yes. Mr. DiGiacomo stated if so, documentation of its completion must be submitted prior to the Planning Commission's review of the Preliminary Plat.

No steep slopes have been depicted.

There are no habitats of rare, threatened, and endangered species.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Theodore and Washington School House Roads.

Bufferyard Standard A is required to be planted along the lot lines of proposed lots 45-47 to buffer adjacent agricultural uses, as shown. The appropriate 100' setbacks have been shown.

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 Forest Stand Delineation (FSD) has been approved (6/5/02).

## TECHNICAL ADVISORY COMMITTEE 2004

The Preliminary Forest Conservation Plan (PFCP) has not been submitted, but 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 BRL has now been shown on the stub to Washington Schoolhouse Road.

The proposed well locations have not been shown for proposed Lots 36 and 37. They need to be on the plat prior to Planning Commission submittal.

The TIS, dated October 2001 and received on 3/26/02, revealed that local roadways would operate at acceptable LOS s (A,B,C) for Rural Conservation Areas, as defined in the Comprehensive Plan, and recommended several improvements, such as striping the edge of Theodore Road.

Per a condition of the 8/19/02 Concept Plat approval, the TIS calculations and LOS projections had to be revised to take the athletic fields on Bard Cameron Road into account the prior to the submission of the Preliminary Plat for TAC review. Those revisions have been received. They show that all intersections will continue to operate at acceptable LOS.

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. As noted during the Concept Plat reviews, proposed Lot 41 must be denied access to Washington Schoolhouse Road. A note to that effect must appear on the plat.

## TECHNICAL ADVISORY COMMITTEE 2004

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. DiGiacomo stated previously referenced Lot 41 should be Lot 37 with the new numbering configuration.

Mr. Wisner stated the PFCP was submitted last week.

There were no further comments.

### **2. Pat McClarey presented Francis H. Otenasek et ux. (Lands of), Cassidy Whaft Road, Preliminary Plat, Michael Scott, Inc., First Election District**

Mr. McClarey stated the project was proposing three lots with a remainder of a total 4 parcel subdivision on their farm located on the Sassafra River. Their intent is not to sell any parcels but to preserve their rights and to record the plat for their children. An error of three proposed lots, which will be removed prior to the next submittal, was pointed out by Mr. DiGiacomo.

Mr. Woodhull stated only minor issues and administrative items remain outstanding. The applicant has been supplied with the review comments from DPW.

Mr. Markwardt stated bus service would not be extended down in to that area.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: The zoning is SAR & RCA which permits a maximum base density of 1 dwelling unit per 8 acres. Bonus density eligibility is not being sought.

The Concept Plat, proposing lots on 95.965 acres, for a proposed overall density of 1/23.99, was approved on 1/22/04, conditioned on:

- 1) A boundary line survey being completed prior to completion of the Preliminary Plat for density calculation purposes; and
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat.

The proposal's acreage has increased to 96.417 acres. Has the boundary line survey been done? Mr. McClarey replied yes.

Mr. DiGiacomo continued 88.584 acres (was 86.274) are designated RCA. The RCA zone permits a maximum density of 1/20. The proposed density for the Critical Area portion is 1/22.15 (was 1/21.57).

This Preliminary-Final Plat proposes a density of 1/24.10. It is consistent with the approved Concept Plat, but there are deviations that make it inconsistent with the details of the approved Environmental Assessment. Environmental Assessment approval is not a carte blanche for subsequent revisions in the Critical Area portion.

§4.2.13 (b) requires that approval signature blocks appear in the lower left hand corner of the plat.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

Slopes greater than 15% have been.

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland 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. Will OPZ be provided with documentation of the JD? Mr. McClarey replied yes. Mr. DiGiacomo stated as of yesterday he had not received a copy.

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 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 Lots 1 and 3 to buffer adjacent agricultural uses. It must be shown on the plat submitted for review by the Planning Commission even though the natural vegetative equivalent may suffice.

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 with 10' planting easements 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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))

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 newly-proposed piers are inconsistent with the Concept Plat and the Environmental Assessment. Pier plans must adhere to §§ 169 and 198 of the Zoning Ordinance.

The acreage of the proposed Cassidy Wharf Road extension, .503 acres, was not reflected in the Environmental Assessment. It will need to be taken into account by the Environmental Assessment. If they are taken off, then the water dependent facilities note provided on sheet 3 will be accurate.

The FSD and FCP were approved on 10/31/03. Revised versions were approved on 12/23/03. The Landscape Plan and Environmental Assessment were also approved on 12/23/03. The area inside the Critical Area is exempt, per §3.2.B, as noted.

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 with all lot owners becoming members, which must take place prior to recordation.

## TECHNICAL ADVISORY COMMITTEE 2004

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

There were no further comments.

### **3. Tim Whittie presented Reserve at Elk River (The), Sec 2, Lots 38, 43-48, Oldfield Point Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District**

Mr. Whittie stated Section 2, Lots 38, 43-48 were removed from the Preliminary Plat, Phase 1, which was approved in September of 2003, due to the fact that the lots were subjected to wet season perc test. The tests have been since completed and included in the revised plan accordingly. The lots will utilize the roads, storm drains and SWM facilities that were approved for Phase 1 by DPW. FCP and Landscape Plan were approved. JD has been submitted. The TIS was approved for the subdivision and included these lots. Well Appropriation Permits were approved for all lots inclusive of Phase 1 and 2.

Mr. Woodhull stated the notes for the Preliminary Plat approval on 10/20/03 included Phase 2. SWM Plan, Road & Storm Drain Plan have all been submitted which include these lots 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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

## TECHNICAL ADVISORY COMMITTEE 2004

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

A PWA will be required for internal streets and storm drains.

Mr. Markwardt stated, assuming the street names are approved, bus service would be provided at Winslow Drive, Rosewood Drive and Oldfield Point Road.

He questioned the size, price range and construction commencement of homes. Mr. Whittie replied the price range would be within the high \$300,000 s. He asked assuming approval, when would the project start? Mr. Whittie replied August 2004.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, questioned if Phase 2 had been included in the original Water Appropriation Permit. She will confirm and notify the Health Department and OPZ prior to Final Plat approval.

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

Mr. McDowell, Citizen s Representative, advised that he received no comments.

Mr. DiGiacomo read the \_\_\_\_\_ Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo stated that no comments had been received from the \_\_\_\_\_ Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR, SR, LDA (Critical Area). Phase 2 consist of NAR only.

## TECHNICAL ADVISORY COMMITTEE 2004

The Concept Plat was approved on 2/24/03, at a density of 1/3.15 in the NAR portion, and a density of 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;
- 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 Preliminary Plat for Section 1, Lots 1-37, 39-42, & 49-60 was approved on 10/20/03, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) A Final Plat check print, containing the FRA boundaries, being approved prior to the review of the Final Plat by the Planning Commission;
- 4) The FCP and Landscape Plan being approved prior to the review of the Final Plat by the Planning Commission;
- 5) The details of the FCP and the Final Plat matching up;
- 6) The trail system being designed to an adjustable barrier to prohibit motor vehicle access to this environmentally sensitive area, except for periodic stormwater management maintenance and possible emergency service response;
- 7) Sidewalks not being required;
- 8) The percentage of tree removal being shown on the Final Plat; and
- 9) A Title Search to determine ownership of the road stub adjacent to proposed Lot 35 being performed, prior to Final Plat review.

In the NAR-zoned portion, this Section 2 Preliminary Plat now proposes 7 lots, in addition to Section 1's 33 lots (30 new) on 129.73 acres, for a proposed aggregate density of 1/3.243. 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, as shown in Note #10. The proposed NAR density is consistent with the approved Concept Plat density of 1/3.15.

There are no Section 2 lots proposed in either the SR-zoned portion or the Critical Area portion of this development.

## TECHNICAL ADVISORY COMMITTEE 2004

To recapitulate, the NAR density must be calculated by adding 3 lots and 2.5 acres (from St. John's Manor West).

A boundary line survey has been done.

Slopes greater than 25% have been shown.

Permits are required from the (US Army) Corps of Engineers and MDE for any non-tidal wetland or stream impacts prior to recordation. The JD was completed on 6/24/03.

The combined Sections 1 & 2 Preliminary Plats satisfy the 60% open space requirement for bonus density eligibility in the NAR zone.

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

Rows of street trees with 10' planting easements 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 street tree requirements.

A Forest Stand Delineation (FSD) was previously approved on 2/11/02, and revised FSDs were approved on 2/13/03 and 8/15/03.

The Preliminary Forest Conservation Plan (PFCP) was approved on 9/8/03. The FRA boundaries are not depicted on the on the plat, as required. Without them, the PFCP and the Preliminary Plat cannot be checked for consistency.

The final Forest Conservation Plan (FCP) and Landscape Plan were both approved on 6/1/04.

A Landscape Agreement must be executed prior to recordation.

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Assuming road improvements are warranted, a dry hydrant at Jones Creek should be considered for inclusion.

Access to common open space beside 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.

This proposal now includes one (1) panhandle lot.

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

Mr. Moore stated the JAP covers Phase 2, Lots 38, 43-48.

There were no further comments.

#### **4. David Dodge and Tim Whittie presented Bayhead Shore Estates, Carpenters Point Road, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District**

Mr. Dodge stated the property has severed for several years as the Riverside Recreational Resort. The property is zoned MH, as the plat is to be in accordance with the DR zoning regulations. Eighteen acres, 40% of the property, is located in the critical area. Ninety-one dwelling units equates to 52% of the allowable 172 dwelling units. Water will be provided by Carpenters Point Water Company. CCDPW will provide public sewer. The house sizes will begin at 2400 ft<sup>2</sup>, sale prices being in the low \$300,000. The applicant stated as

## TECHNICAL ADVISORY COMMITTEE 2004

part of the proposal in working with the County in preparation of creating a DPW Agreement, the developer would be responsible in bringing Carpenters Point Road from its present condition up to current standards. The area would include the northern property line heading south to the entrance and also including Carpenters Point loop. Mr. Dodge spoke of concerns from the residents of immediate area.

Mr. Whittie stated the project consisted of four parcels. The current usage of the property is Ponderosa Pines Campground with Beach Club. The proposed use will be 91 single family home beach club open space. The approximated allowable density is 136 units, proposed is 91 units. Approximately 30.74 acres is located within the critical area. FSD and CIA were submitted to OPZ today. Chesapeake Fire Department requested that fire hydrants are installed every 600 .

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The CCDPW assumes that the water supply for this development will be provided by a private source. Therefore we recommend that the Planning Commission condition any approval on the water system being designed and built to County standards. The water lines must be reflected on the sanitary sewer plans and as-builts.

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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.

Mr. Woodhull asked where you intend to route the discharge from the SWM pond located in the southeast corner of the site. Mr. Whittie replied they had not had an opportunity to review it. The department has concerns about this routing and any possible impacts on adjoining properties.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Lots 1-32 must use common driveway entrances. A revised typical detail must reflect how a need to back out onto Carpenters Point Road will be eliminated.

Sight distance measurements will be required at all driveway entrances for Lots 1-32 as well as at the Riverside Lane/Carpenters Point Road intersection. These locations must be marked in the field.

Mr. Woodhull asked what type of access is proposed for Lots 62-65. Mr. Whittie replied the proposed lots would have individual driveways off Carpenters Point Road while extending the loop back as a County road. Mr. Woodhull stated the department does not recommend the Planning Commission allow this to be a private mini-road. It should be built to Minor road Standard R-6, which will require a cul-de-sac.

The department recommends the extension of this roadway out to Carpenters Point road in the vicinity of Lot 1 negating the need for the cul-de-sac.

Carpenters Point Loop will become County ROW when the sewer main is run along it. For now the County only proposes to stone the surface.

Special consideration must be given to the type of road proposed for Carpenters Point Loop. The loop between this intersection and Carpenters Point Road has a 40' ROW. The department will recommend that the northern end of Carpenters Point Loop become a 14' wide paved County (one-way traffic) while the remainder of the loop will be a Minor/ Major Road combination. Extending the loop out to the vicinity of Lot 1.

Depending on phasing, the department will not accept the internal roads until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a maintenance bond of 50% of the roadway construction costs.

## TECHNICAL ADVISORY COMMITTEE 2004

The requirements of Section 3.07.15 of the Road Code will be extended in this case and the developer can anticipate requirements for off-site road improvements on Carpenters Point Road from this site to Mountain Hill Road. At this juncture we anticipate the applicant will be required to upgrade the road to Minor Collector Standard

Fee simple ROW along Carpenters Point Road and/or 30' road widening and utility easement along the west side of Carpenters Point Road exist for much of this section. These are recorded in Land Records.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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

Sewer service for Lots 1-20 must be provided along Carpenters Point Road.

The department strongly recommends that Lots 1-12 use gravity sewer flow north and be brought through to Carpenters Point Loop to tie into the County main. Likewise Lots 13-20 would gravity flow to the County pump station proposed at the southwest corner of this development.

A benefit assessment as well as connection fees will apply for these lots.

A PWA is required for the Roads and Storm Drains.

A PWA will also be required for the sanitary sewer.

An I&M Agreement is required for SWM facilities.

Mr. Carter asked if there was any anticipation of upgrading the water system to provide fire protection for hydrants. Mr. Whittie replied that they did not know at present, but would visit the feasibility etc.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt stated they would like to see sidewalks or walking paths connecting Lots 1-20 and 21-32, therefore, allowing students to safely gather without walking on the road with the traffic increase potential.

He asked assuming approval, when would the project start? Mr. Dodge replied late 2005 or early 2006.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that Carpenters Point Water Company has an annual Water Appropriation of 24,000 gallons a day. They have pretty much reached their full appropriation. This project will require 18,000 to 20,000 gallons a day. In order for CPWC to get an increase in their Water Appropriation Permit they will need to do a public notice. A new Aquifer will depend on if a new well goes in. If any major improvements are being considered for the water supply system, the applicant will need to contract the Cecil County Systems Engineer. Ms. Latham supplied the applicant with contact information.

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

Ms. Latham asked Mr. Moore if the updated Water Appropriation Permit would constitute written approval from us. Mr. Moore replied yes.

Mr. Moore added a permit from MDE and CCDPW would be required in order to upgrade the Water Plant. Will the pump state be private? Mr. Whittie replied probably for the sewage. Mr. Moore stated a permit from MDE would be required in order to construct the pump station, prior to Record Plat approval. Mr. Woodhull stated that gravity flow would need to be maximized.

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are concerns from a group of citizens of Carpenters Point, regarding the proposed development of Bayhead Shores Estates; also known as Ponderosa Pines Campground, or Riverside Recreational Resorts, Inc. The property is currently used as a seasonal camper park. Since the intent of the County Zoning Ordinance and Comprehensive Plan is to preserve the character and appearance of the existing neighborhoods and to maintain property values, as well as minimize traffic congestion, the following issues are raised:

**TRAFFIC:** The number of homes proposed for this community would almost double the number of year-round homes in this community, and increase the traffic by at least 175 to 200 cars everyday. This would be 365 days a year, as opposed to the increased traffic now, which only occurs for 5 or 6 months, in the

## TECHNICAL ADVISORY COMMITTEE 2004

spring/summer and mostly on the weekends. These are people traveling to the campground which is located on this property at the present time, and they do not make numerous daily trips in and out to jobs, school, shopping, etc. It is very difficult to pass oncoming cars at some points on the roads, and if people are towing boats and trailers, or there are delivery trucks, it is very dangerous. The proposal also shows 21 lots accessing directly onto the existing Carpenters Point Road and 16 lots accessing directly onto the existing Carpenters Point Loop. This adds a significant hazard to the traffic on those county roads. There appears to only be one functional entrance accessing the interior lots. The primary entrance to this site should be on the Westerly side of Carpenters Point Road, probably in the area of Lot 1.

**CONDITION OF ROADS:** The county roads are narrow with no shoulders; but there are drainage ditches, also known as Ag ditches, along all of the roads approaching this area and in the community itself. There are 90-degree turns in several areas. Most accidents occur when speed is a factor and people are unfamiliar with the roads. They usually result in a car or truck in a ditch. There were two incidents within the last two weeks. One car missed the turn and went into the woods, across from one of the proposed catch basins on Carpenters Point Road. The other was a cement truck, with a full load, backing up and falling into a ditch at the corner of Barnes Lane and Carpenters Point Road. This accident broke a power pole and the truck had to be removed with two boom trucks and air bags. These conditions make it very dangerous for emergency vehicles to respond (fire trucks, tow trucks, and ambulances) and for the personnel who are required to deal with these accidents.

**SCHOOLS:** Charlestown Elementary School has just been enlarged and completely renovated. Children in this new development would attend that school. We are concerned about the increased number of students and the possibility of creating an overcrowding condition again. There are also 151 homes being proposed for Chestnut Point Marina, which is on Carpenters Point Road, located about 1-1/2 miles from Bayhead Shores Estates. These children would also attend Charlestown Elementary School, and Perryville Middle and High Schools. This will also put a strain on our schools. The estimated cost to educate a child in Cecil County is over \$5,000. The taxes from these new homes will not cover this expense. We, as taxpayers, do not want to fund this extra expense.

**FIRE HYDRANT:** There is only one fire hydrant to service this part of the community. If there would be more than one fire, or a large fire, which would include more than one home, it is questionable whether there would be an adequate water supply to fight this fire.

**BEACH RIGHTS:** Residents without waterfront properties in the Riverside area of Carpenters Point have beach rights at the public beach located at Riverside Beach. The number of homes being proposed would increase the population using the beach. If this beach area is developed, the beach rights of the existing residents would be jeopardized dramatically.

There are 14+/- home owners in the area who have Deeded Beach Rights to the Riverside Beach (public) in common with others. They are concerned with what impact the sale of the property to Bayhead Shore Estates will have on these rights. The plat states that the existing beach club is reserved by the current owner

## TECHNICAL ADVISORY COMMITTEE 2004

(Riverside Recreation Resort, LLC). However, they do not view their deeded beach rights as a beach club item. Rather, they see their rights as items related to usage of the land and water--items being purchased by Bayhead Shore Estates. Since the beach club area is included in the subject plat it is unclear what the statement reserved by owner means.

Since use of the beach is deeded to the current property owners, they should have some say into what happens to the beach regarding access--ingress and egress along with the rights and privileges of using the public beach. The current proposal makes no reference to these deeded rights.

Residents further submit that they reserve the right to offer their deeded beach rights for sale. This must be provided for in any transaction of sale from Riverside Recreational Resort, LLC. To propose a sale of the property without regard to all owners including these deeded beach rights, may render the transaction of sale illegal.

**VEGETATION/WILDLIFE:** Residents are concerned about the proposed removal of existing Ponderosa Pine vegetation. Some interior homes are shown in these areas of vegetation. These areas are a refuge to deer, birds, foxes, squirrels, rabbits, ground hogs, etc. This development would severely jeopardize their habitat and drive them out. There are many animals killed on these roads, and this would increase. This is a danger to the wildlife and also to the people driving in this area.

**WATER RUNOFF:** The plat plan shows storm water management areas. The location of these areas is questionable because the runoff from these new homes would run down hill, onto homes on Carpenters Point Loop Road, Carpenters Point Road, and beyond that to Cherry Lane and Barnes Lane. There is an existing problem with runoff at the present time, and this development would drastically increase this problem. Stormwater management is needed to intercept water prior to lots 62 and 63, currently water rolls through this area.

**POWER:** The electrical power service to this area is very poor. Any time there is a windstorm or snowstorm, power is interrupted and is out of service for hours and occasionally days. They are concerned about the additional strain to this system.

**QUALITY OF LIFE:** This community is a very quiet one where children ride bicycles, walk, and play on the roads, people jog and walk every day, and everyone knows their neighbors. People are moving from the cities to Cecil County, trying to get away from the city life, and are bringing city life to us by way of increased traffic and increased population.

**PLAT ISSUES:**

July 7, 2004, 9:00 a.m.

310

## TECHNICAL ADVISORY COMMITTEE 2004

- 1) Carpenters Point Loop--Lots 66 - 77 are partially located in an existing 50' right-of-way. The current owner is under a permanent court order from obstructing this ROW in any manner. There are two survey markers that are in violation of the court order obstructing the 50' right of way. See Cecil County Circuit Court Case No. 94081E;
- 2) Sewer--Lots 62 - 65 and lots 1-20 are not currently in the planned area for Phase II sewer construction. How will these lots be served with sewer? (See Reference Sheet C-17, Carpenters Point Waste Water Collection System). Are the current pumping stations for Carpenters Point Sewer system designed to handle this development plus all of the existing lots that can be developed and the 150 homes proposed at Chestnut Point Marina;
- 3) Water Supply--Well head protection: What is the impact of lots 62 - 65 and lots 1 - 8 on the wellhead protection area? Note: The community water service is located on Map 35, Parcel 310 lands of Charles Bowman which is down slope from these lots. Water pressure: Lots 10 - 16 and 54 - 57 are at or greater than 80' of mean elevation. Given the current height of Carpenters Point water tower (90') which is at 30' mean elevation, the maximum water pressure not including line losses and house elevation would be 17 pounds per square inch (psi) to the lots described which is below the state minimum of 25 psi. Does the contractor propose to pressurize the water? According to the Cecil County Master Water and Sewer Plan (March 2004), Table 2, Carpenters Point Water Company does not have enough design capacity to serve the additional 91 homes. They are already almost at full capacity;
- 4) Critical Area District--The proposed plans do not delineate the amount of impervious surfaces, which is required to be not greater than 15% in Limited Development Areas (LDA). The plan needs to provide more details for the critical area;
- 5) Lot Size--The following lots appear to be below the minimum width requirements at the building setback line: 41, 44, 45, 58, 60, & 87;
- 6) Rights-of-Way--On the Westerly side of subject property the proposed plan calls for a 30' road-widening strip to be dedicated. According to deed reference RRC 42, Folio 444, the Cecil County Commissioners already have a 50' right-of-way; The Northerly exit of Riverside Lane is shown as placing traffic onto a private road, Water Road, for which subject property (from their deed) appears to have no right-of-way. The applicant is proposing widening Carpenters Point Road to 60' on the Southeast corner of the subject property through lands of Beverly Sanders for which they have no right-of-way. Why widen the road to 60' for approximately 640' when the remaining road is choked down to 50' or less; and
- 7) Other Plat Issues--Many of the property lines delineated for existing properties are improperly shown. For example, property lines are shown going through the middle of houses. In the Southwest corner of the subject property, coming from the proposed Storm Water Management (SWM) area, there is an existing stream that runs approximately between parcels 74 & 75 that is not shown. Also Map 40, Parcels 74 and 75, owned by Jessica Hurt and by Jennifer Powell, are in the wrong positions.

Mr. DiGiacomo read the Charlestown Volunteer Fire Department comments, a copy attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments: The zoning is MH, MB, SR and LDA which permits a maximum density of up to 4/1 with community facilities. This Concept Plat proposes 91 dwelling units on 33.98 MH zoned acres, for a proposed density of 1/2.67. There are also 1.73 SR zoned acres and 5.66 MB zoned acres.

30.74 of the 41.368 acres of this site are located within the Chesapeake Bay Critical Area, designated LDA. The LDA overlay zone permits a maximum density of 3.99/1.

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

In order for lots to be created on a private road, a Variance must first be obtained from the Board of Appeals. Since Carpenter Point Loop is a private road, proposed Lots 62-76 are affected. In addition, the developer must work with DPW to determine the legal and technical logistics of intersecting the proposed Riverside Lane with Carpenter Point Loop. It is recommended that Riverside Lane not intersect with Carpenter Point Loop unless Carpenter Point Loop is improved to County standards and dedicated to the Board of County Commissioners of Cecil County.

The Comprehensive Plan and §7.2.12.F.4 (b) of the Subdivision Regulations call for lot access via interior subdivision roads.

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

Slopes greater than 25% must be shown on the Preliminary Plat. The steep slopes graphic is included under the legend; are there any steep slopes on site? Mr. Whittie replied no not at this time.

Mr. DiGiacomo 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'.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

15% common open space is required. Areas of common open space must be labeled on the plat submitted for review by the Planning Commission.

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 threshold calculations must be included on the Preliminary Plat.

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

20% landscaping of the development envelope is required.

Sidewalks are recommended on one side of all internal roads.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. 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. An Environmental Assessment will also be required for that area in the LDA zone, which is exempt from the Forest Conservation Regulations per §3.2.B.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

All road names have been approved.

A Traffic Impact Study (TIS) must be done prior to the TAC's review of the Preliminary Plat.

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

The Master Water and Sewer Plan must be amended to change this site to S1 prior to Final Plat review.

Verification of water allocation and sewer capacity must be received prior to the Planning Commission's review of the Final Plat.

The applicant has already indicated that the provider will be Carpenters Point Water Company.

## TECHNICAL ADVISORY COMMITTEE 2004

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and lots/houses offered for sale.

In the critical area, no structure shall exceed 35' in height.

None of the dwellings are proposed within the 100-yr. floodplain.

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.

Per §196.1.b, no development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures. The topo and soils information has been included, per §4.0.13 (n).

No more than 15% of the surface area can be converted to impervious surface in the LDA.

No more than 20% of the forest or developed woodland may be removed. The area inside the Critical Area is exempt, per §3.2.B, as must be noted on the plat.

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

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

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Whittie and Mr. DiGiacomo discussed threshold concerns.

Mr. McDowell questioned an issue the citizens had mentioned. Is the area of sewer supplying Lots 62-65 and 1-20 included in the planned area of Phase 2 s sewer construction for Carpenters Point? Mr. Dodge replied it was something that needed to be looked at in relation to elevations, etc. Discussion followed containing sanitary sewers.

There where no further comments.

**5. Michael Pugh, David Meiskin and Dennis Glackin presented Villages at Cherry Hill (The), Singerly Road (Rte 213), Leeds Road and Black Snake Road, Concept Plat, Glackin Thomas Panzak, Inc., Third Election District**

Mr. Pugh introduced the applicants. Mr. Meiskin gave an overview of the project. Mr. Pugh spoke on the different zoning. The applicants will speak on the water and sewer after Concept approval. Mr. Pugh also discussed the County roads and access points.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, Water Distribution 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised Lot Grading Plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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

## TECHNICAL ADVISORY COMMITTEE 2004

County SWM Ordinance.

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 include the culvert under Leeds Road adjacent to the Lands of Cherry Hill Plaza.

Access must be provided to each SWM facility on site.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

Mr. Woodhull asked what SWM facilities are proposed for the 56 Twin units? Mr. Glackin replied because of the way the lands falls it will be on the other side of the street, the commercial parcel. The existing pond adjacent to the property will not be used.

Mr. Woodhull verified that the commercial site Parcel C is proposed as part of this development and the SWM will be addressed on that site for the 56 units and the commercial.

We presumed a TIS will be required. June 2004 traffic counts by the department indicate a 7-day average ADT of 3564 for Leeds Road east of Black Snake Road and 2998 west of Black Snake Road. Black Snake Road itself had an ADT of 289 near the intersection with Leeds Road, which was taken near the intersection with Leeds Road.

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 will be required at the Loring Lane/Black Snake Road intersection and the Santa Rose Drive/Leeds Road intersection. These locations must be marked in the field.

Regardless of phasing, the department will not accept the internal roads until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a maintenance bond of 50% of the roadway construction costs.

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

The requirements of Section 3.07.15 of the Road Code will be extended in this case and the developer can anticipate off-site road improvements on Black Snake Road and Leeds Road. We anticipate that these will include substantial upgrades to Black Snake Road from Loring Lane to Leeds Road and to Leeds road from Black Snake Road to MD 213 at a minimum. However, the department will not be able to make final determination until the TIS and a Road survey are complete.

The developer will be required to provide a decel lane on Leeds Road (west bound) at the Black Snake intersection as well as on black snake Road at Loring Lane.

The developer must survey the current condition Leeds Road from MD 213 to Blue Ball Road. This survey must include coring the existing pavement a minimum of 20" down at the center line and 1" in from both edges every 250' from MD 213 to 100' west of the intersection with Black snake Road. Also required for this section of Leeds Road is a description of road width, surface, shoulder and drainage conditions every 50'. This same level of survey must be conducted on Black Snake Road from Leeds Road to 100' north of Loring Lane. The remainder of Leeds Road must be surveyed for width, surface condition, shoulders and drainage. This survey can address the road in 1,000' sections giving generalized descriptions.

Mr. Woodhull asked what road standard was propose for the internal streets. Mr. Pugh replied that they would need to meet with DPW to discuss the possibilities. The 30' road width indicated does not comply with any of the County's Road Code Standards.

Any applicable Road Code Variance must be requested prior to submittal for Preliminary Plat approval. All internal roads must be closed section. All sections of road containing islands or medians must be built to Road Code Standard R-12.

All driveways for the single family homes must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan. Mr. Woodhull discussed the other driveway/entrances with Mr. Pugh.

All lots must access the least major road frontage.

All access alleys as well as the entrances and parking lots for the apartments and condos must be private and as such will be the responsibility of the Homeowners Association or similar organization for maintenance and repair. A statement to this effect must be included on the Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Saturn Drive does not comply with Road Code Section 2.01 (50' ROW required) section 2.02 (75' radius for cul-de-sac bulb). Lots 46 & 59 must access Saturn Drive.

Mr. Woodhull verified that all townhouses without ally access be provided parking in their garages without pads outside of the garage. Off-street parking was discussed further.

Units 24-31 cannot access onto the dual lane road fronting them due to traffic safety concerns. In this regard single family Lots 37 & 38 cannot front on Sugar Plum Drive. These two lots as well as Lots 36 & 39 must access Sentry Drive only.

Shiro Way must be made one way in from Elberta Boulevard or be denied access to it.

The geometry of Spring Crest Drive must be reconfigured to eliminate the use of the island 'eyebrows' at the corners reducing the amount of road surface the County must maintain. This same configuration must be removed from Red Rose Lane.

The location of Bounty Drive does not comply with Section 2.09 of the Road Code in that it is less than 125' from the centerline of the dual lane road accessing Loring Lane.

Single family Lots 1, 14, 17, & 18 must be denied access to Elberta Boulevard and Lots 12-14 must be denied access to Red Haven Lane.

The proposed intersection of Santa Rose Drive and Leeds Road is of concern to the department. Mr. Woodhull asked why this location been selected. Mr. Pugh replied in order to maintain the wetlands. Discussion followed concerning moving it westward adjacent to the Lands of Barker.

Duplex Lots 1-9 must be denied access to Elberta Boulevard.

The DPW recommends connectivity from internal streets to Parcel C . Is that what is indicated by the arrows on the plan? Mr. Pugh replied yes.

## TECHNICAL ADVISORY COMMITTEE 2004

Any proposed access to Parcel C must be provided at least to the ROW Edge during construction of the internal streets of this development and included in the PWA. Are you proposing vehicular access to Parcel B ? Mr. Pugh replied yes.

Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.

The Concept Plat must show the full extent of Red Haven Drive and include its intersection with MD 213.

What is the intent of identifying this lane as an Emergency Access Road? Why not make this a County Road.

There is no public water service available for this site.

All but the Delancy Parcel of this development is out side of the Master Water & Sewer Plan and therefore an amendment to the plan must be obtained from the County Commissioners.

Sewer allocation must be requested.

The Delancy Parcel is within the existing Cherry Hill WWTP sanitary sub district.

The sanitary sewer loading generated by the 978 dwellings proposed is approximately 250,000 gpd and is beyond the capability of the Cherry Hill WWTP.

The above notwithstanding, the developer must provide a sanitary sewer feasibility study to identify the type of treatment facility proposed and sewer main routing that maximizes the use of gravity sewer and limits the use of pump stations.

The Concept Plat should reflect the location of any and all planned infrastructure (i.e. Well locations and WWTP location)

## TECHNICAL ADVISORY COMMITTEE 2004

Provide usage rates for sanitary sewer at both recreation centers for the department's review. Also provide usage rate for the commercial operation on Parcel C.

Any sanitary sewer lines run outside of County ROW must be ductile iron and located in a utility easement of sufficient width to allow access.

A PWA is required for the Roads and Storm Drains.

A PWA will also be required for the Sanitary Sewer.

An I&M Agreement is required for SWM facilities.

Mr. Pugh stated that the HOA would be responsible for cleaning sidewalks in the vicinity of Red Haven Lane. Students will be living in walking distance of the elementary and middle school. A bus stop will be created inside of the development for the high school students.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference:

Ms. Latham, MDE, asked what the source of water would be. Mr. Pugh replied they had established a source. Ms. Latham stated if the applicant hooked on to a public supply verification of spare capacity and appropriation would need to be completed. If the applicant decides to create their own water supply a Water Appropriation and Use Permit will be required, in addition to public notice, aquifer test, pre-design meeting and possibly a Sewage Construction Permit. Ms. Latham gave the applicant the needed application information.

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

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: I have been contacted by numerous neighbors of the subject properties and by residents of the Cherry Hill area. They are all seriously concerned about the proposed development and its impact on both their neighborhood and that region of the county. With its size and mix of apartments, condominiums, townhouses, duplexes, single family homes, and a shopping plaza--this is not just a development but a city larger than most towns in Cecil County and comparable to North East. It is

## TECHNICAL ADVISORY COMMITTEE 2004

estimated that there would be at least an average of 2.3 persons per unit producing a town with a population of 2250. It deserves careful consideration and the decision process should not be rushed without considering all the implications of the plan. As I am sure you are aware, local residents have formed a citizens action group because they are concerned that the plans as presented are not in the best interests of their community or the county. Several hundred persons attended the public meeting. The following are specific concerns, issues and questions that were given to me by these concerned citizens:

ZONING and HOUSING DENSITY---They believe that this property was improperly zoned when the rezoning took place in 1993. This property is zoned at the highest permitted housing density but is located in a rural area and is primarily surrounded by land in agricultural use (zoned NAR) and by the Cherry Hill Village Residential Zone (VR). The property was zoned RM at the request of the owners, although the Planning Commission recommended it be zoned NAR. The neighbors believe this zoning is obviously a mistake. At a recent public meeting, Mr. Ed Cole, a County Commissioner at the time of the rezoning, stated that he believes the zoning was a mistake. The planned housing density with multi-story apartments and condominiums does not fit in with the rural setting of Cherry Hill.

Also regarding zoning, the plat states that the Delancy parcel will be subject to future rezoning. What is the meaning of that statement and how does that affect the plat that is being presented for review today?

TRAFFIC---The infrastructure of Cherry Hill was never planned to accommodate a new small town of almost 1000 dwelling units plus a shopping plaza. The additional traffic burden on the two narrow rural county roads, Blacksnake and Leeds Roads, will significantly tax roads that are already unable to safely handle the traffic load. The additional cars on Singerly Road will also create a hazard, particularly at the Lanzi Circle, which is known as a dangerous intersection and a source of accidents. These roads are regularly used by farm tractors, harvesting equipment, joggers and bicyclers. This development will add an additional 2000 vehicles per day to the local traffic load.

WATER and SEWER---One of the greatest concerns is the required water and sewer supply for the development and the concurrent impacts on the environment. They are strongly opposed to amending the county master water and sewer plan to include this development which is not part of the current Cherry Hill Sewer District.

In an exchange of letters between the County Commissioners, the Cecil County Department of Public Works, the Maryland Department of Health and Mental Hygiene, and concerned Cherry Hill residents in 1986 regarding the Cherry Hill Wastewater Treatment Plant, it was stated that the appropriate sewage flow rate for capacity calculations is between 200 and 300 gallons per day per dwelling and that the Cherry Hill capacity would be allocated at 250 gallons per day. Thus 978 units would generate 244,500 gallon per day, far in excess of the 100,000 gallons stated to be available. Also in 1986 it was stated by the Maryland Department of Health and Mental Hygiene that any request for increased capacity of the plant would be denied due to the limited flow during the summer months of the receiving stream. Further expansion of the facility will, therefore, require the extension of the outfall to a suitable receiving stream which would probably be the Little

## TECHNICAL ADVISORY COMMITTEE 2004

Elk Creek located some one mile from the existing plant. Although the plant has been enlarged, that connection to the Little Elk Creek has not been made. The original stream has a very low flow rate as observed by residents near the stream. In summer the flow is just a trickle before the discharge from the sewer plant. What is the impact of this discharge on the original stream and the environment? There are currently complaints about the noise and odor generated by the plant. The plant is not in compliance with the Maryland noise regulations.

There is also the concern about the impact of drawing enough water for 978 dwellings on the area water table and the existing private wells. There have been a significant number of wells in the area that have gone dry in the last several years. This is of particular concern if an on-site well system is used.

ENVIRONMENT---The discharge of effluent from the wastewater treatment plant into the nearby stream is a definite concern, especially with its very low flow rate. The years of pesticide usage on the peach orchard and the chemicals associated with the mushroom operation are also concerns for the development of these parcels.

FIRE PROTECTION---One of the contacts is a member of Singerly Fire Company and is very concerned about the fire protection required. If dry hydrants are proposed, who will test and maintain them? There is not an adequate source of water in the area to support a viable dry hydrant system. A pond depth of 4-5 feet is usually required with a minimum of two feet, to prevent a vortex when pumping which can allow air to enter the pump causing a loss of pump prime. Dry hydrants also need quarterly maintenance to make sure silt and aquatic growth do not clog the water intake. This is a special problem in ponds and slow-moving water sources.

AGE RESTRICTION---The developer has stated his intent to market 678 of these homes as age restricted to persons over the age of 55. A mixed community with both families and older residents may make marketing to seniors difficult. To prospective buyers, children and senior citizens may not mix very well. How will the senior recreation facilities which are near the family apartments be made off-limits to kids? What happens if marketing of the 678 units does not sell-out. If the developer is unable to attract and sell these dwellings to his targeted age group, there are no existing laws to prevent the developer from changing it to unrestricted and then open it to anyone. This would result in increased pressure on the local school systems.

CONCLUSION---The proposed development is not in keeping with the intent of the Cecil County Zoning Ordinance and the Comprehensive Plan's stated objectives to promote orderly development, assure appropriate and balanced use of land, preserve the character and appearance of the neighborhoods, maintain property values, discourage conversion of cropland to urban uses, minimize traffic congestion, and make adequate provision for transportation, water and sewer, police and fire protection, and other public facilities. This proposal fails on all of these requirements.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the Singerly Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is RM & VR which permits a maximum base density of 2 dwelling units per 1 acre, or 6/1 with community facilities, 12/1 for townhouses, and 16/1 for apartments.

The VR zone permits a maximum base density of 1 dwelling unit per 1 acre in areas without community facilities. A maximum density of 4 dwelling unit 1 acre is permitted in areas with community facilities. Commercial activities are not permitted in the VR zone, so the 12.23 ac. proposed for commercial development would likely need to be rezoned.

Both the VR and RM zones permit certain office commercial activities, for example, as a Special Exception. If that course of action is proposed, then the Special Exception must be obtained prior to Final Plat review and/or Site Plan approval. If the VR acreage is rezoned to RM, then all business establishments proposed shall conform to the provisions of § s 29.7 and 31.

If the commercial component is to remain zoned VR, then, pursuant to §28.2.a, the Site Plan should be approved as part of the regular subdivision process. Otherwise, it should be approved under the Site Plan approval process, consistent with §291 and Appendix A.

If the proposed commercial portion is rezoned to BL, then it must conform to §31 and be approved under the Site Plan approval process, consistent with §291 and Appendix A.

This Concept Plat proposes 978 dwelling units consisting of 352 lots, 326 condominium units, and 300 apartment units on 180.04 acres, for a proposed density of 5.42/1.

Discounting the 12.23 ac. proposed for commercial development, the proposed density is 5.82/1.

Further discounting the 31.24 VR-zoned acres, the proposed density is 6.2/1.

The 56 lots proposed on the 19.01 VR-zoned acres not intended for commercial development yield a proposed density of 2.95/1, which is permissible in the VR zone, with community facilities.

## TECHNICAL ADVISORY COMMITTEE 2004

The purpose of the VR (Village Residential) zone is to provide for the protection of existing villages by allowing limited development consistent with the character of these villages.

Proposed road names are required on Concept Plats, per §4.0.13 (h) of the Cecil County Subdivision Regulations. Road names have not been proposed for one road and one alley. All road names must be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

Tax map and parcel number information must be included on the Plat submitted for review by the Planning Commission. The Election District information must be included in the title block of the plat.

This submission seeks to invoke the provisions of §6.1 of the Cecil County Subdivision Regulations regarding residential cluster development.

The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

In addition, §29.1 of the Zoning Ordinance states that: The purpose of the Multifamily Residential zone is to provide areas for relatively high density residential development with the opportunity for a compatible variety of housing types, limited commercial and service-oriented uses and suitable open spaces. A variety of housing types is encouraged within a particular development. It is further intended to permit flexibility in lot and yard regulations to encourage innovative and creative design to the extent that a superior and harmonious living environment and an efficient overall use of land are achieved.

It should be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

- a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
- c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

§6.1.1 (e) of the Subdivision Regulations requires that Concept Plats invoking cluster development provisions must show estimated staging of construction. That has not been shown.

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

Since a portion of this project is a condominium project, that portion will have a different review process than the normal subdivision process to be applied to the single, twin, apartment, and townhouse portions. The TAC and the Planning Commission will review the Concept Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums and clubhouse for TAC review and Planning Commission review and approval. Once the units and clubhouse are built, then the developer will apply for as built Final Plat review by the Planning Commission. If approved, then condominium plats may be recorded.

For all other proposed sections, no building permits shall be issued prior to Recordation and final Site Plan approval.

If any of the dwellings are intended as a retirement housing complex, then a Special Exception must be obtained, and that portion must conform to the provisions of §82 of the Zoning Ordinance.

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

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'. All stream buffers must be depicted on the plat submitted for review by the Planning Commission.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Planning Commission.

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

This proposal satisfies the common open space provisions of the RM and VR zones.

20% is required; 44.89% is proposed. However, the proposal does not address if the open space is:

- a) All common open space;
- b) A combination of common open space and condominium common area; or
- c) A combination of common open space, condominium common area, and developer-owned apartment complex open space.

The forms of open space and their delineations must be specified. Common open space must be identified as common open space.

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.

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

Active recreational amenities are recommended in the common open space, and they must be included in the Public Works Agreement.

There is no centrally-located area of common open space in the proposed townhouse portion, where it will likely be most needed.

20% landscaping of the development envelope is required in the VR zone. 25% is required in the RM zone, where a minimum 25' Bufferyard C shall be provided around the perimeter of the tract. No parking areas, roadways, or accessory structures are permitted in the 25' planted bufferyard.

## TECHNICAL ADVISORY COMMITTEE 2004

In addition, §29.3.d stipulates that in the RM zone: All areas not occupied by buildings, roads, parking areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.

Sidewalks are recommended on both sides of all internal roads. This proposal, in keeping with the creative and innovative designs encouraged for cluster development, includes adequate sidewalks and walking/bike paths, as well as walking and biking space on all roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Black Snake and (westerly portion of) Childs Roads. The Bufferyard along Singerly Road and the easterly portion of Childs Road, because of the location of the Village of Cherry Hill, shall conform to § s 28.1 & 28.2.c.

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

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

The Forest Stand Delineation (FSD) 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, except for the proposed condominium portion.

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

## TECHNICAL ADVISORY COMMITTEE 2004

shown on the Record Plat.

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

A Traffic Impact Study (TIS) must be submitted prior to the submission of the Preliminary Plat for TAC review. It should include a signal warrant analysis at the proposed MD 213 entrance, and it must assume the full build-out impacts of the proposed commercial portion.

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

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/condominium buildings shall be set back at least 20' from all parking areas and internal roads.

No building shall be constructed closer to any other building than a distance equal to the height of the higher of the two buildings. The space between two buildings can be reduced to a distance equal to half of the taller of the two buildings provided that the spacing is approved by the Emergency Services representative to the TAC, consistent with §29.4.c (1-4).

All condominium owners must become 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.

The Master Water and Sewer Plan must be amended to include this site prior to Final Plat review, except for the condominium and commercial sections.

## TECHNICAL ADVISORY COMMITTEE 2004

The Master Water and Sewer Plan must be amended prior to the condominium Preliminary Plat review by the Planning Commission, and prior to commercial Site Plan approval for the commercial section.

Verification of water allocation and sewer capacity must be received for the condominium units and clubhouse prior to the issuance of building permits.

Verification of water allocation and sewer capacity must be received for the apartment units and clubhouse prior to Final Plat review.

Verification of water allocation and sewer capacity must be received for the single, twin, townhouse sections prior to the Planning Commission's review of the Final Plat.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and lots/houses offered for sale.

The proposed recreation centers must be served by water & sewer systems approved by the Health Department.

The recreation centers, parking, and recreational facilities are accessory uses to the proposed residential development. The Preliminary Plat must include their details or a major site plan submittal shall be required. If so, then the major site plans must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

Mr. DiGiacomo asked who will have access to the respective recreation centers. Mr. Pugh stated that each age group would have their own separate recreation area.

## TECHNICAL ADVISORY COMMITTEE 2004

It is confusing to have multiple proposed lot numbering systems. There should be but one.

Automobile access to proposed lots 24-31 (townhouse) seems problematic.

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.

Who is proposed to own and maintain alleyways? Mr. Pugh asked if DPW had a preference. Discussion followed and decision was made that the alleyways would be private. Mr. DiGiacomo stated even if the entrance was an emergency entrance on to Singerly Road, would need to be included on the plat submitted to the Planning Commission.

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

Mr. Mandras stated as a reminder, even though it was stated in the SHA report, the entrance into the commercial property should be made through the internal road system.

There were no further comments.

### **6. Will Whiteman presented Long Creek Ranch, LLC, Elk Forest Road, Concept Plat, Will Whiteman Land Surveying, Inc., Second Election District**

Mr. Whiteman stated the property was owned by Long Creek Ranch LLC, consisting of two parcels. When the property was originally conveyed from Philadelphia Electric to Long Creek Ranch LLC it was sold as two parcels. When the property was surveyed by a different surveyor the legal description was written making it one parcel, which constituted an illegal subdivision because the property had never existed as one parcel. Subsequently the property was changed back to two parcels which is the title deed shown on the notes. This property was given a different tax map and parcel number when it was divided. It does have subdivision potential.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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

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.

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 and so noted on the Lot Grading Plan.

Sight distance measurements must be submitted for all entrances 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.

## TECHNICAL ADVISORY COMMITTEE 2004

What is the proposed disposition of the Fawn Drive ROW shown running through the property? Mr. Whiteman stated Fawn Drive was a 50' ROW reserved for the use of the grant tours in previous deeds. To the best of Mr. Whiteman's knowledge it is a private road although people from Deere Haven and other properties still use it. Mr. Whiteman suggested that the ROW be extinguished.

Section 3.07.15 of the Road Code directs that Elk Forest Road must be upgraded for a distance of 100' either side of the point of intersection between department has not had sufficient time to investigate the condition of Elk Forest Road to determine what upgrades may be required.

What development potential remains for the areas designated Wooded Area? Mr. Whiteman replied the 51 acres would be added on to Parcel 403 and the remaining lands. If the property does not per it will be used as tree bank.

A PWA is required for the roads and storm drains.

An I&M Agreement is required for all SWM facilities between Elk Forest Road and the proposed roads.

Mr. Markwardt stated bus service would be provided at the junction where the street is yet to be named and Elk Forest Road.

He questioned the size, price range and construction commencement of homes. Mr. Whiteman replied the price range would be approximately 3-4 bedroom bi-level homes. He asked assuming approval, when would the project start? Mr. Whiteman replied early summer.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR which permits a maximum base density of 1 dwelling unit per 5 acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 19 lots on 95.002 acres, for a proposed density of 1/5.

A similar Concept Plat for this property was approved on 11/21/94. Per §4.0.9 of the Cecil County Subdivision Regulations, since a Preliminary Plat was not subsequently approved within two (2) years of that date, the 11/21/94 Concept Plat approval no longer has any status.

The earlier Concept Plat cited 121.6 total acres, and the insert with the parcels totals 123.033 acres. Mr. DiGiacomo asked what accounts for these acreage discrepancies. Mr. Whiteman replied as a result of his boundary survey. The previous survey did not take the property lines to the center line of the road.

A boundary line 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

This proposal satisfies the general open space provisions of the NAR zone.

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

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Elk Forest Road.

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

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

The Forest Stand Delineation (FSD) 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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.

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. Are any of the contiguous properties in agricultural operation?

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

There were no further comments.

**7. Faron Pyle presented *Montgomery Brothers, Inc. (Lands of), Colonial Way (Town of Rising Sun), Preliminary Plat, Northern Bay, Sixth Election District***

Mr. Pyle stated the property was located within the Town of Rising Sun. This plan has been before the Town of Rising Sun P&Z, who has requested that it be reviewed by TAC.

Mr. Woodhull stated that The CCDPW comments are based on the assumption that the water and sanitary sewer service will be provided by the Town of Rising Sun.

## TECHNICAL ADVISORY COMMITTEE 2004

Are the proposed roads intended to be deeded to the County? Mr. Pyle replied that Colonial Way had been deeded to the Town.

A SWM Plan and a Mass and Final Grading Plan will be required. CCDPW recommends that a Road and Storm Drain Plan be presented to the Town of Rising Sun for their approval before 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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

As-builts and a dam breach analysis of the existing pond will be required and verification that the impervious area was included in it.

All lots must access the least major road frontage.

All driveways must be paved to the edge of ROW.

It is recommended that the Town of Rising Sun require a PWA will be required for the roads and storm drains.

## TECHNICAL ADVISORY COMMITTEE 2004

An I&M Agreement is required for any SWM facilities by the County.

Mr. Markwardt stated when Sunrise Drive is extended into next to Colonial way the school system will want a waiver to allow buses to use that road, which give the buses an alternate out of Ryan Drive.

He questioned the size, price range and construction commencement of homes. Mr. Pyle replied the price range would start at the mid \$220.00 s. He asked assuming approval, when would the project start? Mr. Pyle replied the summer of 2005.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen s Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: 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. This subdivision is proposed in the Town of Rising Sun.

Preliminary Plat comments/questions are as follows:

- Town Zoning: R2, R3 & CC
- Has a Concept Plat already been reviewed by the Town? Mr. Pyle replied yes the concept was reviewed in combination with the annexation.

## TECHNICAL ADVISORY COMMITTEE 2004

- 32 lots are proposed on 15.028 R2-zoned acres, for a proposed density of 2.3/1.
  
- 102 apartment dwelling units are proposed on 6.401 R3-zoned acres, yielding a proposed density of 15.93/1.
  
- 4 commercial lots are proposed on 5.061 CC-zoned acres.
  
- Completion of a Traffic Impact Study (TIS) is recommended prior to Preliminary Plat review by the Rising Sun Planning Commission and any site plan approvals.
  
- It is recommended that pedestrian connectivity be established between commercial lots and the senior apartments.
  
- It should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R2 zone.
  
- It should be confirmed that the setbacks, building sizes, and building heights are consistent with the Town's Zoning Ordinance for the R3 zone. In addition, it is recommended that the layout be reviewed by the Community Volunteer Fire Co. of Rising Sun with respect to emergency accessibility and aerial ladder reach.
  
- It is recommended that a boundary line survey be done in conjunction with the preparation of the Preliminary Plat if not already completed.
  
- The identity of the gas pipeline owner has been provided. It is recommended that all required documents (e.g., granting of a release of easement) from the gas line company granting permission or agreeing to easement impacts be received prior to Final Plat review. It is further recommended that all related documents requiring recordation be recorded prior to the recordation of the Record Plat.
  
- It is recommended that all requirements for Preliminary Plats set forth in the Town's Zoning Ordinance and Subdivision Regulations have been satisfied.

## TECHNICAL ADVISORY COMMITTEE 2004

- 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 further recommended that on any slopes between 15 and 25%, good engineering practices be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.
  
- It is recommended that documentation of deed recordation associated with the agreement with the Montgomery Brothers for access to Colonial Way be required by the Town prior to Final Plat review assuming it is a Town road.
  
- It is recommended that any steep slopes be depicted on the Preliminary Plat.
  
- A 25' buffer is recommended around any non-tidal wetlands 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. If the Town requires a JD, has one been completed? Mr. Pyle replied the site had been walked during the wetlands.
  
- The habitats of any rare, threatened, and endangered species should be avoided.
  
- It should be determined if the open space proposed satisfies the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
  
- It should be determined if Town's Zoning Ordinance and Subdivision Regulations require that the open space acreages (as opposed to percentages) be shown on the plat.
  
- Is the proposed open space to be maintained by a homeowners' association, by the apartment complex owners, by the Town of Rising Sun, or some combination thereof? Mr. Pyle replied probably a combination.
  
- Protective fencing should be considered around the stormwater management areas.
  
- 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

## TECHNICAL ADVISORY COMMITTEE 2004

required bufferyards.

- It is recommended that no street trees be planted within 20 feet of sewer laterals and cleanouts.
- Sidewalks are recommended on both sides of all internal streets.

— It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.

- The Town of Rising Sun and Cecil County have signed an Assigning obligations under the Forest Conservation Act agreement. It is recommended that the FSD be approved prior to Concept Plat approval.
  - It is recommended that the Preliminary Forest Conservation Plan (PFCP) be approved prior to Preliminary Plat review by the Rising Sun Planning Commission.
  - It is recommended that the Final Forest Conservation Plan (FCP) and Landscape Plan be approved prior to Final Plat review by the Rising Sun Planning Commission.
  - It is recommended that the Landscape Agreement be executed prior to recordation.
  - It is recommended that deed restrictions for the long-term protection of the Forest Retention/Afforestation Areas (FRAs) 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.
- Several streets show no proposed names. The internal street names must be approved by the County Emergency Management Agency. It is recommended that this be done prior to Preliminary Plat approval, at the latest, because once you have past the Preliminary Plat approval stated there is the possibility of the project being recorded with EMS having no knowledge of the street names.

## TECHNICAL ADVISORY COMMITTEE 2004

- It is recommended that access to public open space between or beside lots 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.
  
- 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 exploring possible greenway and hiking trail linkages.
  
- Consideration should be given to soliciting review and comment on the overall subdivision layout by the Community Volunteer Fire Co. of Rising Sun.
  
- Fire hydrant numbers and locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations and in consultation with the Community Volunteer Fire Co. of Rising Sun.
  
- Consideration should be given to locating a dry hydrant at the existing pond if deemed advisable and feasible by the Community Volunteer Fire Co. of Rising Sun.
  
- 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.
  
- It is recommended that the site plan approvals for the commercial lots include detailed lighting plans.
  
- It is recommended that the site plan approvals for the commercial lots include detailed pedestrian and vehicle circulation plans.

## TECHNICAL ADVISORY COMMITTEE 2004

- It is recommended that the site plan approvals be contingent upon confirmation of water allocation and sewer capacity.
- It is recommended that the site plan approvals be contingent upon approval of Landscape Plans, and that the issuance of building permits be contingent upon the execution of Landscape agreements.

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

Mr. Woodhull stated the proposed swale running behind Lots 8-11 will need to be placed in drainage easement as opposed to the bufferyard. He also had a concern about the cul-de-sac bulbs being 50' radius and not a 70'. Mr. Pyle replied a Variance would be requested.

There were no further comments.

### **8. Doug Kopeck, Jim Quillen and Hillary Browner presented Chestnut Point Marina, Carpenters Point Road, Concept Plat, CNA, Fifth Election District**

Mr. Kopeck stated Chestnut Point was a marina community. It is currently a mobile home park, recreational camping facility and active marina. He reviewed various information compiled on the project with the Committee.

Mr. Woodhull verified that Carpenters Point Water Company (Bowman Water Supply) was the proposed water supplier to this development. The CCDPW assumes that the water supply for this development will be provided by a private source. Therefore we recommend that the Planning Commission condition any approval on the water system being designed and built to County standards. The water lines must be reflected on the sanitary sewer plans and as-builts

A SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention,

## TECHNICAL ADVISORY COMMITTEE 2004

Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

Careful design must be used in developing the individual lot grading plans to address stormwater run-off impacts on down stream lots.

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

The terminus of Chestnut Point Road must be addressed if it is to become public. Mr. Woodhull asked if all internal streets would become public. Mr. Kopeck replied yes.

All roads must be closed section design according to the Road Code. However considering the majority of the site is in the Critical Area open section design makes more sense. This will require a Road Code Variance.

If open section is used the extent of the driveways proposed on the plat will require careful consideration of drainage ditch flows. The developer would be required to install these piped driveway entrances at the same time as the roads.

Any Road Code Variance request must be submitted prior to Preliminary Plat submittal.

Section 3.07.15 of the Road Code directs that Carpenters Point Road must be upgraded for a distance of 100 either side of the point of intersection between Carpenters Point Road and the proposed entrances.

## TECHNICAL ADVISORY COMMITTEE 2004

Sight distance measurements must be provided at both entrances. The centerline of White Oak Drive must be marked on Carpenters Point Road to allow for departmental review.

The department has serious concerns about the sight distance looking south from Chestnut Point Road.

We recommend that a TIS be required. Depending on the outcome of the TIS the department may require upgrade to the northern portion of Carpenters Point Road.

All driveways must be paved at least to the right of way and so noted on the Lot Grading Plan.

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

Scarlet Oak Drive is in noncompliance with Section 2 of the Road Code in that it does not end in a cul-de-sac. The department would consider a Variance to this if the boat yard at the end of the road will be open and sufficient turnaround area is provided for County snow removal and maintenance vehicles. If the yard is to be secured and access not available to the County, another possibility exist to allow a Variance. Scarlet Oak Drive could be made private at the intersection with Bur Oak Drive. This would eliminate Lot 63.

In anticipation that the marina remains a commercial enterprise, portions of Chestnut Point Road, Scarlet Oak Drive, and Bur Oak Drive may require a higher Structural Number (SN) than is normally required. The department can make a determination on this when more is known about the disposition of the marina.

A sanitary sewer allocation request must be submitted.

The sanitary sewer lines within this development must make maximum use of gravity flow.

All service connections must be at the road frontage of each lot.

## TECHNICAL ADVISORY COMMITTEE 2004

A Benefit Assessment as well as connection fees will apply for these lots.

A PWA is required for the roads and storm drains.

A PWA is required for the sanitary sewer.

An I&M Agreement is required for all SWM facilities.

Mr. Markwardt stated typically based on distance no bus service would be provided into the interior but at some point and time the Board of Education would revisit it as the number of students boarding at the main entrance grows.

He questioned the size, price range and construction commencement of homes. Mr. Kopeck replied the size would be single family are 46 x 47 and duplex are 24 x 32. Mr. Markwardt asked selling price? Mr. Quillen replied the condos would be between the 200's to \$275,000. Duplexes would be base priced between \$350,000 to \$375,000 and singles would be in the \$450,000 and up range. He asked assuming approval, when would the project start? Mr. Kopeck replied as soon as all approvals are received.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, questioned the name of the water supplier, Carpenters Point or Bowman's. Mr. Moore stated that MDE referred to it as Carpenters Point Water Supply, Bowman being the owner. Ms. Latham stated at present Carpenters Point Water Supply was using its full Water Appropriation. Any additional customers would require an increase in their permit. This would include the present project and a previous one heard earlier in the day. Therefore, Carpenters Point Water Supply should take both projects into consideration when asking for an increase in their permit. Two permits were found one for the campground and marina and the other one for the marina. Will the campground and marina be removed? Mr. Kopeck replied yes they would be beginning from scratch.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: I have been contacted by both residents of the current mobile home park, Chestnut Point Estates, and by other community residents. Some portions of the proposed subdivision are currently a mobile home park with long-term residents. These homes are owned by the residents. They are older homes with significant on-site improvements and can not be moved to another park. Consequently forcing them to move out to accommodate this development will place an extreme financial hardship on these residents, as well as undue stress, since their options are very limited. They are concerned about what notice they will receive and how much time they will have to make necessary arrangements. How will the present residents be accommodated? Mr. Quillen stated they would work as close as possible with the current mobile home residents. Once the developer begins to move forward they will have a community meeting with the residents of the mobile home part along with representatives of the Department of Social Services to aide. Mr. McDowell asked what would happen to the assets left seeing on the property. Mr. Quillen stated the residents are on annual leases which given them no right to remain on the property pass notice period, but they will work with them, helping them in their move.

Mr. McDowell questioned the height of the proposed High and Dry boat storage building. Mr. Quillen replied it had not yet been designed and he did not know. Mr. Kopeck stated it would have to be under 35'.

Other issues include the following:

**WATER**--If the plan is to have water supplied by the Carpenters Point Water Company, it should be noted that it is almost at full capacity and the Bayhead Shore Estates development expects to add 91 homes to the system.

**SCHOOLS**---Children from this development will attend Charlestown Elementary School and Perryville Middle and High Schools. This development in addition to the proposed 91 units at Bayhead Shore Estates will add a significant number of students. The tax revenue from these homes will not cover the cost of educating these students. This is an additional burden on the taxpayers of Cecil County.

**ENVIRONMENT**---This development is in the Critical Area, has a long waterfront, has a large area of wetlands and stream buffer, and a large area designated as FEMA Floodplain. The added impervious surfaces will create new runoff into these areas.

**OTHER**--The location and boundaries of the property owned by Jeffrey and Diane Krueger are improperly shown at the Southeast corner of the subject plat. Mr. McDowell informed the applicants that the Kruegers were in the audience and urged the developer to speak with them about their concerns.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the Charlestown Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is SR, MH, MB & LDA.

This property was posted pursuant to §3.9 of the Subdivision Regulations. The Office of Planning & Zoning has received a number of complaints that the posted notice was removed, almost immediately. If true, then the §3.9.1 requirement would not have been fulfilled, and, therefore, per §4.0.13 (a), this Office would be empowered to return the plat to the developer for resubmission at a later date. Posted subdivision notices shall not be removed.

The plat indicates that a rezoning to SR will be sought for the MH-zoned portions of the property. That rezoning must be completed prior to Final Plat approval. If the rezoning is not granted, then is design cannot be approved.

Why hasn't the MB zoning for a portion of parcel 488 been cited? It must be cited on any plat submitted for review by the Planning Commission.

In as much as Planned Unit Developments (PUD's) are not permitted on MB-zoned property, is it intended to also rezone the MB to area to SR? If so, then it must be explicitly stated on any plat submitted for review by the Planning Commission. Mr. Kopeck replied yes.

Mr. DiGiacomo stated the SR zone permits a maximum base density of 1 dwelling unit per 1 acre, or up to 4/1 as a PUD with community facilities. This Concept Plat, submitted as a PUD, proposes about 151 dwelling units on 39.55 acres, for a proposed density of 3/82.

A portion of this site is located within the Chesapeake Bay Critical Area, designated LDA. The LDA overlay zone permits a maximum density of 3.99/1. As there are three Critical Area overlay zones, it should be label the LDA. The development proposed for the Critical Areas Buffer exemption can only be permitted if there is presently development in this area encroaching to the same point. If not, a Variance will be required prior to the approval of these lots.

PUD's must adhere to the requirements of Articles XII and XVII of the Zoning Ordinance. Of particular note is §256 of the Zoning Ordinance. A PUD is permitted in the SR zone by Special Exception, a Special Exception Sketch Plat for which must be reviewed by the TAC and the Planning Commission prior to the Special Exception's being considered by the Board of Appeals. Has the applicant begun the required Special

## TECHNICAL ADVISORY COMMITTEE 2004

Exception application process? Mr. Kopeck replied no.

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

Proposed Lots 47 & 48 has not been numbered. That must be corrected on any plat submitted for review by the Planning Commission.

In the SR zone, no more than 20% of the PUD dwelling units can be apartment (or condominium), and no more than 30% can be duplex units.

Those percentage thresholds are impossible to calculate. The number of dwelling units proposed is stated as 155, 151, and 150 at different spots on this plat. The number of single family lots is represented as both 80 and 81. These discrepancies must be corrected on any plat submitted for review by the Planning Commission.

However, be advised that if the total dwelling unit number is 150, then 46 exceeds the 30% cap on duplexes, and this Concept Plat cannot be approved.

Since a portion of this project is a condominium project, that portion will have a different review process than the normal subdivision process to be applied to the single family, and duplex portions. The TAC and the Planning Commission will review the Concept Plat as a whole. If approved, then the applicant will submit a Preliminary Plat/Site Plan for the condominiums and clubhouse for TAC review and Planning Commission review and approval. Once the units and clubhouse are built, then the developer will apply for as built Final Plat review by the Planning Commission. If approved, then condominium plats may be recorded.

For all other proposed sections, no building permits shall be issued prior to Recordation and final Site Plan approval.

§4.0.13 (n) 7 requires the computation of the Critical Area acreage. That must be included on any 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be

## TECHNICAL ADVISORY COMMITTEE 2004

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'.

Under the Legend, what is meant by 110' stream buffer impacts? Mr. Kopeck stated it was an area that would be re-vegetated.

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.

30% common open space is required. Areas of common open space must be labeled, and the proposed common open space acreage must be included on the plat submitted for review by the Planning Commission.

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.

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

30% landscaping of the gross site is required.

Sidewalks, consistent with §255.3, will be recommended by staff.

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. An Environmental Assessment will also be required for that area in the LDA zone, which is exempt from the Forest Conservation Regulations per §3.2.B.

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.

All road names except Black Oak Drive have been approved. Another name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

A Traffic Impact Study (TIS) must be done prior to the TAC s review of the Preliminary Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

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 condominium owners must become 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.

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

The Master Water and Sewer Plan must be amended to change this site to S2 prior to Final Plat review, except for the condominium and commercial sections.

The Master Sewer Plan must be amended prior to the condominium's Preliminary Plat review by the Planning Commission, and prior to any commercial Site Plan approvals for any permitted commercial components.

Verification of water allocation and sewer capacity must be received for the condominium units and clubhouse prior to the issuance of building permits.

Verification of water allocation and sewer capacity must be received for the single family and duplex sections prior to the Planning Commission's review of the Final Plat.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Comprehensive Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and lots/houses offered for sale.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed clubhouse must be served by water & sewer systems approved by the Health Department.

If the clubhouse, parking, and recreational facilities are accessory uses to the proposed residential development, then the Preliminary Plat must include their details or a major site plan submittal shall be required. Any major site plans must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

In the critical area, no structure shall exceed 35' in height.

Approximately half the dwellings are proposed within the 100-yr. floodplain. Per §241.2.d (1), those building sites can be approved only after a Variance has been granted. Seek this variance ASAP.

If the variance application to create the building sites in the 100-yr. floodplain is successful, then the requirements of §243 must be strictly adhered to.

§241.2.f (2) states that, High priority should be given to clustering development out of the floodplain while preserving the low lying land and forested areas in natural vegetation.

What is the significance of the well locations depicted on proposed Lots 1 & 66?

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. Are any of the contiguous properties in agricultural operation?

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

There were no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

### 9. Mr. Whiteman presented **Mank's Pond, Oldfield Point Road, Concept Plat, Will Whiteman Land Surveying, Inc., Fifth Election District**

Mr. Whiteman stated the only changes made from the approved plat in 2003 was a enlarged cul-de-sac bulb on North Sugar Pine Court and a restricted area of turn around on Mank Drive. For the record the name will not be Spur Mank Drive.

Mr. Woodhull asked what the status of Minor Subdivision #3295? Mr. Whiteman replied it had been approve and on record in OPZ.

A SWM Plan, Road & Storm Drain Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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 downstream 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 Oldfield Point Road must be upgraded for a distance of 100 either side of the point of intersection between Oldfield Point Road and the proposed roads.

## TECHNICAL ADVISORY COMMITTEE 2004

Since the time we last saw activity on this project Oldfield Point Road has degraded and may not be suitable for the additional 41 lots until the improvements of this road are completed. The department is just beginning this improvement project. The timeliness of this project is dependent on the time it takes to obtain the required ROWs.

All driveways must be paved at least to the right of way and so noted on the Lot Grading Plan.

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.

A Road Code Variance has been granted for the private mini-road in regards to the use of the existing paving.

Lots 3 & 4 must be denied access to Oldfield Point Road except for the common driveway.

A PWA will be required for internal streets and storm drains.

An I&M Agreement is required for all SWM facilities.

Mr. Markwardt stated due to the short distance bus service would not be provided internally. Are there houses on Lots 37 and 38? Mr. Whiteman replied no. Mr. Markwardt suggested the possibility of constructing a walking path along Lots 33 and 34 connecting to the existing blacktop drive. This would provide an access to the children catching the bus versus walking all the way up Mank Drive. Typically the entrance must be one mile off to the road in order for the bus service to come into the development.

He questioned the size, price range and construction commencement of homes. Mr. Whiteman replied the size would be three to four bedroom homes. He asked assuming approval, when would the project start? Mr. Whiteman replied one year.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the Singerly Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is SR which permits a maximum base density of 1 dwelling unit per 1 acre. With community facilities, a density of 2/1 would be permitted. This Concept Plat proposes 37 lots on 76.991 acres, for a proposed density of 1/2.08.

A similar Concept Plat for this property was approved on 7/16/01. Per §4.0.9 of the Cecil County Subdivision Regulations, since a Preliminary Plat was not subsequently approved within two (2) years of that date, the 7/16/01 Concept Plat approval no longer has any status.

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

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

maximum distance of 160 .

A 25' buffer is required around all non-tidal wetlands present. Non-tidal wetlands are depicted on portions of proposed lots 37, 40, 41, & in areas of common open space. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation. A JD has been received.

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

This proposal satisfies the open space provisions of the SR zone. 11.549 acres of common open space is required; 33.4292 acres are 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. These percentages must be verified on the Preliminary Plat submitted for TAC review.

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

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

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

Has any thought been given to another alignment to avoid the wetland and stream buffer disturbance? Mr. Whiteman replied there was only one place to cross.

A proposed stub road has been extended to Forest Knoll, to the south, consistent with the approved Forest Knoll Concept 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. EMS has raised concerns that Sugarpine and Spur are not follow by a designation such as drive or road.

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

In addition, if Spur is actually part of Spur Mank Drive, then it must be changed as that sounds too much like Sperm Bank Drive.

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

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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.

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.

A Homeowners Association for maintenance of common open space, Cul-de-sac and mid-block turn-around islands must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. A mini-road maintenance association must also be established prior to recordation, with the owners of lots 33 & 37-41 becoming members. Is Sugarpine also proposed as a mini-road? Mr. Whiteman replied public road.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. Moore stated the MDE regulations does distingue between well separations in the Piedmont and costal plains but it doesn t distinguish it when it request that you show all wells and septic systems within a 100 of the property line.

There where no further comments.

**10. William Carroll presented John R. Harrison (Lands of), Welders Lane, Preliminary Plat, William A. Carroll, First Election District**

Mr. Carroll stated the project had not gone before Planning Commission.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

Remove the line between the Rights of Way for Welders and Creek Lanes.

All driveways must be paved at least to the right of way and so noted on the Lot Grading Plan.

## TECHNICAL ADVISORY COMMITTEE 2004

A PWA is required for the Road and storm drains.

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

Mr. Markwardt stated there would be no bus service beyond where it is currently being provided.

He asked assuming approval, when would the project start? Mr. Carroll replied this winter or next spring.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated there was an existing Water Appropriation Permit for when it was one large parcel. She will need to decide weather to change the existing or start from scratch. Therefore, the applicant was advised to complete an application.

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

Mr. McDowell, Citizen s Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: The zoning is SAR & RCA (Critical Area)

The RCA overlay zone permits a density of 1 dwelling unit per 20 acres. Three (3) lots are being proposed on 104.352 acres in the RCA zone for a proposed density of 1/34.78.

The SAR zone permits a maximum base density of 1 dwelling unit per 8 acres. Bonus density eligibility carries with it a permitted density of 1/5. As currently submitted, this Concept Plat proposes 8 new lots, add-ons, and right-of-way on approximately 130 acres in Deed Parcel 1 of (TM 58) Parcel 2.

## TECHNICAL ADVISORY COMMITTEE 2004

As stated at the 2/22/00 Planning Commission meeting: The dwelling on the proposed lot 5 must be located on the original Parcel 1 portion of the lot, not the Parcel 3 add-on piece. Therefore, lot 5 will be included in the density calculation for this and all future subdivision proposals for Parcel 1. Those comments still pertain to Lot 5 of Smith Creek.

Therefore, Lot 5 in Smith Creek must be included as the 9<sup>th</sup> lot in the density calculation, which yields a proposed density of approximately 1/14.44.

Most of this proposal is for TM 58, Deed Parcel 1 of Parcel 2. However, because of the proposed add-ons, this proposal also involves portions Deed Parcel 2 and Deed Parcel 3.

The Concept Plat was approved on 8/19/02, conditioned on:

- 1) The name Creek Lane being approved prior to the Planning Commission's review of the Preliminary Plat;
- 2) The Title Block being modified to reflect the revision to adjacent subdivisions; and
- 3) A sensitive species survey being done prior to the TAC review of the Preliminary Plat.

This Preliminary Plat is inconsistent with the approved Concept Plat inasmuch as an additional lot and a new lot numbering system are now proposed. Both suggest that this is an addition of Smith Creek. If so, then the additional lots will trigger the requirement for a HOA and common open space. So in addition to the deletion of that proposed lot it is suggested that the applicant go back to the prior numbering system that was used.

In addition, the Creek Road road name has been disapproved. A new road name must be selected and approved prior to the Planning Commission's review of the Preliminary Plat.

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

The Title Block still does not reflect the fact that an add-on to Lot 1 of the Revised Minor Subdivision of J. Frank Skillman (originally part of Deed Parcel 2) is proposed. This represents a revision to that minor subdivision.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed add-ons to Lot 4 of Smith Creek (part of Deed Parcel 3) and 2 proposed driveways for lots proposed on Deed Parcel 1 also represent revisions to the Smith Creek subdivision. That must also be reflected in the Title Block. These were conditions of Concept Plat approval.

Steep Slope Areas are labeled on the index sheet, but they are not defined graphically on any of the subsequent sheets. Any slopes greater than 25% must be shown graphically on the preliminary plat.

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

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 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. A sensitive species survey found that suitable habitat for six rare species does exist along the shore and waters of the Bohemia Creek, but since this project proposes no development along the shoreline, a more detailed study was not performed.

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

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.

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No development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

## TECHNICAL ADVISORY COMMITTEE 2004

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

In the critical area, no structure shall exceed 35' in height.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The Forest Stand Delineation (FSD) was approved on 10/15/99. An environmental assessment for the lots in the Critical Area has been submitted, but it must be updated and include the amount of impervious surface proposed. It must be approved prior to the Planning Commission's review of the Preliminary Plat.

The Preliminary Forest Conservation Plan (PFCP) was submitted on 9/18/02, but it is deficient.

If a PFCP or FCP is not approved prior to 10/15/04, then the FSD's validity shall expire.

The final Forest Conservation Plan (FCP) and a 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.

Unless extended or a Preliminary Plat is approved beforehand, the Concept Plat shall expire on 8/19/04.

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

TECHNICAL ADVISORY COMMITTEE 2004

There were no further comments.

**11. Donald Sutton and Mary Slagle presented Antego, Lots 13-15, Deaver Road, Preliminary Plat, McCrone, Inc., Third Election District**

Mr. Sutton stated the three lots are being resubmitted after being withdrawn from the original because of perc test.

Mr. Woodhull stated the Preliminary Plat was approved on 5/20/04. The comments presented at that time are the same as for these three lots.

Mr. Markwardt stated no additional comments from previous review.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: The zoning is SR which permits a maximum base density of 1 dwelling unit per 1 acre in the absence of community facilities.

The Concept Plat (44 lots on 138.1 acres, for a proposed density of 1/3.138) was approved on 12/15/03, conditioned on:

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

- 1) A boundary line survey being conducted prior to the Preliminary Plat for density calculation purposes;
- 2) A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
- 3) All SWM areas being relocated outside stream buffers, and
- 4) All intermittent stream buffers being shown.

The Preliminary Plat, proposing 33 lots on 138.15 acres at a density of 1/4.186 was approved on 5/20/04, conditioned on:

- 1) Health Department requirements being met;
- 2) DPW requirements being met;
- 3) The Bufferyard C requirement being waived where deemed necessary by DPW to enhance safe sight distance;
- 4) Dry hydrants being installed where feasible;
- 5) All misspellings and date errors being corrected prior to Final Plat review;
- 6) Recommended sidewalk requirement being waived;
- 7) Forest Retention Areas being clearly shown on the Final Plat, and
- 8) Lots 13 & 14 being removed.

Lot 13 and 14 were removed but Lot 15 was revised. Therefore the plat should be entitled Revised Preliminary Plat.

This submittal revises the configuration of proposed lots 13-15 on the approved Preliminary Plat. Therefore, this is a revised Preliminary Plat. The title block must reflect that fact on the plat submitted for review by the Planning Commission.

This revised Preliminary Plat is generally consistent with the approved Concept and Preliminary Plats.

The boundary line survey has been done.

## TECHNICAL ADVISORY COMMITTEE 2004

All previous Antego Preliminary Plat comments stand.

The JD has been completed.

The Forest Stand Delineation (FSD) was approved on 12/9/03.

The PFCP has been approved. However, the configuration of the lots as shown does not match the lot configuration shown on the approved PFCP. Because no forest retention areas are shown on this revised Preliminary Plat, it is impossible to determine if details of the PFCP match up. The FRAs must be shown 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.

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

There were no further comments.

**12. Mr. Sutton presented David S. Willis, Jr., Lots 1-4, Blue Ball Road, Preliminary Plat, McCrone, Inc., Ninth Election District**

Mr. Sutton stated this plat was the continuation of the Concept Plat approved by the Planning Commission.

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval.

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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

The requirements of Section 3.07.15 of the Road Code will be extended in this case to address Blue Ball Road from 100 north of the northern entrance to 100 south of the southern entrance. To mitigate the impact of these two entrances. This requirement will be held until the remainder of the development is activated. The department will require a common entrance at least 25 wide and 60 long with the Lot 1 & 4 drives entering at least 50 from the edge of Blue Ball road.

The perpetual maintenance of this area by the four (4) owners must be reflected in the deeds. The required sight triangles must also be included in this same area. Substantial bank regrading will be required.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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

## TECHNICAL ADVISORY COMMITTEE 2004

A PWA is required for the Roads and Storm Drains.

An I&M Agreement is required for SWM facilities.

Mr. Markwardt stated bus service would be provided at the junction of the common driveways of Blue Ball Road.

He asked assuming approval, when would the project start? Mr. Sutton replied as soon as the engineering design is completed.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: The zoning is NAR which permits a maximum base density of 1 dwelling unit per 5 acres. The Concept Plat (16 lots on 161.1 acres, for a proposed density of 1/10.068), was approved on 5/20/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the Preliminary Plat for density calculation purposes; and
- 2) A Jurisdictional Determination (JD) being done prior to Preliminary Plat review by the Planning Commission.

This Preliminary Plat submission is generally consistent with the approved Concept Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Has the boundary line survey been done? Mr. Sutton replied the portion that needed to be done has been done.

The vicinity sketch must correctly include the area of only the 4 lots proposed as the site.

Slopes greater than 25% must be shown on the Preliminary Plat. Steep slopes in this vicinity shown on the FSD are not shown on this plat. They are required to be show prior to Planning Commission review.

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 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. Has a JD been done? Mr. Sutton replied they are not impacting a JD has not been done for this portion. It will be completed for the remainder of the lands.

The common open space requirement must be satisfied in future sections (15% is required; 16.01% was proposed on the approved Concept Plat).

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

No sidewalks are required in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Blue Ball Road.

Bufferyard Standard A is required along the lot lines of proposed lots 1 & 2 to buffer adjacent agricultural uses. The contiguous agricultural operations notice has been provided.

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

## TECHNICAL ADVISORY COMMITTEE 2004

The Forest Stand Delineation (FSD) has been approved. There are no habitats of rare, threatened, and endangered species on site.

The Preliminary Forest Conservation Plan (PFCP) has not been submitted.

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.

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

The Rising Sun Volunteer Fire Company has requested a drafting tank or a dry hydrant.

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.

This portion of the project will be recorded prior to the approval of the other lots and there is yet no common open space and therefore no HOA. Some notation must be made on the plat to the effect that these lot owners will become members of the HOA at such time as one is required.

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

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

There where no further comments.

**13.** David Dodge and Donald Sutton presented Mews at Northeast Creek (The), Lots 1-170, Mechanics Valley Road, Concept Plat, McCrone, Inc., Fifth Election District

Mr. Dodge stated this project is proposed to be provided with public water from the Town of North East. The developer has proposed to rebuild the sewer infrastructure on Rte 40 and relocating a pump station.

Mr. Woodhull stated it should be noted for the record that it is the departments understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County s standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

The water lines must be reflected on the sanitary sewer plans and as-builts.

A SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Sight distance measurements must be provided to the 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.

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

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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 90, 99, 119 & 124 must be denied access to Valley Vista Drive and Lots 37, 46, 59, 129 & 130 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 where required must show as a requirement on the Lot grading Plan.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Valley Road, and/or vertical alignment corrections south of the entrance on Mechanics Valley Road (knoll about 385 south of entrance) and/or full upgrade of Mechanics Valley Road.

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.

The Route 40 pump station has no more capacity and sewer allocation cannot be made until it is upgraded. Mechanics Valley LLC has executed an agreement with the Board of County Commissioners that, if successfully executed, will provide build-out capacity for the corridor. The agreement projects completion of the new station by February 2006.

The department recommends that the Town require a PWA for the water line.

The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.

Mr. Carter stated the T turn around in Creek Court would need to be terminated in the cul-de-sac. The median break in the dual lane portion of the road will need to be broken, therefore avoiding any conflicts with the nearby lots, once the applicant reaches the design phase.

Mr. Markwardt stated initially bus service would be provided at Mechanic Valley Road. At some point, when a loop is constructed, a waiver will be required prior to the County taking possession of the roads.

Mr. Mandras, State Highway Administration, stated they had no objection of its approval because the project was not on a state road, however SHA is reviewing the revised TIS in the event that there is any indication of need work at Mechanic Valley Road and Rte 40.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Moore stated the Health Department comments were the same as they were on the Planning Commission Meeting, April 19, 2004.

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: Residents of the area including Mechanics Valley, Indian Falls, Bouchelle Road, and Lums Road are concerned about the impact this very large new development of 170 homes will have on their community. Although the name has changed and the number of houses has been reduced, the major problems still exist. The following impacts will occur:

**TRAFFIC SAFETY HAZARDS**--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 170 homes will add 375 cars, each making several trips every day in and out of the development. This will significantly increase 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 steep 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 'S' curve caution sign. When traveling North, due to a knoll at the crest of the hill, the proposed entrance cannot be seen. 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.

The county should require improvements, including acceleration/deceleration lanes, road widening with adequate shoulders, improved drainage, regrading of the road bed to cut off the knoll, and repaving in order to safely handle the increased traffic load. A short section of road improvement just at the entrance will not alleviate this problem. Improvements on Mechanics Valley Road at the Route 40 intersection should also be required.

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 all be channeled onto the unsafe entrance location on Mechanics Valley Road. Also at the Mechanics Valley /Rt. 40 intersection, morning rush hour traffic mixed with the truck traffic backs up on Mechanics Valley Road. This often requires waiting through several light changes before accessing onto Route 40. It takes the heavy trucks stopped on Mechanics Valley Road at the Rt. 40 traffic light much longer to start up and move through the intersection, particularly the semi trailers.

The Traffic Impact Study appears to only consider the number of vehicles and not the type of vehicles contributing to the traffic volume. Mechanics Valley Road has a very large number of heavy trucks, many

## TECHNICAL ADVISORY COMMITTEE 2004

with semi trailers, hauling from the stone quarry and the hot mix plant from early morning until evening. These trucks each have a greater impact on the safety of the road and the traffic flow, than a passenger vehicle. These trucks also tend to push the speed limit and have a longer stopping distance.

**ECOLOGICAL DAMAGE**--Due to the 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. Consequently stormwater management is a significant issue. Also the farm has been a haven for wildlife which will end with this development.

**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.

**DIMINISHED QUALITY OF LIFE IMPACTING A QUIET COMMUNITY**--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.

**RAILROAD HAZARD**--The hazard due to the close proximity of the CSX RR tracks to the houses in the Mews was emphasized with the recent derailment of a train carrying hazardous materials at the edge of the subject property near the

North East Creek. Due to the hazardous materials carried on the train cars, emergency workers, firemen and police closed Route 272 and Exit 100 off of

I-95. Also homes in the area were evacuated, including houses in Timberbrook (the development west of the Mews) which is in the area but not near to the tracks like the Mews. This event made the TV news on all the Baltimore network stations with extensive coverage and I was personally directed to a detour off of Route 272, which was closed. The single access road to the development is not adequate should an emergency occur involving the development.

**OPEN SPACE**--The planned common open space is almost all devoted to wetlands, creeks, steep slopes, and stormwater management. For a development of 170 homes, there is very little area provided for family recreation. Also several of the designated Recreation Areas are near to Stormwater Management Areas. If ponds are used, these are attractive nuisances for children at play and are definitely hazards. 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. As noted above, the close proximity of the railroad tracks to the homes is a hazard, as it is to anyone walking in the area, especially children. At the least, a protective barrier should be provided and a further set-back of the homes would be desirable. The open space across the tracks

## TECHNICAL ADVISORY COMMITTEE 2004

does not benefit the residents of the development but as common open space they will be responsible for its care and maintenance. The Cecil County Zoning Ordinance defines common open space as A parcel of land or an area of water, or combination thereof within a designated development tract, such as a subdivision, which is designed and intended for the use of all lot owners and residents of the development tract. Due to the inaccessibility of this tract of land it does not meet the criteria of the ordinance.

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.

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ACTIONS RECOMMENDED 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. Require adequate road improvements on Mechanics Valley Road. Plan upscale homes which will be an asset to the community

Mr. DiGiacomo read the OPZ comments: The zoning is SR which permits a maximum base density of 1 dwelling unit per 1 acre, or 2 dwelling units per 1 acre with community facilities. This Concept Plat proposes 170 lots on 216.805 acres, for a proposed density of 1/1.275.

Concept Plats for this property were previously reviewed by the TAC on 4/19/04, when it proposed 216 lots; on 12/15/03, when it proposed only 209 lots; and on 9/5/01 when it was proposed to be annexed into the Town of North East. Those proposed projects were reviewed under the names Valley Vista Estates and Winnfield.

Note #15 indicates that a boundary line survey has already been completed.

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

Slopes greater than 25% must be shown again on the Preliminary Plat. Steep slopes have been depicted.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

57.8% 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 and the Mason Dixon Trail. The Comprehensive Plan identifies a greenway along the Little Northeast Creek. In accordance with §§ 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.

Access to the common open space to the north of the CSX rail line is problematic. That is a Class 1 main line. Pedestrian crossings would not be safe and are not permitted.

Tract 3 is shown as reserved for future development. Should Tracts 2 or 3 be developed sold off, then that could affect the density, common open space, forest conservation, and/or other calculations.

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 again be included on the Preliminary Plat.

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.

A notation on the plat indicates that the AT&T easement will be relocated, but it does not say where.

## TECHNICAL ADVISORY COMMITTEE 2004

20% 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 all have been approved.

How many parking spaces are proposed for each lot? Are they proposed to be off-street? Mr. Sutton replied two, off street.

Who will own and maintain the 16 proposed open space parking spaces opposite proposed Lot 45? Mr. Sutton replied HOA.

Bufferyard Standard C is required, outside the right-of-way, along the frontages on Mechanics Valley Road and the Pulaski Highway. Note #19 indicates that a waiver of the Bufferyard C requirement is being requested. This relates to sight distance issues.

Rows of street trees are required with a 10' planting easement, 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) was approved 12/5/03. The site is not home to any rare, threatened, or endangered species.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

A Landscape Agreement must be executed prior to recordation.

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

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

A Homeowners Association for maintenance of common open space and common facilities 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 lots offered for sale.

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.

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 Mechanics Valley Road. This additional lane would allow for an exclusive left turn lane and one shared thru and right turn lane.

Consistent with previous SHA comments, the TIS must be updated. Mr. Sutton replied TIS has been updated, June 2004

Staff recommends 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.

July 7, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

Fire hydrant/standpipe locations should be shown on the Preliminary Plat, and they should consistent with DPW regulations and recommendations by the North East Volunteer Fire Company.

What is the structure depicted on proposed lots 119 & 128? Mr. Sutton replied existing building that will be removed.

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

There where no further comments.

**14. Michael Pugh and Donald Sutton presented *Bracebridge, Lots 1-108, Grove Neck Road, Concept Plat, McCrone, Inc., First Election District***

Mr. Pugh stated this plan was similar to the one reviewed by the Planning Commission. He reviewed the reasons the plan had been disapproved.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

## TECHNICAL ADVISORY COMMITTEE 2004

It appears that the majority of this site direct discharge into tidally influenced water. Any drainage areas not doing so will require that the downstream conveyance of storm water 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 100-Year Flood Plain line must be identified on the plan.

If a Traffic Impact Study is required for this project input should be sought from SHA in regards to the intersection of Grove Neck Road, Sandy Bottom Road, & MD 282 relative to the addition of 1080 trips.

Section 3.07.15 of the Road Code directs that Grove Neck Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Grove Neck Road and McGill Creek Lane.

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.

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

Regardless of phasing, the department will not accept McGill Creek Lane until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction.

Lots 1, 10, 11, 19, 20, 21, 22, 57, 63, 93, 94, 101-104 & 107 must be denied access to McGill Creek Lane.

The Private Mini-road proposed must comply with Section 2.13 of the Road Code including a statement clearly outlining the responsibilities of the homeowners in the maintenance of the road and drainage. This statement must be approved by the Planning Commission and placed on the Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

There is an obvious conflict between Lot 68 and an existing loop drive.

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

A PWA will be required for the streets and storm drains.

Mr. Markwardt stated a waiver will be required, allowing buses to enter into the property, prior to the County taking possession of the roads.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection of its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. The following are specific issues raised by these residents: I have been contacted with the following concerns for the subdivision of Bracebridge Hall. These concerns center on the loss of open space and the environmental impact on both the eagle's nesting site and the American Lotus flower that is found in McGill Creek. They were also concerned about the impact that traffic from 2.5 cars per household (based on current data from the automobile industry) totaling 270 vehicles will have on a two lane country road with no shoulder on either side of the road. There is also now a large population of Amish who have come to Cecil County to farm and live their lives in our county. Their horses and buggies will definitely be at risk with this additional vehicle load. My contact requests that an environmental impact study be done at the Bracebridge site to ascertain its effect on the wildlife and its impact on McGill Creek and Back Creek which currently is also affected by Indian Acres situated across from the MBNA site.

Mr. DiGiacomo read the OPZ comments: The zoning is SAR & RCA which permits a maximum base density of 1 dwelling unit of 8 acres, or 1/5 if bonus density is granted. The RCA overlay zone permits a density of

## TECHNICAL ADVISORY COMMITTEE 2004

1/20.

This Concept Plat proposes 108 lots on 540.1 acres, for a proposed bonus density of 1/5. The proposed large lot and the common open space together equal 67.44% of the total acreage; therefore, this proposal is eligible for bonus density consideration.

Thirteen (13) lots are proposed in the Critical Area (RCA) on 294.8 acres, for a proposed Critical Area density of 1/22.68.

All lots except 108 are proposed outside the Critical Area Buffer/Expanded Buffer and the 100-yr. tidal floodplain. Per §241.2.d (1), any building sites within the 100-yr. tidal floodplain can be approved only after a Variance has been granted.

A virtually identical Concept Plat was disapproved by the Planning Commission last month. Since this plat, ostensibly produced on 6/23/04, has changed from the earlier rendition, produced in May 2004, a revision date must be included in the title block, per §4.0.13 (d).

The only significant change is that the proposed McGill Creek Farm Lane has been widened to include a boulevard treatment with center dividing islands from the entrance on Grove Neck Road back to the 2<sup>nd</sup> intersection with the proposed President's Circle.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. Steep slopes are shown on portions of a number of proposed Lots (1, 4, 14-18, 35, 41-44, 49-50, 53-54, 58-59, 61, 108) and common open space.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

Sidewalks are not recommended.

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

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

In the interest of preserving rural character, a vegetative buffer along the northwesterly side of the proposed McGill Creek Farm Lane (to its second point of intersection with the proposed Union Circle) and long the rear/side lot lines of proposed Lots 1-6 is recommended. 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) and an Environmental Assessment were approved on 6/11/04.

The habitats of rare, threatened, and endangered species must be avoided. In addition to the eagle s nest, the Natural Heritage Service indicates that four other sensitive species (Small Waterwort, Mudwort, Spongy Lophotocarpus, and Parker s Pipewort) are known to occur in the vicinity. Therefore, a sensitive species survey must be completed prior to Preliminary Plat review by the Planning Commission.

## TECHNICAL ADVISORY COMMITTEE 2004

The forested areas contain FIDS habitat, and the nearby open waters are designated known historic waterfowl concentration areas.

Zone 3's critical dates must be listed on the Final/Record Plats.

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 portion of the project located in the RCA zone is exempt under §3.2B, so a note to that effect must appear on the plat.

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.

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.

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

## TECHNICAL ADVISORY COMMITTEE 2004

shown on the Record Plat.

All internal road names have been approved.

Per §7.2.12.B.9, the proposed McGill Creek Farm Lane and Gettysburg Drive require mid-block turnarounds.

A Traffic Impact Study (TIS) must be done prior to the TAC's review of the Preliminary Plat.

Is Lot 108 proposed to have access via the mini-road or the existing driveway via the proposed Presidents Circle? Mr. Sutton replied yes.

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

Last year, a golf course was being considered for a portion of this property. Has that idea been abandoned or deferred? Mr. Sutton replied no golf course is being considered.

Mr. DiGiacomo asked if there were any plans for a community pier. Mr. Sutton replied no.

If there are any plans for a community pier, then §§169 and 198 of the Zoning Ordinance must be adhered to. In addition, an easement will be necessary.

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

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

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

TECHNICAL ADVISORY COMMITTEE 2004

protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

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

There where no further comments.

Respectfully submitted,

Lisa A. Jones

Administrative Assistant

**August 4, 2004, 9:00 a.m.**

**Technical Advisory Committee**

**PRESENT:** Carter, DiGiacomo, Funk, Latham, Mandras, Markwardt, McDowell, Moore, Ouano, Roop, Woodhull and Jones

**ABSENT:** Ancel and Davis

**1.** Tony Van Stan, Warren Harris and Mary Rogers presented **W. Harris Construction, Inc, Barksdale Road, Concept Plat, Ramesh C. Batta Associates, PA, Fourth Election District**

Mr. Van Stan stated there had been past problems with sewer and water, the applicants is exploring the possibility of obtaining water and sewer from another source. They will be single family homes.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, Water Distribution 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. Any change to the Forest Retention or Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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 include the culvert under Barksdale Road.

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan and SWM Plan must address how the conveyance of drainage from the proposed road will be handled for Lots 21-24.

The wetlands buffer must be identified on the plat. The building envelope for Lots 22 & 24 may be severely impacted by its location on these lots. Lots 21 & 23 may also be impacted to a lesser degree.

Access must be provided to each SWM facility on site. Mr. Woodhull questioned the applicant's proposed SWM plan and his familiarity with the County's SWM Ordinance, suggesting that the applicant study both the SWM Ordinance and the MD 2000 Design Manual. Water quantity and controls will need to be addressed.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

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 will be required at the intersection of the proposed road and Barksdale Road. The centerline of the proposed entrance location must be marked in the field.

The requirements of Section 3.07.15 of the Road Code requires that Barksdale Road be upgraded to Minor Collector road standard for 100' either side of the proposed entrance. As Barksdale Road has been recently paved by the County therefore the Applicant can anticipate the requirement to improve and/or establish shoulders and improve drainage along this development's entire road frontage.

The proposed road is shown crossing two wetland areas. Therefore DPW will require substantial Geo-Tech investigation of the suitability of the sub-grade to meet Road Code standards for a County owned Minor Road.

The proposed cul-de-sacs are in noncompliance with Standard Detail R-14 of the Road Code. The ROW radii of the bulbs must be 75' not the 50' used on the plat. This increase will have an impact on Lots 4-9 and 14-18.

## TECHNICAL ADVISORY COMMITTEE 2004

How do you propose to provide access to Parcels 223, 356 & 711 on to the cul-de-sac? Mr. Van Stan stated he was trying to work out an agreement with the Torres to use the applicant's access rather than the existing easement. There is an existing easement coming off the east line that could be used for the other parcel. It appears that there are currently at least two dwellings requiring access. Discussion continued. Mr. DiGiacomo questioned Torres and Miller. Mr. Van Stan stated they would have frontage on their cul-de-sac leading on to their lot.

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 and this must be so indicated on the Lot Grading Plan.

Lots 1 & 3 must be denied access to Barksdale Road along their entire road frontage. And Lot 1 must also be denied access to the proposed road for the first 75' as measured from the P.I. with Barksdale Road. All denied access must be identified on the Final Plat as well as the Lot Grading Plan.

Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.

No water or sewer allocation is available to this site.

This property is outside of the Master Water & Sewer coverage area. Therefore the applicant will need to request an amendment to the Plan. This is a public process involving hearings before the Planning Commission and the ultimate decision for or against coming from the Board of County Commissioners of Cecil County.

If this site is brought into the Master Water & Sewer Master Plan both sewer and water allocations must be requested from this Department.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

Any sanitary sewer lines run outside of County ROW must be ductile iron and located in a utility easement of sufficient width to allow access.

A PWA is required for the Roads and Storm Drains.

A PWA will also be required for the Sanitary Sewer and Water.

An I&M Agreement is required for SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the West Branch or adjacent wetlands required a Department of Army (DOA) permit. Isolated wetlands in the road will require an authorization from MDE. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated bus service would be provided at the corner of Barksdale Road and the un-named entrance road.

He questioned the size, price range and construction commencement of homes. Mr. Van Stan replied the approximate size was 2500 sq ft, price range would be from \$275,000 to \$300,000. He asked assuming approval, when would the project start? Mr. Van Stan replied approximately August 2005.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated the district would like to see the soil boundaries and types added to the plat. The property contains Hatboro (Ha) and Othello (OhB) soils which are hydric, both of which cover a large majority of the site which may affect some of the lots. These soils are not suitable for dwellings constructed with basements, due to flooding and depth of the high water table. Hydric soils are not suitable for placement of buildings due to the susceptibility of flooding and due to the depth of the saturation zone in the soil. The majority of soils on site are also rated very limited for placement of septic systems due to high water tables and the restricted permeability of the soils. A Comprehensive Erosion and Sediment Control Plan would be required prior to any ground disturbing activities on the site. The plans will need to utilize controls from initial grading throughout the development process all the way through individual house construction

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Ouano, Conectiv, stated existing underground line along the gravel driveway towards Torres property. The overhead line from Lots 18 - 24 are not shown on Conectiv's prints and is possibly a private line. A line is shown feeding into the Arch Diocese which would require relocation cost.

Ms. Latham, MDE, stated that it appeared the applicant would be able to hook into the existing water supply. If for some reason individual wells were sought a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the Singlerly Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: Zoning is SR.

There is a discrepancy between the total tract acreage listed on the concept plat (28.24) and the total tract acreage according to tax assessment records (24.4), which should be reconciled with a boundary line survey prior to preparation of the Preliminary Plat.

The SR zone permits a maximum base density of one (1) dwelling unit per one (1) acre. With community facilities, a density of 2/1 would be permitted. This Concept Plat proposes 24 lots on 28.24 acres, for a proposed density of 1/1.177.

The vicinity map must be depicted at a scale of 1" = 2000' and be situated in the top right hand corner of the plat. The Location Plan map is in error in its depiction of Appleton Road north the Fletchwood Road as MD 316. That must be corrected.

The Fire hydrant symbol appears twice in the legend.

The existing zoning and deed reference numbers of adjacent properties must be shown on the plat submitted for review by the Planning Commission.

## TECHNICAL ADVISORY COMMITTEE 2004

Also, there is an additional adjacent parcel that is not depicted (Land of Harry P. & Nancy R. Miller, Parcel 711) to the north of the Torres property.

A note needs to be added to address the add-on to the property of Wilson. The OPZ recommends this property access the proposed unnamed road.

Mr. DiGiacomo asked if any thought been given to creating stub roads to allow the adjacent property of Barczeski? Mr. Van Stan relied they had not considered it.

Proposed Lots 1 and 3 must be denied access to Barksdale Road.

The lot dimensions are required, per § 4.0.13 (j) of the Cecil County Subdivision Regulations.

The Site Data information is incorrect in stating that only 24 lots are permitted on 28 acres. Without community facilities it would be 28 would be permitted, and with community facilities permitted from a strictly density standpoint, technical considerations aside, 56 would be permitted.

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

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

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'.

## TECHNICAL ADVISORY COMMITTEE 2004

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. The non-tidal wetland buffer is not depicted on the plat. This must be corrected, and it will affect Lots 1-2, and 20-24. 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 common open space provisions of the SR zone. 4.236 acres of common open space are required, 12 acres are proposed.

The word "Common" must be added to the open space labels on the plat.

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. These percentages must be verified on the preliminary plat submitted for TAC review.

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

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 Barksdale Road.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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 (§5.1.C, Cecil County Forest Conservation Regulations).

## TECHNICAL ADVISORY COMMITTEE 2004

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. There are currently no proposed road names indicated on the plat.

The method and location of water supply and sewerage disposal facilities should be noted on the Concept

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.

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

There were no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

### 2. Bill Bailey, Brad Harbold and Elizabeth Ohsiek presented **Sadler Property, Bladen Street (Rte 267), Revised Preliminary Plat, Frederick Ward Associates, Fifth Election District**

Ms. Ohsiek stated the previous plan proposed eight town houses and an existing dwelling, which did not comply with the Town's code. It has since been revised to single family dwellings, in order to comply with the current regulations. A total of five dwellings is proposed, four single family homes and an existing dwelling. The area is located in the Critical Area.

Mr. Woodhull stated that was DPW's understanding that this site is within the corporate limits of the Town of Charlestown and that the streets along with the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the roads and water distribution system be designed to meet or exceed the County's standards. The sanitary sewer must be designed in accordance with the County's Water & Sewer Standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

We request that the Town withhold Final Plat approval until CCDPW has approved the SWM plan, Sanitary Sewer plan, and the Mass and Final Grading plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county's SWM Ordinance. DPW has serious concerns about the adequacy of Peddlers Run. Properties adjacent to Peddlers Run, down gradient of the discharge point, already are experiencing significant drainage problems associated with the existing flow. As such DPW may require additional off-site improvements to the stream in order to prevent adverse impacts resulting from this development.

Discharge from the stormwater management facility must be directed to the wetlands buffer line to avoid any short-circuiting of the flow onto the Lands of Starling before it reaches the existing stream.

## TECHNICAL ADVISORY COMMITTEE 2004

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 may very well apply to the Lands of Starling in particular. The Lot Grading Plans for Lots 2 & 3 will require careful consideration of how stormwater runoff will be conveyed to the SWM facility without adversely impacting the Lands of Starling.

The proposed drainage and utility easement located between Lots 1 & 2 must be a minimum of 20' wide not 15' as indicated.

If the Town of Charlestown requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

A Sanitary Sewer Allocation request must be submitted for this project. All sanitary sewer cleanouts must be located outside of any paved surface.

We recommend a valve in the water line as it enters Louisa Lane. The end of the waterline will need to be provided with a flow off valve, if a hydrant is not located there.

Has the Charlestown Fire Company reviewed and commented on the use of the proposed 12' wide gravel access lane to Ogle Street to meet their April 2004 TAC recommendation? Ms. Ohsiek replied no.

Mr. Woodhull asked who would own and maintain this gravel access road. Ms. Ohsiek replied she was not sure. Mr. Woodhull stated CCDPW strongly recommends that the Town Of Charlestown require that the ownership of this access road be identified on the Final Plat and it also contain language as to who will be responsible for its maintenance/repair. Discussion continued between Mr. Woodhull and Mr. Hearne, Charlestown Administrator.

CCDPW recommends that the Town require a PWA for the road and the water line.

The County will require a PWA for the sanitary sewer work as well as an I&M agreement for all SWM facilities.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the Red Clay Creek or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt, Ms. Ohsiek and Mr. Woodhull discussed the sidewalks adjacent to the property. Mr. Markwardt stated bus service would be provided at the corner of Louisa Lane and Bladen Street.

He questioned the size, price range and construction commencement of homes. Ms. Ohsiek replied the size would be 1800 - 2000 sq ft. He asked assuming approval, when would the project start? It is to be determined but possibly next spring.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated a Comprehensive Erosion and Sediment Control Plan would be required prior to any ground disturbing activities on the site. The plans will need to utilize controls from initial grading throughout the development process all the way through to individual house construction. He recommended that the applicant examine the possibility of using the proposed SWM pond to the east as a sediment basin throughout the construction.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference:

Mr. Ouano, Conectiv had no comments.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Ms. Latham, MDE, stated that private wells need a Water Appropriation and Use Permits which would very likely require an Aquifer test.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: This subdivision is proposed in the Town of Charlestown. The Cecil County TAC, as a courtesy to the towns in the County, occasionally reviews subdivision proposals

## TECHNICAL ADVISORY COMMITTEE 2004

within the towns corporate limits.

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

- Town Zoning is R3 and LDA.
- This proposal was previously reviewed by the TAC in April 2004. Subsequently, SHA and Frederick Ward Engineers have agreed to modifications to the intersection of Bladen Street (MD 267) and Louisa Lane that will address sight distance and stopping issues.
- It is recommended that the proposed density be verified as being consistent with the Town's Zoning Ordinance.
- It is recommended that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the R3 zone.
- It should be confirmed whether these are multi-family or townhouse units.
- 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 Preliminary Plat meets all of the technical requirements set forth in the Town's Zoning Ordinance and Subdivision Regulations.
- The Town of Charlestown and Cecil County have signed an Assigning obligations under the Forest Conservation Act. However, this property is located entirely within the Critical Area. Therefore, a note should be placed on the plat to the effect that the project is exempt from the Cecil County Forest Conservation Regulations per §3.2B. In addition, an Environmental Assessment should be submitted to the Critical Area Circuit Rider responsible for the Town of Charlestown for review. It is recommended that final approval not be granted until any potential Circuit Rider concerns have been satisfactorily addressed.

## TECHNICAL ADVISORY COMMITTEE 2004

- 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 any non-tidal wetlands as 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.
- 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.
- Sidewalks are recommended.
- 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.
- 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.

## TECHNICAL ADVISORY COMMITTEE 2004

- It should be confirmed that the street name Louisa Lane has 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 Charlestown Volunteer Fire Company.
- Any 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 Charlestown Volunteer Fire Company.
- It is recommended that the public facility providers be explicitly identified.
- Water allocation should be confirmed by the Town of Charlestown prior to final approval.
- Sewer allocation should be confirmed by the Town of Charlestown prior to final approval.

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

There were no further comments.

### **3. Bob Web and Stewart Wilson presented Beulah Land, MD Rte 272 & Wheatley Road, Re-subdivision of Lot 44A & Add-on, C. Robert Webb, Ninth Election District**

Mr. Webb stated the owner wished to subdivide a single lot, which was an inter-family transfer.

Mr. Woodhull stated that the SWM Plan has been technically approved and only administrative issues remain outstanding.

## TECHNICAL ADVISORY COMMITTEE 2004

All other DPW requirements have been satisfied.

Mr. Roop of the (US Army) Corps of Engineers stated there were no wetlands or waters of the US and therefore a (DOA) Permit was not required. A Jurisdictional Determination (JD) hasn't been issued.

Mr. Markwardt stated there was concern with the bus stop being so close to Wheatley Road.

Mr. Funk stated the Erosion and Sediment Control Strategy for the lot must incorporate the use of inlet protection for the 42" RCP culvert under MD 272 during construction

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: Zoning is RR.

In response to an inquiry from Mr. Wilson, based upon an extensive review all Beulah Land files, the Office of Planning and Zoning in July 2003 determined that the Beulah Land subdivision had the potential for one additional lot.

## TECHNICAL ADVISORY COMMITTEE 2004

That determination was consistent with the existing, sequential numbering of lots and the Planning Commission minutes of 8/20/85 and 3/16/92. Those minutes clearly state that 90 total lots were permitted in the approved, and still valid, Concept Plat, and the recorded lots are numbered 1-89.

The applicant was advised that the creation of an additional lot would require a resubdivision plat s being reviewed by the TAC and the Planning Commission.

Has a boundary line survey been done? Mr. Webb replied yes.

Common open space is not an issue in this case.

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 frontage of North East Road, which is MD 272.

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

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

Per Article VI, Schedule of zone regulations, the minimum front setback along arterial roads in the RR zone is 100 . That must be shown on the plat submitted for Planning Commission review.

This Proposal is exempt from the Forest Conservation Regulations per § s 3.2K and 3.2N. That must be noted on the plat prior to review by the Planning Commission.

A Landscape Plan must be approved prior to Planning Commission review of the Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

A Landscape Agreement must be executed prior to recordation.

The owner(s) of the new lot must become members of the Homeowners Association with \$50 for this 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. Webb questioned the possibility of getting a modification on the set back. Discussion continued.

There were no further comments.

**4.** Bob Webb, Thomas Garvin and Jane Garvin presented **Thomas & Jane Garvin, New Bridge Road, Preliminary/Final Plat, C. Robert Webb, Eight Election District**

Mr. Webb stated the applicants wish to subdivide a lot for their son, which would be an intra family transfer.

Mr. Woodhull stated that A SWM Exemption has been approved for this site based on the disturbance of less than 5,000 square feet in constructing this dwelling. Any disturbance in excess of this limit will require a SWM plan submittal.

The 30' road dedication standard note requires specific language, which Mr. Woodhull will send to Mr. Webb, which will be dedicated in fee simple.

All other DPW requirements have been satisfied.

Mr. Roop of the (US Army) Corps of Engineers stated according to the plans there were no wetlands or Waters of the US, therefore a Department of Army (DOA) permit was not required. No Jurisdictional Determination (JD) has been issued.

August 4, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt had no comments.

Mr. Funk, Soil Conservation, had no comment.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: Zoning is NAR.

The zoning classification must be cited on the plat.

The NAR zone permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary-Final Plat proposes 1 new lot plus remaining lands on 46.1947 acres, for a proposed density of 1/23.1.

Has a boundary line survey been done? Mr. Webb replied yes.

§4.0.1 of the Cecil County Subdivision Regulations allows for the elimination of the Concept Plat if a proposed subdivision following the major subdivision review and approval process consists of fewer than 10

## TECHNICAL ADVISORY COMMITTEE 2004

lots and fewer than 25 acres. In addition, §2.0 allows for a combined Preliminary-Final Plat if there are between 1 and 5 lots.

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

No steep slopes depicted on the site.

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'. None are depicted.

A 25' buffer is required around any non-tidal wetlands or intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. None are depicted.

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.

No sidewalks are recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontage of New Bridge Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard requirements.

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

## TECHNICAL ADVISORY COMMITTEE 2004

The plat notes that this project is exempt from the Forest Conservation Regulations per §3.2K. Mr. & Mrs. Garvin verified that the proposed lot was for an immediate family member and was related to Special Exception #2966, dated 9/23/03. Mr. DiGiacomo asked Mr. Webb to note the Special Exception on the plat.

The 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 building setback notes must be modified to reflect the 30' fee-simple road widening dedication.

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

There were no further comments.

**5. Don Stanley, Steve Fersch and Dana Fersch presented Steven & Dana Fersch (Lands of), Old Elk Neck Road, Concept Plat, KLS Consultants, Inc., Fifth Election District**

Mr. Stanley stated the plan being presented to subdivide their property into three lots, two additional lots and one existing house.

Mr. Woodhull pointed out needed corrections on the vicinity map. The spelling of Racine Road was incorrect and Elk River Lane should be depicted as Dilks Lane.

## TECHNICAL ADVISORY COMMITTEE 2004

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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

The Lot Grading Plans for Lots 2 & 3 must be carefully designed so as to prevent any adverse impact or redirection of runoff onto Lot 1. The SWM Plan must address how the conveyance of drainage will achieve this.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20 however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

What SWM facilities are proposed for this project? Mr. Stanley replied that they had not yet addressed the possibilities.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Sight distance measurements will be required at the three (3) driveway entrances onto Elk Neck Road. The centerline of the proposed entrance locations must be marked in the field.

The requirements of Section 3.07.15 of the Road Code requires that Old Elk Neck Road be upgraded to Minor Collector road standard for 100' either side of the proposed driveway entrances for Lots 2 & 3 as well as the existing driveway entrance for Lot 1. The Applicant can anticipate the requirement to improve/ establish shoulders and improve drainage along this development's entire road frontage.

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 and this must be so indicated on the Lot Grading Plan.

A PWA is required for the Roads and Storm Drains.

An I&M Agreement is required for any SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the Muddy Creek or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated bus service would be provided at the driveway of Elk River Lane.

He questioned the size, price range and construction commencement of homes. Mr. Fersch replied the size would be approximately 2000 ft<sup>2</sup>. Price range would be from \$250,000 and up. He asked assuming approval, when would the project start? Mr. Fersch replied there was no proposed time.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated no limiting characteristics of site soils pertaining to buildings, but all soils are rated as very limited for use as septic fields due to the restricted permeability and filtering capacity of the soil.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, stated there was existing underground in that area. He asked what the address was for Lot # 1. Mr. Fersch replied 700.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3. This Concept Plat proposes 3 lots on 10.08 acres, for a proposed density of 1/3.334.

The proposed density needs to be cited on the plat.

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

The deed reference number of the parcel must be noted (NDS 502/ 915). This parcel is minor subdivision parcel # 4 of the Demond Village (f/k/a Dollywoods) subdivision. Minor Subdivision # 2263 must be referenced on the plat.

The vicinity map needs to be at a scale of 1 : 2,000 and updated as Racine School Road is misspelled (Racing School) and mislabeled to include McKinneytown Road.

The 30 foot road widening strip must be dedicated in fee simple to the Board of County Commissioners of Cecil County. It cannot be an easement. That must be corrected on the plat submitted for Planning Commission review.

## TECHNICAL ADVISORY COMMITTEE 2004

Because Old Elk Neck Road is a collector road there must be a 100' building set back from the road. This essentially makes Lot 3 unable to be developed as proposed. The position of the proposed house on Lot 2 will also need to be changed.

Also, as proposed, proposed Lot 3 exceeds the 3:1 length to width ratio established by §7.4.2 of the Subdivision Regulations and must be revised.

Adjacent property owner information is incorrect and/or inaccurate and must be corrected. Information for adjacent parcels 274, 361 lot 1, 361 lot 2, and 368 lot 10a is missing. Information regarding Dilks (parcel 8) and Hopman (parcel 356) needs to be corrected.

Why is a percolation hole shown outside of the property boundaries? Mr. Stanley replied that was where it had shown.

To realize the bonus density proposed:

- “ All of the lots in the subdivision except one large lot shall encompass no more than 40% of the original land parcel.
- “ The large lot shall contain the balance of the property. Said large lot shall be prohibited from any further subdivision.

These provisions are met, assuming proposed Lot 1 will be considered the large lot. Make a note regarding this condition on the plat. Covenants prohibiting the subdivision of the Lot 1 must be recorded and noted on the plat prior to recordation.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

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'. Such a buffer is not shown around Muddy Creek.

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

Sidewalks are not recommended.

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 Old Elk Neck Road.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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 locations of the septic reserve areas must be shown if this is intended as a Preliminary-Final Plat. §4.0.1 of the Cecil County Subdivision Regulations allows for the elimination of the Concept Plat if a proposed subdivision following the major subdivision review and approval process consists of fewer than 10 lots and fewer than 25 acres. In addition, §2.0 allows for a combined Preliminary-Final Plat if there are between 1 and 5 lots.

The location of any existing utilities on or within 200 feet of the parcel must be shown (underground Conectiv lines).

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

Mr. DiGiacomo added if it were the intent of the applicant to precede with a Preliminary-Final Plat, which would streamline the process, all Final Plat requirements must be completed at that time. It was also recommended that the Preliminary-Final Plat, prior to going before Planning Commission be reviewed by TAC, therefore allowing the many layers of technical information to be reviewed.

Mr. Woodhull added one additional comment concerning the ROW dedication. The note should read, 30 wide strip to be dedicated as fee simple to the Board of County Commissioners of Cecil County.

There were no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

**6. Michael Pugh, David Meiskin and Dennis Glackin presented *The Villages at Cherry Hill, Singerly Road (Rte 213), Leeds Road and Black Snake Road, Concept Plat, Glackin Thomas Panzak, Inc., Third Election District***

Mr. Pugh stated that some significant modifications to the plan had been made. He stated that Mr. Meiskin would present the changes.

Mr. Meiskin stated that the single family, age restricted and town home deed restricted had been reoriented. The updated numbers are 202 single family and 169 town homes. The 56 twins and 326 flats remained the same. The new total is 753 dwellings, which is a decrease of 225 dwellings.

Mr. Pugh added the nature of the project had changed. The original 300 non age restricted apartments has been eliminated. The revision now show the project as a complete age restricted.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, Water Distribution 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, which will appear in the minutes but will not be read at this time. ( A lot grading plan has been approved by the CCDPW for the construction shown hereon. A site construction as built shall be submitted to the CCDPW prior to use and/or occupancy of any of the sites shown hereon. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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 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 include the culvert under Leeds Road adjacent to the Lands of Cherry Hill Plaza.

## TECHNICAL ADVISORY COMMITTEE 2004

Access must be provided to each SWM facility on site.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20' however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

A TIS will be required and must address the internal traffic flow distribution throughout the development.

June 2004 traffic counts by the CCDPW indicate a 7-day average ADT of 3564 for Leeds Road east of Black Snake Road and 2998 west of Black Snake Road. Black Snake Road itself had an ADT of 289 near the intersection with Leeds Road.

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 will be required at the Loring Lane/Black Snake Road intersection and the Santa Rose Drive/Leeds Road intersection. These locations must be marked in the field.

Regardless of phasing, the CCDPW will not accept the internal roads until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a Maintenance bond of 50% of the roadway construction costs.

The requirements of Section 3.07.15 of the Road Code will be extended in this case and the developer can anticipate off-site road improvements on Black Snake Road and Leeds Road. We anticipate that these will include substantial upgrades to Black Snake Road from Loring Lane to Leeds Road and to Leeds road from Black Snake Road to MD 213 at a minimum. However, the CCDPW will not be able to make final determination until the TIS and a Road survey are complete.

The developer will be required to provide a decel lane on Leeds Road (west bound) at the Black Snake intersection as well as on black snake Road at Loring Lane.

## TECHNICAL ADVISORY COMMITTEE 2004

The developer must survey the current condition Leeds Road from MD 213 to Blue Ball Road. This survey must include coring the existing pavement a minimum of 20" depth down the center line and 1" in from both edges every 250' from MD 213 to 100' west of the intersection with Black snake Road. Also required for this section of Leeds Road is a description of road width, surface, shoulder and drainage conditions every 50'. This same level of survey must be conducted on Black Snake Road from Leeds Road to 100' north of Loring Lane. The remainder of Leeds Road, that is from Black Snack to Blue Ball, must be surveyed for width, surface condition, shoulders and drainage. This survey can address the road in 1,000' sections giving generalized descriptions.

The 30' ROW For Spring Crest Drive, Star Fire Way, and Glenleg Way must be changed to 38'. These roads must be designed to Road Code Standard R-6 (Minor Road).

The results of the TIS analysis of internal traffic distribution will be used to assess what Road Code Standards will apply to each street. At a minimum the CCDPW will require that Elberta Boulevard, Santa rose Drive, and the northern section of Loring Lane be designed as a Major Collector Standard R-8.

The CCDPW recommends that the Planning Commission require that Red Haven Lane be a County Road. The Major Collector Standard R-8 can be modified to work within the 50' ROW and still include a sidewalk accessing the School Board Property.

The CCDPW strongly recommends that Lady Nancy Drive be reconfigured to end at Topaz Way eliminating its intersection with Elberta Boulevard. The intersection with Santa Rose Drive must also be reconfigured to meet the 125' intersection separation distance required by the Subdivision Regulations. Discussion continued between Mr. Woodhull and the applicants.

Mr. DiGiacomo stated there were a number of potential conflicts. The main concern would not be how it would be solved but that it is addressed. Mr. Meiskin asked if this concern would need to be addressed now. Mr. DiGiacomo replied the Planning Commission would be looking at density and design when reviewing the Concept Plat. Therefore it is not to soon to be resolve.

All internal roads must be closed section.

All sections of road containing islands or medians must be built to Road Code Standard R-12.

## TECHNICAL ADVISORY COMMITTEE 2004

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

All lots must access the least major road frontage. All lots along Loring Lane will be denied access to it.

The entrance and parking lots for the condos must be private and as such will be the responsibility of the Homeowners Association or similar organization for maintenance and repair. A statement to this effect must be included on the Final Plat.

The DPW recommends connectivity from internal streets to Parcel C .

Any proposed access to Parcel C must be provided at least to the ROW Edge during construction of the internal streets of this development and included in the PWA.

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

There is no public water service available for this site.

All but the Delancy Parcel of this development is out side of the Master Water & Sewer Plan and therefore an amendment to the plan must be obtained from the County Commissioners.

Sewer allocation must be requested. This request must include the usage rates for the proposed commercial operations on Parcel C .

The Delancy Parcel is within the existing Cherry Hill WWTP sanitary sub district.

The sanitary sewer loading generated by the 753 dwellings proposed is approximately 200,000 gpd and is beyond the capability of the Cherry Hill WWTP. This does not include loading from commercial development on Parcel C , which is indeterminate at this stage.

## TECHNICAL ADVISORY COMMITTEE 2004

The above notwithstanding, the developer must provide a sanitary sewer feasibility study to identify the type of treatment facility proposed and sewer main routing that maximizes the use of gravity sewer and limits the use of pump stations.

The location of any and all planned infrastructure (i.e. Well locations and WWTP location) on site must be readily accessible for maintenance and inspection.

Any sanitary sewer lines run outside of County ROW must be ductile iron and located in a utility easement of sufficient width to allow access.

Any Tot Lots or active recreation areas required by the Planning Commission must be included in a PWA and have approved construction plans.

A PWA is required for the Roads and Storm Drains. A PWA will also be required for the Sanitary Sewer.

An I&M Agreement is required for SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the tributary to the Little Elk Creek or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued. The remainder of the wetlands on the east side will require a DOA permit, unless they are isolated, and therefore will require State authorization.

Mr. Markwardt questioned if there would be any restriction of grand parents or other residents from functioning as daycare providers. Will this be allowed? After a lengthy discussion Mr. Pugh stated he would like to research data on this issue, therefore showing how often this issue occurred. He would also need time to review what they would do in respect to the restricted covenants.

Mr. DiGiacomo asked if Mr. Markwardt had any comments in regards to the access road adjacent to the Board of Education property. Mr. Markwardt replied it wouldn't matter if it was an emergency or full access road, it would not impact the school. He concurred with DPW, in respect to the placement of the sidewalks.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He recommended that the soil types be delineated on the plan. The soils map for the project area indicated that many of the soils are highly

## TECHNICAL ADVISORY COMMITTEE 2004

erodible or potentially highly erodible. A Comprehensive Erosion and Sediment Control Plan should utilize perimeter dikes and swales which outlet to traps and or basins wherever possible through out the entire process of site development.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, expressed a real concern for the water supply availability. Although public water is being favored, they're quite some distance away and the question still exist if there's appropriation and capacity to serve this development. The question remains, are there any upgrades planned and have they taken this development into account. She asked if any promises had been made. Mr. Pugh replied the developer had not sought any promises. At this point they are simply trying to establish the scope of the project. They're next step is to create a water and sewer feasibility study. Ms. Latham stated if the developer had to develop their own water supply, with this type of hard rock, for 180 individual domestic wells, which would be the limit for this development. In this case a community supply would be the only way. A water balance analysis would be completed to see how much water is available. They would not be looking at the average rainfall to the property but drought year recharge. Ms. Latham reviewed the calculations of drought year recharge to the property, copy attached for reference. Ms. Latham continued, in a drought year the developer may need to use 250-300% of the water availability to the property. The developer has decreased the recharge area because of the amount of paved area in the buildings. The developer may need to hire a Hydro geologist to locate if there are any good fractures that can supply this quantity of water. Ms. Latham is not speaking as just a regulatory official but as a hydro geologist herself, this is hard property to find water on.

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

Mr. McDowell, Citizen's Representative, stated he had been contacted by numerous neighbors of the subject properties and by residents from the Cherry Hill area. They are all seriously concerned about the proposed development and its impact on both their neighborhood and that region of the county. With its size and mix of condominiums, townhouses, duplexes, single family homes, and a shopping plaza--this is not just a development but a city larger than some towns in Cecil County. It is estimated that there would be at least an average of 2.3 persons per unit producing a town with a population of 1730. It deserves careful consideration and the decision process should not be rushed without considering all the implications of the plan. As you know, local residents have formed a citizens' action group because they are concerned that these plans are not in the best interests of their community or the county. Several hundred persons attended the public meeting. The following are specific concerns, issues and questions that were given to me by these concerned citizens:

## TECHNICAL ADVISORY COMMITTEE 2004

ZONING and HOUSING DENSITY---They believe that this property was improperly zoned when the rezoning took place in 1993. This property is zoned at the highest permitted housing density but is located in a rural area and is primarily surrounded by land in agricultural use (zoned NAR) and by the Cherry Hill Village Residential Zone (VR). The property was zoned RM at the request of the owners, although the Planning Commission recommended it be zoned NAR. The neighbors believe this zoning is obviously a mistake. At a recent public meeting, Mr. Ed Cole, a County Commissioner at the time of the rezoning, stated that he believes the zoning was a mistake. The planned housing density with townhouses and condominiums does not fit in with the rural setting of Cherry Hill.

TRAFFIC---The infrastructure of Cherry Hill was never planned to accommodate a new small town of 750 dwelling units plus a shopping plaza. The additional traffic burden on the two narrow rural county roads, Blacksnake and Leeds Roads, will significantly tax roads that are already unable to safely handle the traffic load. The additional cars on Singerly Road will also create a hazard, particularly at the Lanzi Circle, which is known as a dangerous intersection and a source of accidents. Traffic safety on Rt. 213 is a serious concern to residents of Cherry Hill. They worked for years to reduce the high accident rate at the Leeds Rd./Rte 213 intersection. This resulted in the Lanzi Circle which has been effective. The Maryland Automated Accident Reporting System maintained by the State Highway Administration documents a reduction in both the number and severity of accidents after the circle was installed. The average annual accident rate fell almost 50% (from 3.9 to 2.0), while more significantly, accidents with injuries fell 94% (from 3.1 to 0.18). A new intersection and traffic light identical to the old Rt. 213/Leeds intersection placed at Elberta Boulevard will just bring back the high accident rate prior to Lanzi Circle. Plus the new development will add 1500 vehicles and a million more car trips per year at these intersections, many using both intersections, as well as additional traffic into the shopping area. If a traffic light is placed there, a warning light should be put on Rt. 213 to alert drivers to the signal ahead since it will not be visible due to the incline and curve. Accidents on Rt. 213 occur at high speeds and result in serious injury or death, the most recent fatality near the proposed intersection occurred last month. These roads are also regularly used by farm tractors, harvesting equipment, joggers and bicyclers.

WATER and SEWER---One of the greatest concerns is the required water and sewer supply for the development and the concurrent impacts on the environment. They are strongly opposed to amending the county master water and sewer plan to include this development which is not part of the current Cherry Hill Sewer District.

In an exchange of letters between the County Commissioners, the Cecil County Department of Public Works, the Maryland Department of Health and Mental Hygiene, and concerned Cherry Hill residents in 1986 regarding the Cherry Hill Wastewater Treatment Plant, it was stated that the appropriate sewage flow rate for capacity calculations is between 200 and 300 gallons per day per dwelling and that the Cherry Hill capacity would be allocated at 250 gallons per day. Thus 753 units would generate approximately 200,000 gallons per day, far in excess of the 100,000 gallons stated to be available. Also in 1986 it was stated by the Maryland Department of Health and Mental Hygiene that any request for increased capacity of the plant would be denied due to the limited flow during the summer months of the receiving stream. Further expansion of the facility will, therefore, require the extension of the outfall to a suitable receiving stream which would probably be the Little Elk Creek located some one mile from the existing plant. Although the plant has been enlarged, that connection to the Little Elk Creek has not been made. The original stream has a very low flow rate as observed by residents near the stream. In summer the flow is just a trickle before the discharge from

## TECHNICAL ADVISORY COMMITTEE 2004

the sewer plant. What is the impact of this discharge on the original stream and the environment? There are currently complaints about the noise and odor generated by the plant. The plant is not in compliance with the Maryland noise regulations.

There is also the concern about the impact of drawing enough water for 753 dwellings on the area water table and the existing private wells. A significant number of wells in the area have gone dry in the last several years. This is of particular concern if an on-site well system is used.

If the county amends the Master Water and Sewer Plan to include this development, it will set a precedent for other developers leading to additional requests for service in rural areas.

ENVIRONMENT---The discharge of effluent from the wastewater treatment plant into the nearby stream is a definite concern, especially with its very low flow rate. The years of pesticide usage on the peach orchard and the chemicals associated with the mushroom operation are also concerns for the development of these parcels. Also the local residents believe that some of the proposed houses are located on wetland areas. Since wetlands do not appear to be delineated on the plat, this is unclear.

FIRE PROTECTION---One of the contacts is a member of Singerly Fire Company and is very concerned about the fire protection required. If dry hydrants are proposed, who will test and maintain them? There is not an adequate source of water in the area to support a viable dry hydrant system. A pond depth of 4-5 feet is usually required with a minimum of two feet, to prevent a vortex when pumping which can allow air to enter the pump causing a loss of pump prime. Dry hydrants also need quarterly maintenance to make sure silt and aquatic growth do not clog the water intake. This is a special problem in ponds and slow-moving water sources.

AGE RESTRICTION---The developer has stated his intent to market these homes as age restricted to persons over the age of 55. The plat states that the units are to be restricted in accordance with the Fair Housing Act. The Housing for Older Persons Act of 1995, which amends the Fair Housing Act, states this exemption is met if only 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older. Thus 20 percent of the units may be sold to families that have children and still comply with this law. A mixed community with both families with children and older residents may make marketing to seniors difficult. Will the senior recreation facilities be made off-limits to kids? A July article in the Chicago Tribune cites a study of baby-boomers by the New York Marketing Directions Associates, which concludes that Active adult communities (restricted to those 55 and older) are not for them. They say it would be a stigma to live there. Also, they are uptight about the rules and regulations at active-adult communities. What happens if marketing of these units does not sell out? This may be particularly a problem with rural demographics in Cecil County. If the developer is unable to attract and sell these dwellings to his targeted age group, there are no existing laws to prevent the developer from changing it to unrestricted and then opening it to anyone after one year. Will the age restriction be a deed restriction? Does the developer have the option of changing this restriction? Will any amendment to the deed restriction or change for the unsold units require notification and approval by the home owners association? It should be

## TECHNICAL ADVISORY COMMITTEE 2004

noted that the intent of the developer needs to be supported by legally enforceable deed restrictions.

CONCLUSION---The proposed development is not in keeping with the intent of the Cecil County Zoning Ordinance and the Comprehensive Plan's stated objectives to promote orderly development, assure appropriate and balanced use of land, preserve the character and appearance of the neighborhoods, maintain property values, discourage conversion of cropland to urban uses, minimize traffic congestion, and make adequate provision for transportation, water and sewer, police and fire protection, and other public facilities. This proposal fails on all of these requirements.

Mr. McDowell read a letter received from Mr. Stanley Hearne, a copy attached for reference.

Mr. DiGiacomo read the Singerly Volunteer Fire Department comments, a copy attached for reference. The town homes and apartments, single family homes were address but the duplexes were not addressed, because it was omitted in the density calculations. It should be added for any plat submitted for Planning Commission review.

Mr. DiGiacomo read the OPZ comments: Zoning is RM & VR which permits a maximum base density of two (2) dwelling units per one (1) acre, or 6/1 with community facilities, 12/1 for townhouses, and 16/1 for apartments.

The VR zone permits a maximum base density of one (1) dwelling unit per one (1) acre. in areas without community facilities. A maximum density of four (4) dwelling units per one (1) acre. is permitted in areas with community facilities. Commercial activities are not permitted in the VR zone, so the 12.23 ac. proposed for commercial development would likely need to be rezoned.

Both the VR and RM zones permit certain office commercial activities, for example, as a Special Exception. If that course of action is proposed, then the Special Exception must be obtained prior to Final Plat review and/or Site Plan approval. If the VR acreage is rezoned to RM, then all business establishments proposed shall conform to the provisions of § s 29.7 and 31.

If the commercial component is to remain zoned VR, then, pursuant to §28.2.a, the Site Plan should be approved as part of the regular subdivision process. Otherwise, it should be approved under the Site Plan approval process, consistent with §291 and Appendix A.

## TECHNICAL ADVISORY COMMITTEE 2004

If the proposed commercial portion is rezoned to BL, then it must conform to §31 and be approved under the Site Plan approval process, consistent with §291 and Appendix A.

A similar Concept Plat, proposing 978 dwelling units, was reviewed by the TAC last month, but it was not subsequently reviewed by the Planning Commission. Therefore, that proposal never had any official standing.

This Concept Plat proposes 753 dwelling units (427 lots and 326 condominium units) on 180.04 acres, for a proposed density of 4.18/1. The previous design included only 352 lots but also 300 apartment units for a density of 5.42/1.

In addition to the elimination of the 300 apartment units, the new design proposal has moved the townhouse units away from the Black Snake Road area of the site. Thus, the proposed higher density townhouses and condominiums are closer to the Board of Education and Gore properties than to existing nearby single family residences.

Discounting the 12.23 ac. proposed for commercial development, the proposed density is 4.49/1 (was 5.82/1).

Further discounting all the 31.24 VR-zoned acres and the 56 proposed twins, the proposed density is 4.68/1. The proposed density of the VR-zoned portion is 1.79/1, including the 12.23 ac. commercial portion, or, 2.95/1 without, which is permissible in the VR zone, with community facilities.

The purpose of the VR (Village Residential) zone is to provide for the protection of existing villages by allowing limited development consistent with the character of these villages.

All roads and alleys have been given proposed road names.

Tax map and parcel number information must be included on the Plat submitted for review by the Planning Commission. The Election District information must be included in the title block of the plat.

Sketch Plan Note # 4 is in error. Since §25.4.a of the Zoning Ordinance deals with bufferyards in the SR zone, the correct citation for the RM zone is §29.5.a (2), which addresses a requirement for a perimeter Bufferyard C, not just a road frontage Bufferyard C. In addition, for the VR portion of the property, §28.2.c

## TECHNICAL ADVISORY COMMITTEE 2004

covers the bufferyard and landscaping requirements.

Sketch Plan Note # 7 cites the potential future rezoning of the Delancy property, currently zoned VR. If any of that property is successfully rezoned to BL and/or RM, then be advised that §28.1 stipulates that: The essential historic and aesthetic character of villages should be reflected in the development within this district. This classification is meant to be applied in the immediate environs of the existing village and the extent of the Village Residential District is to be limited to an appropriate area adjacent to the existing village centers.

Therefore, Landscape Plan approval for those portions of the property adjacent to the VR zone will be a function of consistency with § s 28.1 & 28.2.c, rather than §29.5 or §31.3 & 4.

Sketch Plan Note # 6 indicates that this submission seeks to invoke the provisions of §6.1 of the Cecil County Subdivision Regulations regarding residential cluster development.

The intent of §6.1 is to permit greater flexibility for creative design, using the clustering of homes to save permanent open space, which would provide recreational opportunities close to home. Such clustering may be accomplished through allowing reductions in the respective minimum lot area and yard requirements.

In addition, §29.1 of the Zoning Ordinance states that: The purpose of the Multifamily Residential zone is to provide areas for relatively high density residential development with the opportunity for a compatible variety of housing types, limited commercial and service-oriented uses and suitable open spaces. A variety of housing types is encouraged within a particular development. It is further intended to permit flexibility in lot and yard regulations to encourage innovative and creative design to the extent that a superior and harmonious living environment and an efficient overall use of land is achieved.

It should be noted that §6.1.5 (a) (b) & (c) of the Subdivision Regulations require strict compliance, as follows:

- a) Resubdivision shall not be permitted in cluster development so as to reduce lot areas below those permitted in the originally recorded Final Plat.
- b) The development of land within the cluster is permitted only in accordance with the approved site development plan on file at the Office of Planning and Zoning.
- c) The agreements concerning the ownership and maintenance of open space land shall be recorded simultaneously with the Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

§6.1.1 (e) of the Subdivision Regulations requires that Concept Plats invoking cluster development provisions must show estimated staging of construction. That has not been shown. It must be included on any Concept Plat submitted for review by the Planning Commission.

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

Since a portion of this project is a condominium project, that portion will have a different review process than the normal subdivision process to be applied to the single, twin, apartment, and townhouse portions. The TAC and the Planning Commission will review the Concept Plat as a whole. If approved, then the applicant will then submit a Preliminary Plat/Site Plan for the condominiums and clubhouse for TAC review and Planning Commission review and approval. The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

At that point, building permits may be issued. Once the units and clubhouse are built, then the developer will apply for as built Final Plat review by the Planning Commission. If approved, then condominium plats may then be recorded.

For all other proposed sections, no building permits shall be issued prior to Recordation or final Site Plan approval.

Sketch Plan Note # 11 indicates that all dwelling units are to be restricted as an active adult community. If any of the dwellings are intended as a retirement housing complex, then a Special Exception must be obtained, and that portion must conform to the provisions of §82.

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

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'. All stream buffers must be depicted on the plat submitted for review by the Planning Commission.

## TECHNICAL ADVISORY COMMITTEE 2004

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

20% is required; 44.46% is proposed. However, the proposal does not address if the open space is:

- a) All common open space; or
- b) A combination of common open space and condominium common area; or

The forms of open space and their delineations must be specified. Common open space must be identified as common open space.

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.

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

If active recreational amenities are intended in the common open space, then they must be included in the Public Works Agreement.

20% landscaping of the development envelope is required in the VR zone. 25% is required in the RM zone, where a minimum 25' Bufferyard C shall be provided around the perimeter of the tract. No parking areas, roadways, or accessory structures are permitted in the 25' planted bufferyard.

## TECHNICAL ADVISORY COMMITTEE 2004

In addition, §29.3.d stipulates that in the RM zone: All areas not occupied by buildings, roads, parking areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, trees, shrubs, gardens, or other suitable ground cover.

Sidewalks are recommended on both sides of all internal roads. This proposal, in keeping with the creative and innovative designs encouraged for cluster development, includes adequate sidewalks and walking/bike paths, as well as walking and biking space on all roads.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Black Snake and (westerly portion of) Childs Roads. The Bufferyard along Singerly Road and the easterly portion of Childs Road, because of the location of the Village of Cherry Hill, shall conform to § s 28.1 & 28.2.c.

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

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

The FSD for Villages at Cherry Hill (the Milburn property) has been approved. All parcels associated with the proposed subdivision now have an approved FSD.

However, the wetland, stream, and buffer locations shown on the FSD do not match those shown on the concept plat. In fact, the SWM pond near proposed Lots 344-346 is proposed within a large wetland complex. These problems must be rectified in conjunction with the preparation of the PFCP and the Preliminary 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, except for the proposed condominium portion, where they must be approved prior to the Planning Commission s review of the Preliminary Plat/Site Plan.

## TECHNICAL ADVISORY COMMITTEE 2004

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 Final and Record Plat(s) and the Condominium Preliminary Plat/Site Plan.

A Homeowners Association for maintenance of common open space and alleys must be established with \$50 per recorded lot placed in escrow for improvements prior to recordation. Sketch Plan Note # 8 indicates that the alleyways will be maintained by the HOA.

A Traffic Impact Study (TIS) must be submitted prior to the submission of the Preliminary Plat for TAC review. It should include a signal warrant analysis at the proposed MD 213 entrance, and it must assume the full build-out impacts of the proposed commercial portion.

Fire hydrant locations should be selected in consultation with CCDPW of Public Works and the Singerly Volunteer Fire Company.

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'.

Condominium buildings shall be set back at least 20' from all parking areas and internal roads.

No building shall be constructed closer to any other building than a distance equal to the height of the higher of the two buildings. The space between two buildings can be reduced to a distance equal to half of the taller of the two buildings provided that the spacing is approved by the Emergency Services representative to the TAC, consistent with §29.4.c (1-4).

All condominium owners must become members of the condominium association for maintenance of the buildings, parking areas, private roads, landscaping, clubhouse, and common elements.

## TECHNICAL ADVISORY COMMITTEE 2004

What is the developer's intent of with respect to the condo owners' access to common open space and the homeowners' access to common areas? Mr. Pugh replied it would be open to everybody.

The CONDO INSTRUMENTS for these condominiums must be accepted by the Maryland Secretary of State prior to recordation.

The Master Water and Sewer Plan must be amended to include this site prior to Final Plat review, except for the condominium and commercial sections.

The Master Water and Sewer Plan must be amended prior to the condominium Preliminary Plat review by the Planning Commission, and prior to Site Plan approval(s) for the commercial section.

Written verification of water allocation and sewer capacity must be received for the condominium units and clubhouse prior to the issuance of building permits (or Preliminary Plat/Site Plan Review by the Planning Commission).

Verification of water allocation and sewer capacity must be received for the single, twin, townhouse sections prior to the Planning Commission's review of the Final Plat.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all condominiums and lots/houses offered for sale.

The proposed recreation center must be served by water & sewer systems approved by the Health Department.

A single lot numbering system has been established.

## TECHNICAL ADVISORY COMMITTEE 2004

The location of the proposed Lady Nancy Drive/Santa Rosa Drive intersection is problematic. It is too close to the proposed Leeds Road/Santa Rosa Drive intersection, given the anticipated traffic volumes and likely turning movement conflicts.

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

There were no further comments.

**7. Elizabeth Ohsiek and David Neff presented **Neff Property, Broad Street (Town of Perryville), Preliminary Site Plan, Frederick Ward Associates, Seventh Election District****

Ms. Ohsiek stated presented the Neff Property. It will be located on Board Street in the Town of Perryville.

Mr. Woodhull stated that it is the CCDPW's understanding that this site is within the corporate limits of the Town of Perryville and that the streets along with the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the sewer and water distribution systems be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

We request that the Town withhold Final Plat approval until the CCDPW has approved the SWM plan, and the Mass and Final Grading plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include the standard note addressing the limits of construction, which will appear in the minutes but will not be read at this time. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

The downstream conveyance of storm water must be analyzed in accordance with Section 251-9 A. (5) of the county s SWM Ordinance. This CCDPW has serious concerns about the adequacy of existing storm drain system along Broad Street to handle additional flows from this site.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

The CCDPW recommends that the Town require a PWA for the sewer main and the water line.

The County will require an I&M agreement for all SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated a Department of Army (DOA) permit would not be required since there are no wetlands or waters of the US. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt had no comments.

Mr. Funk, Soil Conservation Report, stated an Erosion and Sediment Control Plan would be required.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Mr. Ouano, Conectiv, stated there were some poles that would need to be relocated, which would be at the customers cost.

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: This site plan proposal is located 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 Preliminary Plat are as follows:

- Town Zoning: L1
  
- It should be confirmed that all existing structures are accurately depicted.
  
- A vehicle/pedestrian circulation plan should be developed so as to reduce pedestrian-vehicle conflicts, potentially using a combination of striping and MUTCD signage.
  
- No street names have been provided. If any new street names are contemplated, must be approved by the County 911 Emergency Center. It is recommended that any street name approvals be obtained prior to Perryville Planning Commission review.
  
- It is recommended that the proposed use be verified as being consistent with the Town's Zoning Ordinance.
  
- It should be confirmed that the setbacks, floor area ratios, and building heights are consistent with the Town's Zoning Ordinance for the L1 zone.

## TECHNICAL ADVISORY COMMITTEE 2004

- It is recommended that the site plan 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 possible 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 any required bufferyards.
- 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 final site plan approval.
- Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement. Nevertheless, the FSD and FCP will be performed by the Office of Planning and Zoning as a courtesy to the Town, if requested. As yet, nothing has been submitted for a courtesy review.
- 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.
- Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the 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.

## TECHNICAL ADVISORY COMMITTEE 2004

- Any required water allocation should be confirmed by the Town of Perryville prior to final approval.
- Any required 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 plan approval be contingent upon approval of a detailed lighting plan.
- Will any zoning changes be required? Ms. Ohsiek replied they had already received a variance for set backs.
- It is recommended that any necessary variance or special exception numbers be shown on the plat.

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

There were no further comments.

**8. Barry Montgomery, Tom Montgomery and Michael Burcham presented **Montgomery Oaks, Section 2, Lots 62-149, Bailiff Road, Revised Concept Plat, McCrone, Inc., Fifth Election District****

Mr. Montgomery stated this was remaining land proposed for subdivision.

Mr. Woodhull stated it should be noted for the record that it was the CCDPW's understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

## TECHNICAL ADVISORY COMMITTEE 2004

The water lines must be reflected on the sanitary sewer plans and as-builts.

A SWM plan, Road & Storm Drain plan, Sanitary Sewer plan and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

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

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

If the Planning Commission approves Lot 95 as an external panhandle the rights and responsibilities of the existing lots accessing Phenneger Lane should be clarified and confirmed as part of this process.

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. 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 CCDPW strongly recommends this.

This connectivity between Alexandra Drive and the proposed road in the Bay View Woods subdivision should be in the area of Lot 108.

In comparing this plat with that submitted for Bay View Woods this CCDPW has become aware of a discrepancy between the two plats in regards to the location of the existing stream coming off of Lands of Dan Banks Company, Inc. and the location of the sanitary sewer manhole adjacent to Lot 108. This connectivity requires that this plat be coordinated with that of Bay View Woods.

The CCDPW also recommends that the Planning Commission require connectivity to the Lands of King via a paper street extending Pine Cone Drive to the property line in the area of Lots 93-94.

## TECHNICAL ADVISORY COMMITTEE 2004

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 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.

Lots 62 & 151 must be denied Access to Bailiff Road as well as the first 75' of Alexandra Drive measured from the P.I. of the intersection with Bailiff Road.

Closed Section design will be required.

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.

A sanitary sewer allocation request must be submitted to the CCDPW.

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

A PWA will be required for the Sanitary Sewer as well as the Roads and Storm Drains.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands or intermittent stream would require a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt stated bus service would be provided initially will be at the corner of Alexander Drive or Alexander Drive and Bailiff Road. At some future point and time pickup will change to Pine Cone/Alexander Drive Loop.

He questioned the size, price range and construction commencement of homes. Mr. Montgomery 3-4 bedrooms, the price range would be from \$200,000 to \$300,000. He asked assuming approval, when would the project start? Mr. Montgomery replied maybe late next year or 2006.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated the site contains Baile (BaA) and Mixed Alluvial (MR) soils which are hydric. Portions of Lots 84 88 contain the BaA soils. Hydric soils have limited use for placing buildings on due to the possibility of flooding and due to the depth to the saturation zone in the soil. Soils adjacent to the intermittent stream are potentially highly erodible, so careful consideration must be given to sediment controls used during construction in these areas.

The proposed SWM basins must be considered for use as sediment basins during construction of the site. The use of perimeter dikes/swales in conjunction with sediment traps must be used in areas where no permanent basins are proposed. Super silt fence (at a minimum) will be required for any areas of disturbance immediately adjacent to any stream or wetland systems.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, stated if the applicant started from Bailiff Road it would be ok with Conectiv. If the applicant starts from Pine Cone, Conectiv facilities are stubbed off at Lots 49 and 45. The property would need to be within 6' of final grade before they could bring the lines in from Pine Cone.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was DR.

## TECHNICAL ADVISORY COMMITTEE 2004

The original Section 1 Concept Plat was approved 9/21/92.

This property, formerly known as Piney Ridge Estates (formerly known as Stoney Run Acres), was zoned R2 in 1992, which permitted a density of one (1) dwelling unit per one (1) acre, or 4/1 in locations with community facilities, which is consistent the current DR zoning.

The Section 1 Preliminary Plat was approved 10/19/92. Subsequently, a number of Section 1 Final Plats have been incrementally approved, as Town of North East water allocation has become available.

This Section 2 Concept Plat proposes 90 lots on 40.8 acres for a proposed Section 2 density of 2.21/1. The proposed lot numbering system (62-151) would create a confusing overlap with the already-proposed lot numbering system for the adjacent Philips Acres (62-83), which was also presented as Section 2 when it was submitted for TAC review in January 2004.

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

A Concept Plat, under the name of Bay View Woods, was approved for the adjacent Dan Banks property on 7/19/04. It included a stub road to this property in the area of proposed lot 108. That connectivity must be reflected in this design. Has any consideration been given to extending a stub to the proposed Philips Acres?

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

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'.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

At least 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.

Sidewalks are recommended, consistent with Section 1.

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

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

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

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept Plat. A portion of parcel 18 was included as part of the Montgomery Oaks Section 1 FSD, which was approved on 9/21/93.

## TECHNICAL ADVISORY COMMITTEE 2004

Since FSD s are valid for only 5 years, a new FSD was approved on 1/6/04. However, that FSD covered only the Philips Acres portion of parcel 8. Therefore, an FSD for the balance of parcel 8 and parcels 758 and 759 have yet to be 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.

The road name Little Big Horn Drive has been approved; Alexandra Drive has been disapproved. The remaining internal road name will need to be approved by the County 911 Emergency Center prior to Planning Commission review of the Preliminary Plat.

Fire hydrant locations must be selected in conjunction with DPW requirements and recommendations from the North East Volunteer Fire Company.

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. Will this be a new HOA or an extension of the current Montgomery Oaks HOA? Mr. Montgomery replied they had not decided.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale.

## TECHNICAL ADVISORY COMMITTEE 2004

Documentation of sewer capacity must be received prior to the Planning Commission's review of the Final Plat.

Documentation of water allocation by the Town of North East must be received prior to the Planning Commission's review of the Final Plat.

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

A Traffic Impact Study (TIS) is recommended to be completed prior to the TAC's review of the Preliminary Plat.

Mr. DiGiacomo asked if any thought had been given to having proposed Lot 95 connecting to what is now called Alexander Drive. Mr. Montgomery he had no preference. Discussion continued.

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

Mr. Woodhull added one additional comment. Questioned the deeds for the Lots 101 and 108 reference that the sewer line runs with its 20' easement across Lots 101 and 108 and the fact that no structure (garage, pools, sheds or pad) can be built over it.

There were no further comments.

### **9. David Dodge and Donald Sutton presented *The Mews at Northeast Creek, Lots 1-170, Mechanics Valley Road, Revised Concept Plat, McCrone, Inc., Fifth Election District***

Mr. Dodge and Mr. Sutton reviewed various issues concerning the project.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated it should be noted for the record that it is the CCDPW's understanding that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

The water lines must be reflected on the sanitary sewer plans and as-builts.

A SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

Access must be provided to all SWM facilities without having to traverse wetland or stream buffers in doing so. Of particular concern are the facilities located adjacent to Lots 147-148 and Lots 42-48.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 Variance must be requested prior to submittal for Preliminary Plat approval.

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

All lots must front Minor Roads wherever possible.

All driveways must be paved at least to the right of way and those accessing Valley Vista Drive, Vista Creek Drive, South Falls Drive, and Branch Court must be provided with turnaround capability. All of this must be so indicated on the Lot Grading Plan.

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 2 & 68 must be denied access to Valley Vista Drive.

Lots 69& 70 and 71&72 must have shared driveway entrances located to coincide with median openings on Valley Vista Drive.

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) and/or full upgrade of Mechanics Valley 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. There are no sidewalks currently along Mechanics Valley Road.

## TECHNICAL ADVISORY COMMITTEE 2004

The Route 40 pump station has no more capacity and sewer allocation cannot be made until it is upgraded. Mechanics Valley LLC has executed an agreement with the Board of County Commissioners that, if successfully executed, will provide build-out capacity for the corridor. The agreement projects completion of the new station by February 2006.

The CCDPW recommends that the Town require a PWA for the water line.

The County will require PWAs for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the Northeast Creek, Little Northeast Creek or perennial stream or adjacent wetlands would require a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated bus service would be provided at Valley Vista Drive/Mechanics Valley Road. At some later point and time the bus will enter the development via acceptance, County road or some type of waiver allowing them to come in.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated a comprehensive Erosion and Sediment Control Plan will be required prior to any ground disturbing activities on the site. The E&S strategy must incorporate the use of super silt fence for any areas of disturbance immediately adjacent to any wetland areas and the erosion and sediment control plan should utilize perimeter dikes and swales which outlet to traps and or basins wherever possible through out the entire process of development.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, stated they would like to consider running their line through the post utility easement. If that is not possible, an alternative would be conduit.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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

Residents of the area including Mechanics Valley, Indian Falls, Bouchelle Road, and Lums Road are concerned about the impact this very large new development of 170 homes will have on their community. Although improvements in the design have been made, major problems still exist. The following impacts will occur:

TRAFFIC SAFETY HAZARDS--- 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 170 homes will add over 300 cars, each making several trips every day in and out of the development. This will significantly increase 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 steep 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 proposed entrance cannot be seen. 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 do 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.

The county should require improvements, including acceleration/deceleration lanes, road widening with adequate shoulders, improved drainage, regrading of the road bed to cut off the knoll, and repaving in order to safely handle the increased traffic load. A short section of road improvement just at the entrance will not alleviate this problem. Improvements on Mechanics Valley Road at the Route 40 intersection should also be required.

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 all be channeled onto the unsafe entrance location on Mechanics Valley Road. Also at the Mechanics Valley /Rt. 40 intersection, morning rush hour traffic mixed with the truck traffic backs up on Mechanics Valley Road. This often requires waiting through several light changes before accessing onto Route 40. It takes the heavy trucks stopped on Mechanics Valley Road at the Rt. 40 traffic light much longer to start up and move through the intersection, particularly the semi-trailers. The plat implies that a future access will be constructed on Rt. 40. This development should not be approved on the slim hope that maybe someday in the future there will be access onto Rt. 40. Also once the development is built and the homes sold, who would pay to construct this access? Will it be Cecil County tax money?

## TECHNICAL ADVISORY COMMITTEE 2004

The Traffic Impact Study appears to consider only the number of vehicles and not the type of vehicles contributing to the traffic volume. The study states, "The pavement section does show areas of distress in the form of rutting and isolated areas of pavement failure. This is likely due to truck traffic that we understand currently uses this road to access US 40. The we understand phrase implies that no on-site analysis of vehicle types was done. Mechanics Valley Road has a very large number of heavy trucks, many with semi-trailers, hauling from the stone quarry and the hot mix plant from early morning until evening. These trucks each have a greater impact on the safety of the road and the traffic flow, than a passenger vehicle. These trucks also tend to push the speed limit and have a longer stopping distance. Just recently four incidents of these trucks overturning has occurred on this road. The study also does not seem to consider the demographics of this type of community with active families who make many trips each day with several cars."

ECOLOGICAL DAMAGE--- Due to the 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. Consequently stormwater management is a significant issue. Also the farm has been a haven for wildlife which will end with this development.

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.

DIMINISHED QUALITY OF LIFE IMPACTING A QUIET COMMUNITY---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.

RAILROAD HAZARD-- The hazard due to the close proximity of the CSX RR tracks to the houses in the Mews has been reduced with this new design for home locations and road layout. However, there is still a hazard since massive accidents leak materials that contaminate large areas by diffusion in the air. This was emphasized with the recent derailment of a train carrying hazardous materials at the edge of the subject property near the North East Creek. Due to the hazardous materials carried on the train cars, emergency workers, firemen and police closed Route 272 and Exit 100 off I-95. Also homes in the area were evacuated, including houses in Timberbrook (the development West of the Mews) which is in the area but not near to the tracks like the Mews. This event made the TV news on all the Baltimore network stations with extensive coverage and I was personally directed to a detour off of Route 272, which was closed. The single access road to the development is not adequate should an emergency occur involving the development.

OPEN SPACE--- The planned common open space is almost all devoted to wetlands, creeks, steep slopes, and stormwater management. For a development of 170 homes, there is very little area provided for family recreation.

## TECHNICAL ADVISORY COMMITTEE 2004

OTHER ISSUES---Tracts 2 and 3 are marked as Forest Conservation Areas to be conveyed to adjoining. Have these property owners agreed to assume responsibility for these tracts? Mr. Dodge replied it was in process. He has made contact with Ms. Weaver only.

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### Actions Recommended--

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.

Require adequate road improvements on Mechanics Valley Road.

Plan upscale homes which will be an asset to the community.

Mr. DiGiacomo read the OPZ comments: Zoning was SR which permits a maximum base density of one (1) dwelling unit per one (1) acre, or two (2) dwelling units per one (1) acre with community facilities. This Concept Plat proposes 170 lots on 217.3 acres, for a proposed density of 1/1.275 for the whole property, or 1/1 for Tract 1 s 170.7 acres.

Concept Plats for this property were previously reviewed by the TAC on 4/19/04, when it proposed 216 lots; on 12/15/03, when it proposed only 209 lots; and on 9/5/01 when it was proposed to be annexed into the Town of North East. Those proposed projects were reviewed under the names Valley Vista Estates and Winnfield.

This layout differs from previous ones in that the proposed Vista Creek and South Falls Drives form an interior loop road.

Note #15 indicates that a boundary line survey has already been completed.

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

Slopes greater than 25% must be shown again on the preliminary plat. Steep slopes have been depicted.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

53.2% 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 and the Mason Dixon Trail.

The Comprehensive Plan identifies a greenway along the Little Northeast Creek. In accordance with §§ 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 found to be feasible.

Access to the forest conservation area to the north of the CSX rail line is problematic. That is a Class 1 main line. Pedestrian crossings would not be safe and are not permitted.

Tracts 2 and 3 are shown as to be conveyed to adjoining owners. Should Tracts 2 or 3 be developed or sold off, then that could affect the density, common open space, forest conservation, and/or other calculations.

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 again be included on the Preliminary Plat.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

A notation on the plat indicates that the AT&T easement will be relocated to align with proposed roads.

20% 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 all have been approved.

How many parking spaces are proposed for each lot? Are they proposed to be off-street? Mr. Sutton replied two space, off street.

Bufferyard Standard C is required, outside the right-of-way, along the frontages on Mechanics Valley Road and the Pulaski Highway. Note #18 indicates that a waiver of the Bufferyard C requirement is being requested. This relates to sight distance issues.

Rows of street trees are required with a 10 planting easement, 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) was approved 12/5/03. The site is not home to any rare, threatened, or endangered species.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

A Landscape Agreement must be executed prior to recordation.

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

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

A Homeowners Association for maintenance of common open space and common facilities 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 Master 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 lots offered for sale.

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.

The TIS has been updated to reflect the reduced number of proposed lots and the boulevard-style entranceway. The original TIS revealed that the proposed 216-lot 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 recommended that the developer pursue the construction of an additional southbound lane along Mechanics Valley Road. This additional lane would allow for an exclusive left turn lane and one shared thru and right turn lane.

The updated TIS, dated June 2004, concluded that:

- The key intersections and road section will continue to operate at acceptable LOS;
- The Mechanics Valley Road link appears not to be overloaded from a traffic volume standpoint, but that edge marking of 10.5 travel lanes would benefit nighttime visibility and tend to calm traffic;

## TECHNICAL ADVISORY COMMITTEE 2004

· The intersection of Mechanics Valley and Bouchelle Roads could be improved with enhanced signage, a new guardrail, and possibly new intersection lighting.

Staff recommends 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. A future access through the lands of Fuddy to US 40 has been shown, beyond the cul-de-sac on the proposed Vista Creek Drive.

Fire hydrant/standpipe locations should be shown on the Preliminary Plat, and they should consistent with DPW regulations and recommendations by the North East Volunteer Fire Company.

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

Discussion followed concerning \_\_\_\_\_.

There where no further comments.

### **10. Donald Sutton presented Windswept Farms, Lots 4-22, Cherry Grove Road, Concept Plat, McCrone, Inc., First Election District**

Mr. Sutton stated the project consisted of 19 proposed lots. The applicant is not seeking bonus density. It will be a large lot subdivision, executive type homes.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code for Fords Landing Court and driveway entrances for Lots 14,15, & 21. The centerline of these entrances must be marked in the field.

Lot 22 must access off of Fords Landing Court and be denied access to Cherry Grove Road. Lots 7, 8, 13 16, & 20 must be denied access to Cherry Grove Road.

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

Section 3.07.15 of the Road Code nominally directs that Cherry Grove Road be upgraded to a Minor Collector Standard for a distance of 100 either side of the point of intersection with Fords Landing Court.

Cherry Grove Road must be terminated in a cul-de-sac bulb.

Any private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. (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).

## TECHNICAL ADVISORY COMMITTEE 2004

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 and this must be so indicated on the Lot Grading Plan.

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

A PWA will be required for internal streets and storm drains.

Mr. Roop of the (US Army) Corps of Engineers stated any structure or filling in the Elk River or Bohemia River or adjacent tidal wetlands would require a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt echoed DPW comments that the end of Cherry Grove Road should end in a cul-de-sac, 75 diameter. It should be large enough for a school bus to make a U Turn. Bus service would be provided at the mini road and whatever driveways access Cherry Grove Road and River Side Drive.

He questioned the size, price range and construction commencement of homes. Mr. Sutton replied the size would be 4000 sq ft and up with a matching price range. He asked assuming approval, when would the project start? Mr. Sutton replied in section, one to two years.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated

portions of Lots 13 through 15 lie in Othello (OhB) soils. OhB is a hydric soil. Hydric soils have limited use for placing buildings on due to the possibility of flooding and due to the depth to the saturation zone in the soil. Additionally, the majority of the soils on the site are rated as very limited for septic field use due to the filtering capacity of the soil, the depth to the saturation zone and the restricted permeability of the soil.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, stated the project was not within the Conectiv service area and therefore he had no comments.

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was SAR and RCA. The SAR zone permits a maximum base density of one (1) dwelling unit per eight (8) acres. Bonus density eligibility carries with it a permitted density of 1/5.

The Critical Area RCA overlay zone permits a maximum density of 1/20.

This Concept Plat proposes 19 lots on 267.7 acres, for a proposed density of 1/14.1. 4 Lots are proposed on 110.2 critical area acres, for a proposed density of 1/27.6.

The Final Plat for Lot 1-3 (all in the Critical Area) was approved on 7/17/95 and signed on 4/29/97. If the combined acreages of Lot 1B, 2B, and 3 (31.8) are taken into account, 7 lots on 142 critical area acres, yields a density of 1/20.3.

Resubdivision plats for Lots 1 & 2 were signed on 10/23/97 and 12/9/98.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Mr. Sutton stated the boundary line survey had been done.

Mr. DiGiacomo questioned the Special Exception for a helicopter landing pad was still valid. Mr. Sutton was not familiar with the pad. Mr. DiGiacomo noted that it should be designated on the plat submitted for Planning Commission review.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

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

The Natural Heritage letter indicates that Salt-Marsh Bulrush, a rare species, is known to occur within the vicinity of the project site. In addition, the open waters adjacent to the site are known historic waterfowl concentrations.

15% common open space is required; 42.6% is proposed.

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

Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Cherry Grove Road.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and

## TECHNICAL ADVISORY COMMITTEE 2004

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.

The portion of the property in the Critical Area is exempt from the Forest Conservation Regulations per §3.2B. A note to that effect must appear on the plat.

Per §241.2.d (1), any building sites within the 100-yr. tidal floodplain can be approved only after a Variance has been granted. Should such variance applications to create the building sites in the 100-yr. floodplain be successful, then the requirements of §243 must be strictly adhered to. In addition, separate variances would be required for the road in the Critical Area buffer and possible the buildings heights.

§241.2.f (2) states that, High priority should be given to clustering development out of the floodplain while preserving the low lying land and forested areas in natural vegetation.

A Landscape Agreement must be executed prior to recordation.

Mr. DiGiacomo asked if Lots 1-3 received Final Plat approval on 7/17/95, yet the reforestation associated with that approval has yet to be planted. Is this proposal intended to proceed to review by the Planning Commission before or after those plantings have been completed? Mr. Sutton replied the reforestation area located on Lot 11 will be shown on the Concept Plat to be reviewed by Planning Commission.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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.

Per §196.1.b, no development is permitted in the tidal wetlands and tidal waters buffer, including septic systems, impervious surfaces, parking areas, roads, or structures.

Any proposed piers shall conform with the provision of §169.

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 area inside the Critical Area is exempt, per §3.2.B, as has now been noted on the plat.

In the critical area, no structure shall exceed 35' in height.

The internal road names will need to 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.

Mini-road Associations for maintenance of the mini roads must be established prior to recordation, with the owners of all lots accessing the respective mini-roads becoming members.

## TECHNICAL ADVISORY COMMITTEE 2004

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

There were no further comments.

**11. Donald Sutton presented State Line Farm Estates, Lots 1-29, MD Rte 273, Concept Plat, McCrone, Inc., Fourth Election District**

Mr. Sutton stated this development adjoins the Maryland/Delaware line.

Mr. Woodhull stated that A SWM plan, Road & Storm Drain plan, and a Mass & 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

## TECHNICAL ADVISORY COMMITTEE 2004

The SWM Plan and Lot Grading Plans must address this CCDPW's concern that Lot 7 of Tara may be impacted by runoff from this development.

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 if the existing pond adjacent to Lot 17 intended to be used for SWM for this site. Mr. Sutton replied they are proposing to us an additional pond facility below the existing one. Mr. Woodhull stated if it is used as-built and a Dam Breach Analysis of the pond must be completed and submitted to DPW for review.

Mr. Woodhull asked what the intent of Sherryl Drive was. Mr. Sutton replied the boundary line would verify ownership. Information on this drive must be provided showing its status and who has rights of access and maintenance for it.

Mr. Woodhull asked if consideration had been given to providing access to MD 273 directly from this site. Mr. Sutton replied the thought has been give to it. As an alternative the CCDPW strongly recommends that a temporary construction entrance be established off of MD 273 in the area of Lots 25-26 to lessen construction equipment impacts on Evan Drive.

Sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code for Kelly Court. The centerline of this entrance must be marked in the field.

Lots 4 & 10 must be denied access to Evan Drive.

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

Evan Drive will be milled 1½' and paved when 80% of the lots are constructed. This work will extend from 100' north of Kelly Drive to MD 273.

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

## TECHNICAL ADVISORY COMMITTEE 2004

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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

A PWA will be required for internal streets and storm drains.

Mr. Roop of the (US Army) Corps of Engineers stated a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or waters of the US present on the property. A Jurisdictional Determination (JD) hasn't been issued.

Mr. Markwardt questioned Lot 29 showing access to Christopher Way, which is an existing resident that has access to Rte 273. Will they be denied the access to Rte 273. The reason being the buses currently are allowed to turn a school bus around on their property. Mr. Sutton stated the bus would be allowed to continue its turn around on this property. Mr. Markwardt stated bus service would be at the corner of Evans and Dennis.

He questioned the size, price range and construction commencement of homes. Mr. Sutton replied the size would be 3-4 bedrooms. The price range would begin at \$500,000 to \$600,000 and up. He asked assuming approval, when would the project start? Mr. Sutton replied within the year.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated Glenelg (GeD3) was the dominant soil on the site. Glenelg soils are rated as very limited for placement of buildings due to steep slopes and the restricted permeability of the soil. Glenelg soils are also rated as very limited for septic field usage for the same reasons as above.

The following items for the existing pond should be shown on the plan: (1) The outlet structure; (2) The outlet pipe; (3) Berm; and (4) Location of the emergency spillway (if it has one).

These items should be located to determine how the existing pond may affect the proposed concept. Especially since Kelly Way appears to be located very near the existing water level of the pond.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Mandras, State Highway Administration, stated there was no additional access to Rte 237; therefore, they had no objection to the approval. Today the issue came up there is the possibility of a temporary construction access to Rte 273 that would require a Construction permit.

Mr. Ouano, Conectiv, stated that they had existing utilities on the west side of Kevin Drive. They would bring the electric in on both Christopher and Kelly Way. If a section entrance is proposed he would consider a second or third way of electric.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the OPZ comments: Zoning was SR which permits a maximum density of one (1) dwelling unit per one (1) acre, or 2/1 with community facilities. This Concept Plat proposes 29 lots on 33.1 acres, for a proposed density of 1/1.14.

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

§176.2a prohibits the use of roadways as part of common open space.

Mr. DiGiacomo asked what the intent was for the existing structures on proposed Lot 29 forward of the building restriction line. Mr. Sutton replied to remain a building and restriction line.

References must be made to Minor Subdivisions 2191, 2251, and 3259.

Mr. DiGiacomo asked why Parcel 17 been referenced? Mr. Sutton replied it was an error.

## TECHNICAL ADVISORY COMMITTEE 2004

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. Proposed lots 1-9, 13-18, 23-24 & 26-29 are depicted as having areas of 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.

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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 of the SR zone. 15% is required; 16.9% is proposed. However, issue of Sherryl Drive is still outstanding.

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.

Mr. Sutton showed Mr. DiGiacomo where the stormwater management areas proposed to go.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Telegraph Road (273).

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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.

Mr. DiGiacomo asked if any consideration been given to extending Sherryl Drive to Wedgewood Road to improve access? Mr. Sutton was given, but the decide to go with the design before the committee.

## TECHNICAL ADVISORY COMMITTEE 2004

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

This design includes 3 panhandle lots.

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.

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

There were no further comments.

**12. Harry Crawford and Donald Sutton presented Harry M. Crawford, et. ux. (Lands of), Old Telegraph Road, Concept Plat, McCrone, Inc., First Election District**

Mr. Sutton stated the project was just north of Warwick. Eighteen lots are proposed on 93.1 acres. They are seeking bonus density.

Mr. Woodhull stated that The CCDPW will request that the County Attorney review what obligations the County may be responsible for those lots built on the Remaining Lands of Crawford, in that they will be completely inside Delaware yet be provided sole ingress, egress, & regress via a Cecil County road.

A SWM plan, Road & Storm Drain plan, and a Mass and Final Grading plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, Reforestation

## TECHNICAL ADVISORY COMMITTEE 2004

will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

The SWM Plan and the Lot Grading Plan must address the existing drainage swale running across the property (Lots 1, 2, 6, & 7) to Sandy Branch. Impacts to the Lands of Clevenger and Teat must also be analyzed and addressed.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20 however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

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

The centerline of the proposed entrance locations must be marked in the field to allow the CCDPW to review the sight distances quoted.

The requirements of Section 3.07.15 of the Road Code requires that Old Telegraph Road be upgraded to Minor Collector road standard for 100 either side of the proposed entrances. The applicant can anticipate the requirement to improve/ establish shoulders and improve drainage along this development s entire road frontage.

## TECHNICAL ADVISORY COMMITTEE 2004

The ROW dedication for Old Telegraph Road must extend along the development's entire frontage.

The CCDPW strongly recommends that the Planning Commission require connectivity to the remaining Lands of Crawford from the proposed loop road.

Lots 7& 8 must be denied access to Old Telegraph Road.

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 and this must be so indicated on the Lot Grading Plan.

A PWA is required for the Roads and Storm Drains.

An I&M Agreement is required for SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the perennial stream would require a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated bus service would be provided at one of the two entrances to the development.

He questioned the size, price range and construction commencement of homes. Mr. Mr. Sutton stated 3-4 bedrooms. The price range would be standard. He asked assuming approval, when would the project start? One to two years.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated a Comprehensive Erosion and Sediment Control Plan will be required prior to any ground disturbing activities on the site. Lots 1 - 7 appear to be placed in a natural drainage way. It will be important to carefully analyze site and lot grading so as not to impede the natural drainage flow and also so as not to cause drainage issues with any new

## TECHNICAL ADVISORY COMMITTEE 2004

proposed homes.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, had no comments.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, stated he have been contacted by a resident in the area and by County Commissioner Bill Manlove who represents this area of the county. Mr. Manlove has visited the property and provided the following comments concerning the proposed development. There is a drainage swale across the proposed development that carries off water from 150-200 acres of land. The water originates from across Old Telegraph Road and from large lot 18. In heavy rains, a torrent of water flows over the Old Telegraph Road and across proposed lots 8 and 9, 6 and 7, the back of the Clevenger lot, and then across lots 1, 2, and 3. This causes a very wet area on the low side of the proposed development. This can be seen from the topography on the plat. The problem will increase with the development due to the additional areas of impervious surfaces from the roadway, driveways and houses. Lots 2 and 3 in particular are very wet and any homes built with a basement will experience flooding. The proposed interior road crosses this swale in the wet area. Its location is not suitable for a roadway. The storm water management pond is actually uphill from the swale and will not collect the runoff. The common open space area is all in the low, wet area and is not suitable for recreation.

Mr. DiGiacomo read the OPZ comments: Zoning was SAR, which permits a maximum base density of one (1) dwelling unit per eight (8) acres. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 18 lots on 93.1 acres, for a proposed density of 1/5.17.

Mr. DiGiacomo questioned the add-on hook must indicate the direction of the add-on. What is the nature of the proposed add-on? Is this access to the Delaware portion proposed to be a private or public road, farm access? Mr. Sutton stated it was part of the agreement between the developer and the owner. They where required to provide at least a 100' strip for access strip for access to the remaining lands in Delaware. Mr. DiGiacomo stated that by deleting the 2.4 acres, the proposed density is actually 1/5.04.

## TECHNICAL ADVISORY COMMITTEE 2004

New Castle County records indicate that the Delaware portion of this property, which is zoned SR, is 60 acres. If the 53.7 acre figure is correct, then 11 additional lots could be approved. If the open space option were elected, then 21 additional lots could be approved. Discussion continued between Mr. DiGiacomo and Mr. Sutton.

Mr. DiGiacomo asked why the access would need to be 100 wide. Mr. Sutton replied it was part of the agreement with the owner of the property and the developer

Development of the remaining lands in New Castle County will require New Castle County approval prior to Cecil County recordation of the access strip. If a private, mini-road is used, then the mini-road maintenance association must be formed and the incorporation documents recorded in both counties prior to recordation of the roadway in Cecil County.

A Traffic Impact Study (TIS) for the full build-out potential may be recommended. 39 or more lots accessing Old Telegraph would be more than twice the number if bonus density were granted for the Cecil County portion of the property.

A number of issues, including traffic, emergency services, school attendance, landscaping and stormwater management will require inter jurisdictional coordination.

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

Minor Subdivisions 279, 2020, 3124, and 3441 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

15% common open space is required; 29.1% is proposed. The common open space and the proposed large lot together total 69.8% of the total acreage, thus satisfying eligibility for bonus density consideration in the SAR zone.

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

Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Telegraph Road.

In lieu of the Bufferyard C requirement for proposed Lot 18, a modified Bufferyard A should be considered along the rear lot lines of proposed Lots 8-13 (with the normal rear BRL). In lieu of the Bufferyard C requirement for proposed common open space, a modified Bufferyard A should be considered along the side property line of the lands of McCloskey & Valvo. These modifications would better preserve the rural character of the area if bonus density were to be granted.

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of the proposed, unnamed loop road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

Again, a modified Bufferyard A should be considered for the strip of common open space along the side property line of the lands of McCloskey & Valvo, as this would better preserve the rural character of the area

## TECHNICAL ADVISORY COMMITTEE 2004

than just street trees.

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 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.

The F.I.R.M. community panel number is incorrect. It must be corrected prior to submission for Planning Commission review.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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 notice used on this plat is incomplete.

There needs to be a fee simple road dedication depicted on the plat for the northerly portion of the property.

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

There were no further comments.

**13. Donald Sutton presented Manuel G. Gierbolini (Lands of), Calvert Road, Concept Plat, McCrone, Inc., Ninth Election District**

Mr. Sutton stated this project proposes a total of 50 lots. They are seeking bonus density. Road names will be submitted prior to Planning Commission.

Mr. DiGiacomo reminded the applicant that EMS would not see road names until it is viewed at the Preliminary Plat level by TAC. If there is a problem at that point it will be incumbent upon the applicant to coordinate the changes with Emergency Services.

Mr. Woodhull stated that 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the Developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20 however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

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 will be required at the entrances onto Calvert and Wilson Roads. The centerline of the proposed entrance locations must be marked in the field.

The requirements of Section 3.07.15 of the Road Code requires that both Calvert and Wilson Roads be upgraded to Minor Collector road standard for 100 either side of the proposed entrances for. The Applicant can anticipate the requirement to improve/ establish shoulders and improve drainage along this development s entire road frontage.

Lot 50 must access the internal street system and be denied access to Calvert Road. It appears that this lot will not have sufficient usable area to support viable agricultural operation requiring a separate access on to Calvert Road.

## TECHNICAL ADVISORY COMMITTEE 2004

Lots 1 & 49 must be denied access to Wilson Road and Lots 28-32 must be denied access to Calvert Road. All denied access must be indicated on the Final Plat as well as the Lot Grading Plan.

The CCDPW will require substantial Geo-Tech investigation to determine the suitability of the sub-grade in the area of the proposed stream crossing to support a County road.

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 and this must be so indicated on the Lot Grading Plan.

A PWA is required for the Roads and Storm Drains.

An I&M Agreement is required for SWM facility

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the North East Creek, perennial stream, or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated the boundary line between Rising Sun Elementary and Calvert Elementary runs right through the middle of the property. It seems that the majority of the homes will be in the Rising Sun Elementary district off of Wilson Road. Since Rising Sun has more capacity available to it than Calvert, Rising Sun Elementary will be the providing school. He requested that the project starts from the Wilson Road in. This would allow the student from Lots 28-35 a better access to the bus. Bus service would initially be provided at the corner of Wilson and the road to be named. At some point and time the bus will need to turn around in the 50' ROW area and go back out. Internal service will start at a later date.

He questioned the size, price range and construction commencement of homes. Mr. Sutton stated 3-4 bedrooms. The price range would be from \$200,000 to \$300,000. Mr. Markwardt asked if sidewalks would be considered. Mr. Sutton and Mr. DiGiacomo both replied no, sidewalks were not recommended. Mr. Markwardt asked assuming approval, when would the project start? Mr. Sutton replied within one to two years.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated a comprehensive erosion and sediment control plan will be required prior to any ground disturbing activities on the site. Lots 1 7 appear to be placed in a natural drainage way. It will be important to carefully analyze site and lot grading so as not to impede the natural drainage flow and also so as not to cause drainage issues with any new proposed homes.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no comment.

Mr. Ouano, Conectiv, had no comments.

Mr. Moore read MDE's comments, a Water Appropriation Permit would be required. A public notice and Aquifer test is required.

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

Mr. McDowell, Citizen's Representative, stated he personally has several concerns about the plan for this proposed development. I have lived less than one-half mile from this farm for 44 years and travel Calvert Road many times each day. There is a sharp knoll on Calvert Road which peaks beside lot 31. The road drops off sharply on the South side and more slowly on the North side. There are also steep banks on each side of the Calvert Road from the beginning of the development up past lot 28. These features can be seen from the topography on the plat. There is also a curve on the knoll which is much sharper than it appears on the plat. Approaching cars can not be seen by drivers from either direction. This is particularly dangerous in winter since the road drifts full of snow between the steep banks and is sometimes only plowed one lane wide. Cars have collided meeting in this area. At night I always look for headlights reflected off of the snow, the side of the steep bank or from the electric wires overhead. The traffic on Calvert Road will increase due to the development and by vehicles which cut through the connecting road in the development between Wilson Road and Calvert Road. The traffic includes many farm tractors, harvesting equipment, heavy trucks, and recently Amish buggies.

It would be significantly safer for Calvert Road traffic if the entrance to the development were placed at, or much nearer to, the existing driveway. There is excellent sight distance there, no hill, no curve and no steep banks. Improvements should be made to Calvert Road including cutting off the knoll, widening the road, and cutting back the steep banks to a gentle slope.

The 100 year floodplain line is also in error, at least in the area on the East by Calvert Road. This area floods after most heavy rains (many times each year) and makes the road impassable with deep water on the North

## TECHNICAL ADVISORY COMMITTEE 2004

side of Northeast Creek just past the proposed development. There are signs on Calvert Road in each direction warning FLOOD AREA. Any improvement to Calvert Road should include raising the road bed in this area.

Mr. DiGiacomo read the Rising Sun Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: Zoning was NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres, or one (1) dwelling unit per five (3) acres. with bonus density. This Concept Plat proposes 50 lots on 152.8 acres, for a proposed density of 1/3.06.

Deed NDS 163/508 indicates that the parcel s size is 150.57 acres (152 acres minus the 1.43 acre out-conveyance in WAS 260/366). The area table indicates the acreage of 152.8 acres. What accounts for this discrepancy? Has a boundary line survey been conducted? Mr. Sutton stated it was based on a boundary survey completed in the early 80 s. He will very the data. Mr. DiGiacomo asked what Note #10 was intended to convey. Mr. Sutton stated it was related to the acreage discrepancy. Discussion continued.

If it has not been done already, a boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes.

The deed references on adjacent parcels 37 and 356 are incorrect and must be revised.

The ownership and deed reference information for adjacent parcels 3 and 155 is missing and must be provided on the plat submitted for Planning Commission review.

Proposed Lot 34 exceeds the 3:1 length to width ratio established by §7.4.2 of the Subdivision Regulations, and thus, Lots 34 s configuration must be revised.

Proposed Lots 28-32 must be denied access to Calvert Road, and proposed Lots 1 and 49 must be denied access to Wilson Road.

Per §7.2.12(B)(2) of the Subdivision Regulations, the proposed road serving Lots 29-35 must be extended to the property line such that it can serve as a stub road to the Lands of Orr.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

A 110' perennial stream buffer is required from all perennial streams present.

Per Section 174.3 of the Zoning Ordinance, the stream buffer along the North East Creek and its unnamed tributary must be expanded to 160 feet due to the presence of nearby hydric (Hatboro Silt Loam) and highly erodible (Glenelg and Glenville Silt Loams) soils.

All stormwater management facilities (especially the one near proposed Lots 10 & 11) must be relocated outside the expanded stream buffer.

Permits for the proposed intermittent stream crossing, in the vicinity of proposed Lots 27 & 36, must be obtained prior to recordation.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. The wetlands maps indicate the presence of a large wetland complex in the eastern portion of proposed Lot 50.

Permits are required from the US Army Corps of Engineers and MDE for all non-tidal wetland and stream impacts. Permits must be received 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.

## TECHNICAL ADVISORY COMMITTEE 2004

This proposal satisfies a portion of the open space requirements in that 66.4% of the site (60% is required) consists of either common open space or the large lot (Lot 50). However, only 14.92% common open space (22.8 acres) is provided. 15% common open space is required, and thus, additional common open space must be provided on the plat submitted for Planning Commission review.

Covenants prohibiting the further subdivision of the large lot (Lot 50) must be noted on the plat and recorded prior to recordation.

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. All lot owners must become members of the Homeowners Association.

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. Said notice has been provided on the plat.

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.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

The landscape must be approved prior to Planning Commission review of the Final plat.

A Bufferyard C, outside the right of way, along the road frontages of Wilson and Calvert Roads.

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

The natural vegetative equivalent may be used, if and where feasible, to satisfy the landscaping requirements.

The 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 Center prior to Planning Commission's review of the Concept Plat. Road names are required on Concept Plats, per §4.0.13 (h) of the Subdivision Regulations. No proposed road names appear on the Concept Plat.

The Community Fire Company of Rising Sun has requested a drafting tank for this project. Dry hydrants at stormwater management ponds and the North East Creek should also be considered.

Any utilities within 200 feet of the subject parcel must be shown on the plat submitted for Planning Commission review, per §4.0.13(i) of the Subdivision Regulations.

Sidewalks are not recommended.

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

August 4, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

There where no further comments.

### **14. Doug Kopeck presented **Glennas Heights, Johnson Road, Preliminary Plat, CAN, Eighth Election District****

Mr. Kopeck stated bonus density was being used in additional to an existing lot. Changes had been made since the Concept Plat, including the entrance road and SWM.

Mr. Woodhull stated that a SWM Plan, Road & Storm Drain Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

The stream you propose to discharge the pond to is a tributary of the Octoraro Creek, which has a Stream Segment Use Designation of IV-P (Recreational Trout Waters).

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed entrance location onto Johnson Road appears to have adequate sight distance. Cobble Drive must access Johnson Road.

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

Johnson Road is approximately 18' wide with no shoulders and roadside drainage is spotty with some poor conditions in and around the proposed entrance.

Section 3.07.15 of the Road Code nominally directs that Johnson Road be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Johnson Road and Cobble Drive between 75-90°.

However, the CCDPW anticipates that the addition of some 230 trips per day will require substantial off-site roadwork beyond the limits set by Section 3.07. 15. Existing wetlands may complicate this off-site work.

Our preliminary intention is that the developer address improvements to Johnson Road extending 900' west and 1,300' east of the proposed entrance. The improvements will require repair of areas of failed sub-grade identified by the CCDPW, installation and or replacement of cross culverts, re-establishment of adequate roadside drainage, and overlay of Johnson Road at a minimum 1½" at the edges effecting a 3% cross slope for the entire 2,200'.

The CCDPW will require substantial Geo-tech investigation of the suitability of the sub-grade, along the proposed roadway, to support a County road. The area of this investigation runs from the area of the proposed SWM facility to the intersection with Johnson Road.

The island within the Cobble Drive cul-de-sac bulb must be outside of the County ROW and so indicated as is done with the intermediate turnaround.

Any private mini-road proposed must meet the requirements spelled out in Section 2.13 of the Road Code. These requirements include placing a statement, on the approved Final Plat that clearly outlines the responsibilities of the Mini-Road Maintenance Association in the maintenance of roads and storm drainage systems. The recommended wording will appear in the minutes, but will not be read at this time: (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.).

## TECHNICAL ADVISORY COMMITTEE 2004

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

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

A PWA will be required for internal streets and storm drains.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the unnamed tributary to Octoraro Creek or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated due to the short distance to Cobble Drive bus service would be provided at the corner of Cobble and Johnson Road.

He questioned the size, price range and construction commencement of homes. Mr. Kopeck stated 3-4 bedroom homes with a price range from \$300,000 to \$400,000. He asked assuming approval, when would the project start? Mr. Kopeck replied as soon as approval is given.

Mr. Funk, Soil Conservation, had no comments.

Mr. Mandras, State Highway Administration, had not comments.

Mr. Ouano, Conectiv, had no comments.

Mr. Moore read MDE comments, a Water Appropriation Permit would be required.

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

TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the Rising Sun Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: Zoning was NAR, which permits a maximum base density of one (1) dwelling unit per five (5) acres, 1/3 if bonus density is granted.

The Concept Plat, proposing 25 lots on 70.26 acres was approved on 6/21/04, conditioned on:

- 1) The JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) The mini road name being approved prior to Preliminary Plat review by the Planning Commission;
- 3) A sensitive species survey being completed prior to Preliminary Plat review by the TAC;
- 4) The acreages of all parcels and deed parcels being included on the plat prior to Preliminary Plat review by the TAC;
- 5) All streams and buffers being clearly delineated on the Preliminary Plat; and
- 6) The Final Plat reflecting that this project is in Cecil County.

It invoked the minor subdivision potential of 1 of the deed parcels. Therefore, 4 of the proposed lots could be minor subdivision lots, and the density was calculated as follows:

Total site area is 70.26 ac.

8 potential minor sub lots -4.00 ac.

Remaining site area 66.26 ac.

1 unit/3 acres:  $66.26 / 3 = 22$  lots (density of 1/3.113, 1/3.155 for 21 lots )

Add minor subs = 4 lots

TECHNICAL ADVISORY COMMITTEE 2004

TOTAL ALLOWED LOTS = 26

TOTAL PROPOSED LOTS = 25

Note #17 indicates that a boundary line survey has been completed.

The areas of lots have been provided, but not in table form, as required in §4.1.22 (r). The acreage of the proposed large lot (# 24) has increased to 22.87 acres (was 15.31 ac.), and the common open space has been reduced to 19.40 acres (was 27.01 ac.), for a total of 42.27 (was 42.32 ac.), or 60.0%. Therefore, this design retains bonus density eligibility.

There are still some lines that are not labeled. The BG&E gas transmission line has been shown. Is there an easement associated with it? Mr. Kopectk stated it was the 110' stream buffer line. It was extended off the property. Mr. DiGiacomo asked that it be labeled. Discussion continued.

Mr. DiGiacomo continued, under Legend, the stream buffer area graphic is unnecessary. It is the stream buffer line which must be shown, not the buffer area.

The dotted areas on the plat that do not correspond to any of the graphics under Legend, what do the dotted areas represent? Mr. Kopectk replied it was the forest conservation easement.

The steep slopes graphics under Legend is the same that is used for roadways and driveways. That is confusing and must be changed.

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. For the most part, these buffers have been shown, but the NE-SW perennial stream shown on the USGS Quad map is not clearly shown, as was a condition of Concept Plat approval.

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

## TECHNICAL ADVISORY COMMITTEE 2004

recording. Has the JD been done? Mr. Roop stated he would send the approval to Mr. Kopeck Monday.

Mr. DiGiacomo stated no landscaping of the development envelope is required in the NAR zone.

No sidewalks are recommended in the NAR zone.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Johnson Road. Sight distance issues may possibly require modification of that requirement.

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 with 10 planting easements are required, outside the right-of-way, along both sides of all internal roads. Mr. DiGiacomo asked if only six street trees proposed? Mr. Kopeck stated he had been told to remove them from the plan. Mr. DiGiacomo suggested the other six be removed as well. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

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

The FSD was approved on 4/14/04. The Natural Heritage Service reported that the Long-awned Diplachne and Whorled Mountain Mint, endangered plant species, are known to occur within the vicinity. The species survey and revised FSD for the Glenna's Heights subdivision have been approved.

The PFCP, however, is still deficient per my review comments dated 7/27/04.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Cobble Drive and the mini road name (Doolyn Road) have been approved.

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

Documentation of a formal agreement between the developer and the utility (utilities?) to cross the transmission corridors must be received prior to Final Plat approval.

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.

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

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

There were no further comments.

**15.** Megan Berts and Jim Petnent presented **Newport, Pedestrian Alley (Town of Port Deposit), Site Plan, Morris & Ritchie Associates, Inc.**

August 4, 2004, 9:00 a.m.

485

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Berts stated the project was located in the Town of Port Deposit.

Mr. Woodhull stated it is the CCDPW's understanding that this site is within the corporate limits of the Town of Port Deposit. Are the proposed water and sewer lines to be dedicated to the Town? Ms. Berts replied they would be private. If they are the CCDPW recommends that the sewer and water distribution systems be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

The Town should request a full engineering analysis of the sanitary sewer force main and proposed duplex grinder pump servicing this site. The Town engineer should review this analysis to determine its adequacy.

We request that the Town withhold Final Plat approval until the CCDPW has approved the SWM plan, and the Mass and Final Grading plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

Mr. Woodhull asked if the Critical Area Commission been advised of this project? Ms. Berts replied she had not contacted them.

Mr. Woodhull continued an easements must be provided around all of the proposed storm drains on site.

Is the internal street to be dedicated to the Town? Ms. Berts replied yes. Mr. Woodhull stated if it is the CCDPW recommends that the Town require the street to be design in accordance with the County Road Code. Mr. Woodhull asked if the applicant had decided what type of SWM would be used. The size of the two cul-de-sac bulbs will hamper snow removal operations. Ms. Berts replied she felt they did not have to provide quantity. Discussion continued.

## TECHNICAL ADVISORY COMMITTEE 2004

The CCDPW recommends that the Town require a PWA for the sewer main and the water line.

The County will require an I&M agreement for all SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling or structure in the Susquehanna River or adjacent wetlands requires a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Markwardt stated bus service would be provided at the closest bus stop on Main Street in Port Deposit.

He questioned the size, price range and construction commencement of homes. Ms. Berts did not have that information. He asked assuming approval, when would the project start? In the spring of 2005.

Mr. Funk, Soil Conservation Report, had no comment.

Mr. Mandras, State Highway Administration, had no comment.

Mr. DiGiacomo stated Conectiv had noted that an underground electric exist between the roadway and the existing building.

Mr. Moore read the MDE comments, that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen s Representative, advised that he received no comments.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments: 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 subdivisions proposed within the towns' corporate limits.

The Office of Planning & Zoning's comments relating to this Final Plat are predicated on the assumption that the Town's Subdivision Regulations allow for site plans in lieu of conventional concept, preliminary, and final plats. That should be verified with the Town.

Site Plan comments/questions are as follows:

Town Zoning: MC (Maritime)

- It is recommended that the vicinity map be revised to have greater specificity with respect to showing the property location with respect to adjacent streets and properties.
  
- It should be confirmed that the proposed lot sizes meet the minimum lot size and density requirements of the Town's Zoning Ordinance and/or Subdivision Regulations for this zoning classification.
  
- It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for this zoning classification.
  
- It should be confirmed that the proposal is consistent with the provisions of the Town's Critical Area regulations.
  
- Any required rezoning, special exceptions, or variances required should be cited on the plat.
  
- It should be confirmed that the proposal is consistent with the provisions of the Town's Zoning Ordinance and/or Subdivision Regulations for subdivisions in the flood plain.
  
- Has an environmental assessment been done? Ms. Berts replied there may have been one originally for the Tome Landing as a whole.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo continued,

- It should be confirmed that any landscaping proposed is consistent with the landscaping requirements of the Town's Zoning Ordinance and Subdivision Regulations, if required.
- If required, it is recommended that no street trees be planted within 20 feet of any sewer laterals and cleanouts.
- It is recommended that there be planted buffers between the restaurant and the townhouses and the townhouses and the marina.
- It is recommended that any Landscape Plan be approved prior to final subdivision approval.
- It is recommended that any Landscape Agreement be executed prior to recordation.
- It should be confirmed that all aspects of the proposed street design and layout are consistent with the Town's Subdivision Regulations and Public Works street code.
- As this site is located entirely within the Critical Area, this project is exempt under §3.2B. It is recommended that a note to that effect appear on the plat.
- 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.
- If any of the proposed parking spaces are for the adjacent restaurant, then the title block should reflect the fact that this plat also revises the site plan for the restaurant. In addition, it should be confirmed that such revision does not reduce the restaurant parking to below the minimum number of parking and handicapped spaces required.

## TECHNICAL ADVISORY COMMITTEE 2004

- 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 on the subdivision access by the Port Deposit Water Witch Fire Co.
- Any fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations.
- Each lot should be checked for compliance with any Town requirements regarding minimum road frontage.
- Water and sewer capacity should be confirmed by the Town prior to final approval.
- Will there be any vehicular access from this portion of Rowland Drive to the marina.

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

There were no further comments.

Respectfully submitted,

Lisa A. Jones

Administrative Assistant



TECHNICAL ADVISORY COMMITTEE 2004

August 2, 2004

Mr. H. Clay McDowell

328 Smith Road

Rising Sun, MD 21911

Re: The Villages at Cherry Hill

Dear Mr. McDowell:

I would like to make some comments concerning the above development. However, before I do, it is necessary that I give you some information about myself and occupation. I am the Town Administrator for the Town of Charlestown in Cecil County. I have worked with David Meiskin and his partner Michael Vaughn (Stewart Associates) concerning the Charlestown Crossing proposed development. The developers may ask Charlestown to provide them with water service (possibly sewer as well) and may ask to be annexed into the Town of Charlestown corporate limits. Any work I do on this development is on behalf of the Charlestown Commissioners. Work with both parties in this endeavor to try and find the best solution for all concerned. If Michael Pugh of Corridor Land Services is still associated with The Villages at Cherry Hill, I have likewise worked with Mr. Pugh in the past.

My comments from this point forward are strictly my own and personal. They do not represent my thoughts as Town Administrator for Charlestown, the Town, nor the Commissioners of the Town. As such, I will let you know that I am opposed to this development. Do not think Cecil County is ready for a development of this size. Roads that would serve this subdivision do not seem to be adequate and I do not see that satisfactory

August 4, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

upgrades are possible. If commercial property is still proposed around the Lanzi roundabout, I feel that the roundabout can not be upgraded to adequately handle the traffic. I know the problems I have seen when I have been forced to go to Baltimore County and use one there. Also, believe this would stretch Cecil County Water and Sewer systems to their limits. Do not believe this project is in the proposed growth corridor that was established by Cecil County government. Think this area is located between US Route 40 and Interstate 95.

I moved my family out of New Castle County Delaware to escape the congestion there. I became very tired of houses, businesses, concrete and asphalt that were all jammed together leaving very little room for open space. My wife and I found that the schools in Cecil County were very good. My children were challenged at every level. The county school system provided them with what they needed to prepare for situations later in life. In my case, Cecil County schools help to springboard my 4 children to successful careers as adults. I would hate to see the quality of the school system denigrated by over development. When I retired at an early age from the DuPont Company, one thing I did not miss was trying to figure out which highway route would be the best to use that particular day in an effort to reach the corporate offices in downtown Wilmington.

I was on vacation when I first saw an article in the Cecil Whig regarding The Villages at Cherry Hill. Came home and told my wife I wanted to sell the house and move to the lower Eastern Shore. I have lived in Salisbury, MD; Wilmington and Newark DE; and Waynesboro VA. However, since 1983 I have lived in the Hillcrest development off MD State Route 273. Am not totally against growth. I know it will happen. However, I think that the proposal for 753 dwelling units greatly exceeds what should be allowed on the property.

Respectfully,

Stanley W. Hearne

144 Katherine Court

Hillcrest

Elkton, MD 21921

Cc: Tony DiGiacomo

Cecil County Planning

And Zoning

August 4, 2004, 9:00 a.m.

493

# September 1, 2004, 9:00 a.m.

## Technical Advisory Committee

**PRESENT:** Carter, DiGiacomo, Funk, Latham, Mandras, McDowell, Moore, Roop, and Jones

**ABSENT:** Ouano, Markwardt, and Woodhull

**1. Mike Estes presented Wellington Manor, Section 1, 2, and 3, Lots 1-243, Red Pump Road, Preliminary Plat, Northern Bay, Sixth Election District**

Mr. Estes stated the project was annexed into the Town of Rising Sun in January. The concept sketch was reviewed by TAC in April 2004, consequently going before the Town Planning Commission in May 2004. After various meetings, including TIS and other issues, the Preliminary Plat was reviewed by the Towns Planning Commission on August 16, 2004, who requested that the plat be reviewed by TAC once more. The applicant requested that the TAC comments be forwarded to the Town of Rising Sun for their consideration.

Mr. Carter asked if it was the applicant's intent to annex the property into the Town of Rising Sun. Mr. Estes replied it had been annexed in January. Mr. Carter asked if the streets, water and sewer lines would all be dedicated to the Town of Rising Sun. Mr. Estes replied yes. Mr. Carter stated CCDPW recommends that the roads, sanitary sewer, and water distribution system be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

The Department of Public Works recommends that sanitary sewers not be located within the proposed street rights of way be Ductile Iron Pipe and that storm sewers that run between lots be constructed from Reinforced Concrete Pipe and that proper access and utility easements be depicted on the plats and the effected deeds.

DPW request that the Town withhold Final Plat approval until the Department has approved the SWM Plan and the Mass and Final Grading Plan. 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. Any change to the Forest Retention, Forestation, Reforestation

## TECHNICAL ADVISORY COMMITTEE 2004

will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

Mr. Carter asked if a SWM Plan had been submitted to DPW. Mr. Estes replied no. Mr. Carter stated the perennial stream located on this site appeared to be a tributary of Stone Run and as such would have a Stream Segment Use Designation of III-P (Natural Trout Waters). Any ponds located within Use III watersheds shall require a small pond review and approval from the MDE Dam Safety Division and the use of stormwater ponds on coldwater streams capable of supporting trout may be prohibited.

The proposed stormwater pond should be designed to significantly reduce and/or eliminate thermal impacts. Refer to Chapter 4, Section 4.1 of the 2000 Maryland Stormwater Design Manual, Volume I.

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

Stormwater conveyance easements that are also proposed as access easements for maintenance must be so denoted on the final plats and the conveyance pipes must be Reinforced Concrete Pipe.

Mr. Carter asked if the existing farm pond would be used to meet any SWM quantity control requirements. Mr. Estes replied no. Mr. Carter stated if so an as-built of the pond will be required with the SWM submittal.

Mr. Carter stated sight distance measurements must be provided to the DPW to establish compliance with the Cecil County Road Code and asked if the final site distance had been submitted for DPW review. Mr. Estes replied they had been submitted in June, but that he had an extra copy which he provided Mr. Carter with.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Carter stated Section 3.07.15 of the Road Code directs that Red Pump Road be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Red Pump Road and the proposed entrances.

A TIS has been completed but did not include the required analysis of Red Pump Road relative to AASHTO geometric guidance. This analysis will be required separately because of the proposed entrances onto the County road.

Red Pump Road must be upgraded at the developer's expense to a Minor Collector Standard from north of Wellington Drive to US Route 1. A design submittal for this upgrade must be approved prior to the County authorizing the proposed entrances. Applicant must also obtain any and all easements or right of way necessary to affect the improvements.

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

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, the Department recommends that the Town require that a phasing plan be submitted for use in developing a plan for when internal road sections will be accepted by the Town and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

-

If the Town of Rising Sun requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

An I&M Agreement will be required for all SWM facilities.

A PWA will be required for the work done within the County's ROW and for the two entrance locations on Red Pump Road.

The Department recommends that the Town require PWAs for the water lines as well as the sanitary sewer and internal streets and stormdrains.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Roop of the (US Army) Corps of Engineers stated any filling within the stream or adjacent wetlands required a Department of Army (DOA) permit. The Jurisdictional Determination (JD) was issued on 8/19/04.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated Lots 1 and 2 lied within Wa, Watchung soil, which was a hydric soil. This soil rating is very limited for placement of houses with or without basements due to the depth and saturation zones. The MvD, Montalto soil, is the only soil on the site, containing houses, which is not rated as very limited for homes with or without basements. All the other soils on the site are rated very limited due to the slopes, depth of saturation zone and soil, and the shrink soil capacity of the soil. All other soils on the site are either highly erodible soils or potentially highly erodible soils which would affect the E&S strategy when the applicant tries to design their Erosion and Sentiment Plan. When designing the E&S Olan, the applicant will need super silk adjacent to all wetlands and water bodies. Examine the use of multiple traps and basins with perimeter earth dykes and swales. Rather than using one or two large SWM basins and relying on the storm drain systems to transport the sediments runoff to the basins, it would be preferable to use several smaller drainage areas.

Mr. Mandras, State Highway Administration, stated the project was not on a State highway therefore, they had no objection to its approval. He did speak on a comment from the TIS that encouraged the possibility of a round-about at the intersection of US Route 1 and Red Pump Road being investigated.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. McDowell, Citizen s Representative, advised that he had not received any comments.

Mr. DiGiacomo read the Board of Education comments, questioning if the applicant had looked into having Devonshire Lane access Red Pump Road, and the cul-de-sac being placed on the east end of Wellington. Mr. Estes stated they would take it into consideration. A copy of the comments is attached for reference.

Mr. DiGiacomo stated that Conectiv had no comment concerning this project.

Mr. DiGiacomo read the Rising Sun Volunteer Fire Department comments, a copy attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated that the FSD has been approved for this project and the JD was conducted on 8/19/04. The Natural Heritage Service indicates that there were seven sensitive species in the area and they recommend that a sensitive species survey be conducted. The OPZ reiterate and support the recommendation for a species survey.

Mr. DiGiacomo read the OPZ comments: 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.

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

- Town Zoning: R2
- 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.
- It should be confirmed that the street geometrics, particularly the proposed Paddington Court cul-de-sac, are consistent with the Town's Zoning Ordinance and Subdivision and Public Works codes and regulations.
- Mr. DiGiacomo asked what was there to differentiate the three proposed sections, one from another. Mr. Estes replied the shaded area.
- It should be confirmed that this Preliminary Plat meets all of the technical requirements set forth in the Town's Zoning Ordinance and Subdivision Regulations.
- Mr. DiGiacomo asked who was proposed to own the stub for future access to the Lands of Montgomery, to the north. Mr. Estes replied he did not know. Mr. DiGiacomo stated that it would need to be specified prior to Final Plat approval.

## TECHNICAL ADVISORY COMMITTEE 2004

- A Special Exception was granted by the County for the signs along US Route 1 on 3/13/73 for a period of ten years. It should be confirmed that their continuation and location in the proposed common open space is consistent with the Town's Zoning Ordinance.
- The Town of Rising Sun and Cecil County have not yet signed an Assigning obligations under the Forest Conservation Act agreement. Nevertheless, the Office of Planning and Zoning will review and comment on the FSD, PFCP, and FCP.
- 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. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts or stream crossings prior to recordation.
- Mr. DiGiacomo stated a JD had been done.
- 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.

## TECHNICAL ADVISORY COMMITTEE 2004

- Sidewalks are recommended along both sides of all internal streets.
- 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.
- 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.
- The Emergency Management Agency had previously approved all proposed road names. However, Barrshire Terrace and Pennsbury Loop has been added.
- If this revised design has not gone back to the Planning Commission, then it should be confirmed that significant changes in density (243 lots vs.272) and layout do not require approval of a revised Concept Plat.
- Consideration should be given to soliciting review and comment on the subdivision layout by the Rising Sun Volunteer Fire Company.
- Consideration should be given to an additional access point on a road other than Red Pump Road.
- A Traffic Impact Study (TIS) is recommended to be completed prior to the Planning Commission's review of the Preliminary Plat. SHA, CCDPW, CCOPZ and Rising Sun Fire Department should be kept in the loop.
- The add-on hook in the lower left-hand corner should show direction.
- Fire hydrant/standpipe location symbols should be included among the graphics under Legend.

## TECHNICAL ADVISORY COMMITTEE 2004

- Fire hydrant/standpipe locations 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.

There were no further comments.

### **2. Michael Pugh, Mark Ritz, Ben Brockway, Mike Fisher and Masco Martin presented **Wapiti Wilderness Retreat, Turkey Point Road, Site Plan, Wallace Roberts & Todd, LLC, Fifth Election District****

Mr. Pugh stated the applicants were present to discuss the Growth Allocation application for the Wapiti project, which was located within the Critical Area and zoned RCA. The applicant will be seeking approval to change the zoning on 40 acres to LDA, therefore allowing the construction of the proposed conference center.

Mr. Ritz stated the Episcopal Diocese of Pennsylvania purchased this property for the purpose of creating a retreat center. The project's name is Wilderness Retreat Center of the Episcopal Diocese of Pennsylvania. There are four purposes for the property; adult conferencing, elderly and disabled programs, environmental education and youth camping. There are 160 congregations supported around the Philadelphia area, serving 23,000 families in the Philadelphia region. The applicants are looking for a place to bring everyone together while creating a Christian community within their diocese. The land was purchased in partnership with the Maryland Conservation Fund. Phase 1 is currently underway, consisting of renovations of the existing buildings. No additional buildings will be constructed until after the Growth Allocation Plan and In-Sight Plan are completed. The retreat will operate year round.

Mr. Pugh stated Phase 1 consisted of renovating existing buildings along the waterfront. Future phases will include youth lodges, activity buildings and other structures that were not presently on the site.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Brockway stated as part of the growth allocation an environmental assessment was conducted on the entire property. The existing woodlands conditions and other natural resources were evaluated. A wetland delineation was conducted on the property and a JD has been granted by the US Army Corp of Engineers. Comments had been requested from the Department of Natural Resources. DNR had indicated that there was a potential for a species of concern possibly located along the southern tidal inlet. The applicants have addressed this issue as part of an environmental assessment. A bald eagle nest has been identified on the property and management practices have been developed in accordance with the DNR recommendations. DNR has indicated that the woods on site have a potential forest interior dwelling bird habitat which they would like to see preserved where possible. The way that the Growth Allocation has been set up to basically utilize the existing open area on the property and retain the forested wooded wetland areas and buffers in a natural condition.

Mr. Pugh stated the applicants had reoriented the entrance of the existing facility, creating a 90° intersection. The site distance will be reviewed. Spacing and other issues will be evaluated at a future time. The other entrance will be closed and relocated further up the hill in order to provide a clearer line of site in addition to a safer entrance and exit. There is a preliminary design and a meeting will be set at a later date.

Mr. Pugh stated the Zoning Ordinance requires the applicant to create a series of evaluations of their plan, in reference to the Growth Allocation, based on point scoring. Mr. Pugh and Mr. DiGiacomo agreed to meet within the next couple days to discuss the scores prior to submittal to Planning Commission, a copy attached for reference.

Mr. Carter stated that most of the questions circle around SWM. Phase 1 will only deal with renovations and some minor disturbance around the existing buildings. There is an existing building permit for these activities which include a grading permit because it is exempt under stormwater because it is less than 5000 ft<sup>2</sup>. The later phases would clearly not be exempt. As no submittal has been received by the Department of Public Works, do you believe you are exempt under Section 251-5 D. ( Land development activities that the Administration determines will be regulated under specific State of Maryland laws, which provide for managing stormwater runoff. )? If so, the Maryland Department of the Environment must represent to the Department of Public Works of Public Works that MDE will be administrating stormwater management regulations for the project or that this exemption is satisfied in some other way acceptable to MDE. Mr. Pugh replied no. Their intent was to come in with another site plan for the additional phases. As you proceed into other phases and doing further distances of any kind, Mr. Carter encouraged the applicant to contact Mr. Woodhull, DPW. Mr. Carter stated he would dispense from further comments as they would apply only to future phases.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands and stream required a Department of Army (DOA) permit. Any structures and fillings in the tidal wetlands and streams required Department of Army (DOA) permit. Jurisdictional Determination (JD) has been issued.

Mr. Funk stated the soil chart showed Elkton mixed alluvial and tidal marsh should be shown as hydric soils.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Ms. Latham, MDE, stated that a Water Appropriation and Use Permit exist for the current operation. Later phases will require an increase. Twenty-five employees and up will involve a series of water quality requirements. There may other requirements if there is a central distribution system involved. At some later date this could be considered a community system.

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

Mr. McDowell, Citizen's Representative, advised he received no comments.

Mr. DiGiacomo stated the Board of Education had no comment concerning this project.

Mr. DiGiacomo read Conectiv's comments, a copy attached for reference.

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: 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.

Mr. DiGiacomo read the OPZ comments: Zoning: NAR, RCA (Critical Area)

This is a site plan, which the TAC does not ordinarily review. However, this proposed project was granted a Special Exception (File # 2910) for a conference center and campground by the Board of Appeals on 1/28/03, and because the project is proposed to be located in the Critical Area RCA zone, a condition of the Special Exception is that the applicant received Growth Allocation. That requirement, for this use in the NAR and RCA zones, is found in the Cecil County Zoning Ordinance, Table of Permissible Uses, found between pages 76 and 77, and it is found in § s 85.1.e & 101.16.

## TECHNICAL ADVISORY COMMITTEE 2004

§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. After TAC review, this proposal will next be reviewed by the Planning Commission who will make a recommendation to the Board of County Commissioners for approval or disapproval of the Growth Allocation application. This application seeks Growth Allocation from RCA to LDA for 40.0 acres.

Until such time as the Board of Commissioners might award Growth Allocation, site plan comments are to be considered preliminary in nature. The primary issue at this time is that of the possible awarding of growth allocation based on the point award system.

On sheet one on the plan, the spellings of proposed ropes course, maintenance building, and maintenance access road must be corrected.

In Section 1.1. of the narrative, the tax map number must be revised to 46 (not 51).

In Section 4.7, the abbreviation for the Department of Natural Resources must be revised to DNR (not MDE).

Also in Section 4.7, the Bald Eagle habitat protection measures listed for Zones Two and Three are incorrect. The plan has the correct protection measures, and thus, this section of the narrative must be revised so that it matches those of the plan.

In Section 7.4 (the first paragraph), the spelling of width must be corrected.

In terms of scoring, 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.

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 95 points, only 92 of which count toward the established threshold. §206, 207, and 208 provide that the scoring system be

## TECHNICAL ADVISORY COMMITTEE 2004

the basis for any recommendation of reclassification.

OPZ has reviewed the scoring and takes issue with the self-awarded points in §9. As this is not a residential development proposal, 3 points for a residential pier is unreasonable. That would reduce the number of points earned to 89, below the 90-point threshold. However, the applicant may have self-awarded too few points in §10.b; therefore, 90 points may yet be achievable. If so, then staff will recommend that the Planning Commission recommend the awarding of Growth Allocation to the Board of Commissioners.

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

There were no further comments.

### **3. David Meiskin, Michael Vaughn and Shawn Davis presented **Charlestown Crossing (Town of Charlestown), Rte 40, Concept Plat, Morris & Ritchie Associates, Inc., Fifth Election District****

Mr. Vaughn stated the project consisted of 252 acres, 222 acres zoned SR. It is the applicant's intent to request a special exception, to develop the project under the PUD ordinance. There are plans for a high quality town center serving mostly the development with a deli, ice cream parlor, drug store, hair place, etc at the entrance which would be located in the 15 acres zoned BG. The 15 acres zoned industrial would have flex buildings and offices for the other types of business. The applicant's intent is to give the project an old time feel.

Mr. Davis stated the applicants were proposing a total of 610 homes in a variety of different types including smaller and larger town homes, and a variety of single homes. He pointed out the locations of the various types of homes along with entrance ways. There will be several different recreational parks provided along in addition to the open space.

Mr. Carter stated if this property was annexed by the Town of Charlestown the streets along with the water mains would belong to the Town. The CCDPW recommends that the roads and water distribution system be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The sanitary sewers would be owned and maintained by Cecil County.

## TECHNICAL ADVISORY COMMITTEE 2004

We request that the Town withhold Final Plat approval until the Department has approved the SWM Plan and the Mass and Final Grading Plan. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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

The 100-year flood plain must be plotted by elevation (rather than graphically from the FEMA maps) as it is suspected that several areas of the improved site may be impacted by the floodplain.

The submitted plan indicates no provisions for stormwater management facilities.

An existing over vertical east of the entrance is of some concern to the Department of Public Works.

A TIS is recommended. Because County roads (particularly, Wells Camp Road and Red Toad Road) would be indirectly impacted, the Department of Public Works wishes to be included in the scoping session.

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

## TECHNICAL ADVISORY COMMITTEE 2004

If the Town of Charlestown requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

The PUD write-up contains several errors that may lead to confusion or which may mislead various parties. For example, the North East Advanced Wastewater Treatment Plant (aka the Seneca Point WWTP) is erroneously called the Carpenters Paint WWTP. Also, reference is made to the County owning the internal streets, which is inconsistent with the (apparent) intent of Charlestown to annex the property. Reference is made to a pump station but none is shown on the Concept Plan. Also, reference is made to the applicant's intent to contribute a fair share to facilities upgrades; it should be understood that the County has no plans to share in facility upgrades related to the project.

An I&M Agreement will be required for all SWM facilities.

A PWA will be required for the sanitary sewers.

The Department recommends that the Town require PWAs for the water lines as well and internal streets and stormdrains.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands and streams required a Department of Army (DOA) permit. Jurisdictional Determination (JD) has been issued.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated they would like to see the soils delineated and added to the map. Hydric soils have been found on the site and based on the mapping it was hard to locate the hydric soils. There are also potentially highly erodible soils. This could require some type of special design and increased maintenance for erosion sediment control. He stated a Comprehensive Erosion and Sediment Control Plan would be required prior to any ground disturbing activities on the site. The plans will need to utilize controls from initial grading throughout the development process all the way through to individual house construction. Consideration should be given to multiple traps and basins with perimeter earth dykes and swales. Rather than using one or two large SWM basins and relying on the storm drain systems to transport the sediments runoff to the basins, it would be preferable to use several smaller drainage areas.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference:

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham, MDE, asked the applicant if an agreement to supply water had been made with the Town of Charlestown. Mr. Vaughn replied the water issue was tied in with the annexation issue. The water source will be one of three: (1) Town of Charlestown, (2) on site which is large enough to support its own water system or (3) getting water either directly or indirectly through the Town of North East. The water could possibly be supplied from the industrial part across Rte 40 and just north of the site.

Ms. Latham stated Charlestown's appropriation permit was up for renewal and an increase has been requested. She will verify if this project is included in the application.

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

Mr. McDowell, Citizen's Representative, advised that although he had received no comments, he did have a question and comment of his own. He questioned the location of the business park across the street. Mr. Vaughn stated it was located on the north side, next to Ritchie Brothers and was not part of this project.

Mr. McDowell stated there was a comment made about the connector road and the possibility of it becoming a through road. With Rte 7 providing shorter access to people coming out of Charlestown, going south and people going north possibly using Wells Camp and Red Toad Roads. These are not good choices because of their conditions. Mr. Vaughn stated they would look into these issues.

Mr. DiGiacomo read the Board of Education comments, a copy attached for reference.

Mr. DiGiacomo stated that Conectiv had no comment concerning this project.

Mr. DiGiacomo read the OPZ comments: The question of plans for annexation into the Town of Charlestown has not been resolved.

Zoning was SR, M1, BG, & RCA (Critical Area). The SR zone permits a base density of one (1) dwelling unit per one (1) acre, 2/1 with community facilities, 4/1 in a Planned Unit Development. This Concept Plat proposes an undetermined number of lots on 223 SR-zoned acres.

The individual sections' dwelling unit totals add up to 615, and the Site Data notes indicate the dwelling unit total to be both 610 and 614.

## TECHNICAL ADVISORY COMMITTEE 2004

The number of proposed dwelling units must be determined and cited consistently on the plat submitted for review by the Planning Commission.

The Site Data notes indicate that 894 dwelling units are permitted, but 4 x 223 is only 892. This discrepancy will need to be rectified.

The name and address of the owner or person representing the owner has not been provided, as required by §4.0.13 (e) of the Subdivision Regulations.

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

In addition to the absence of road names, none of the proposed lots have been numbered, making specific reference to lots very difficult. Therefore, proposed lots should be numbered on all subsequent plats.

Consistent with Appendix A of the Zoning Ordinance, a title block must be included on the plat submitted for review by the Planning Commission. The title block must include the Election District information.

PUD's must adhere to the requirements of Article's XII and XVII of the Zoning Ordinance. Of particular note is §256 of the Zoning Ordinance. A PUD is permitted in the SR zone by Special Exception, a Special Exception Sketch Plat for which must be reviewed by the TAC and the Planning Commission prior to the Special Exception's being considered by the Board of Appeals. Mr. DiGiacomo asked when the applicant anticipated beginning the required Special Exception application process. Mr. Vaughn replied the project had already been scheduled to go before the Board of Appeals. Mr. DiGiacomo stated it may be premature as the Critical Area information has not been included on this plat.

Mr. DiGiacomo stated §252.3 states that the requirements of the BL zone shall apply to business uses in a development in the PUD.

The respective SR, M1, & BG zones have not been delineated. Mr. DiGiacomo asked how the boundaries match up with the proposed residential, commercial, employment, and community center uses. Mr. Vaughn replied this sketch did not line up with the rezoning of the 15 acres connected to commercial or the 15 acres connected to industrial business. The discrepancy is located in the employment area which will be addressed.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated that both this and the Critical Area issues should be addressed ASAP; therefore not placing the Planning Commission or Board of Appeals in the position of being asked to approve something that would be inconsistent with the critical area and/or zoning programs. Discussion continued concerning the M1 & BG areas proposed to be included in this PUD and any rezonings proposed.

Mr. DiGiacomo asked what was proposed for the commercial and employment uses? Mr. Vaughn replied a commercial center. Mr. DiGiacomo asked what differentiated business from commercial. Mr. Vaughn replied commercial retail versus commercial office.

Mr. DiGiacomo stated §248.2 states that ARTICLE XII's intent to permit certain commercial uses in a PUD that serve the day to day needs of the residents of the PUD. §252.2 stipulates that the business uses permitted in a PUD shall be the same as those permitted in the BL zone. The intended, proposed non-residential uses must be declared prior to any approvals.

The Critical Area boundary has not been depicted, as required in §4.0.13(n)6.

The RCA Critical Area zone permits a maximum density of 1/20. The proposed density for the Critical Area portion is has not been stated.

The Critical Area acreage has not been provided, as required in §4.0.13(n)7.

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.

If a Special Growth Allocation is required, then it must be obtained prior to the Planning Commission's and the Board of Appeals' reviews of the Concept/Sketch Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Any Special Growth Allocation application must adhere to the procedures and requirements set for in § s 205-209 of the Zoning Ordinance.

§253.2 stipulates that no business establishments shall be permitted to operate until 25% of the residential units are constructed.

§253.1 stipulates site plans must be prepared for all business uses shown. Any site plans must be approved prior to Final Plat approval(s), and the requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

In the SR zone, no more than 20% of the PUD dwelling units can be townhouse or apartment units. Base upon 610 proposed dwelling units, there can be no more than 122 townhouses. 178 proposed villas are cited in the Site Data notes. If the villas are proposed townhouses, then the 178 figure is at odds with the individual sections totals, which add up to 183 (128+55), not 178.

The exact number of proposed townhouse units must be determined and cited consistently on the plat submitted for review by the Planning Commission. In addition, the correct number of townhouse units must be cited in Site Data notes.

Consistent with §4.0.13 (m), the total number of off-street parking spaces and the space to unit ratio for the proposed townhouses must be provided on the Concept Plat submitted for review by the Planning Commission.

As drawn, it is unclear whether the townhouse lot boundaries or the townhouse structures are being depicted. Per §4.0.13 (m), both must be depicted on the Concept Plat submitted for review by the Planning Commission.

§250.1.d (1) requires that there be no more than 4 townhouses in one building. Mr. DiGiacomo asked why 5 per building were being proposed. Mr. Vaughn replied that the plat would be revised to 4 building prior to the next submission.

The proposed density must be cited on the Concept Plat submitted for review by the Planning Commission.

## TECHNICAL ADVISORY COMMITTEE 2004

The minimum SR zone lot size is 12,000 ft<sup>2</sup> and the setbacks are 30-10-40. For townhouses, minimum SR zone PUD lot size is 1,800 ft<sup>2</sup> and the setbacks are 20-15 (end units) -40. These requirements are at odds with the data cited in the Site Data notes.

No details have been provided regarding the proposed community center. The proposed community center must be served by water & sewer systems approved by the Health Department.

If the community center, any parking, and recreational facilities are accessory uses to the proposed residential development, then the Preliminary Plat must include their details or a major site plan submittal shall required. Any major site plans must be approved prior to Final Plat approval(s). The requirements of §291 and Appendix A of the Zoning Ordinance must be adhered to.

Mr. DiGiacomo asked who would have access to the proposed community center. Mr. Vaughn replied the people within the community.

Mr. DiGiacomo stated any variances to be requested must appear on the Concept/Sketch Plat prior to review by the Planning Commission.

In general, the Concept/Sketch Plat must adhere to the Subdivision Regulations requirements for Concept Plats and the Zoning Ordinance Appendix A requirements for Sketch Plats, per §256. In addition, for that portion of the property included in the Critical Area RCA zone, all the requirements of §4.0.13(n) must be adhered to on the Concept/Sketch Plat. All deficiencies (title block, soils information, specific proposed uses, etc.) must be corrected on the Concept/Sketch Plat submitted for review by the Planning Commission and the Board of Appeals.

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

Dwellings or impervious surfaces shall not occur on slopes with a grade of 25% or more covering a contiguous area of 10,000 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices 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 Concept/Sketch Plat prior to review by the Planning Commission.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

30% common open space is required. Areas of common open space must be labeled, and the proposed common open space acreage must be included on the plat submitted for review by the Planning Commission.

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.

30% landscaping of the gross site is required.

Sidewalks, consistent with §255.3, will be recommended by staff.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of US 40 and MD 7.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 and/or site plan approvals (§6.3.B(1)(a)).

The portion of the property within the Critical Area is exempt from the Forest Conservation Regulations per §3.2B. A note to that effect must appear on the plat. An Environmental Assessment must be submitted.

A Landscape Agreement must be executed prior to recordation or site plan 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 Final/Record Plats and/or site plans.

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.

Written verification of water allocation and sewer capacity must be provided prior to Final Plat review by the Planning Commission, or prior to Site Plan approvals. Water and sewer providers have not been provided on the Concept/Sketch Plat.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master 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 lots and townhouses offered for sale.

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

## TECHNICAL ADVISORY COMMITTEE 2004

protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

A Traffic Impact Study (TIS) must be completed prior to Preliminary Plat review by the TAC.

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

There were no further comments.

**4. Donald Sutton presented *Fulton Hills, (formerly Lands of Harry M. Crawford, et. ux.), Old Telegraph Road, Concept Plat, McCrone, Inc., First Election District***

Mr. Sutton stated this project was before the Planning Commission in August 2004 and had been denied approval. The applicant is still seeking bonus density. The loop road scenario remains. A cul-de-sac area has been added. The lot sizes have been increased and Lot 18's size had been decreased.

Mr. Carter asked if the reserved 100' ROW would remain in fee simple for Lot 18. Mr. Sutton replied no, it would be a fee simple access to the upper portion.

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. The 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

## TECHNICAL ADVISORY COMMITTEE 2004

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

The SWM Plan, Road & Storm Drain Plan, and the Lot Grading Plan must address the existing drainage swale running across the property (Lots 1, COS) to Sandy Branch. Impacts to the Lands of Clevenger and Teat must also be analyzed and addressed. Applicant may be required to pickup Old Telegraph Road drainage and cross lot drainage and convey it to the stormwater management facilities to address existing conveyance concerns.

All conveyance and access easements must be identified on the Final Plat. The standard easement width is 20 however they may need to be wider depending on the type of conveyance and/or the combination of access and conveyance.

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

Mr. Carter asked if the centerline of the proposed entrance locations must be marked in the field to allow the Department to review the sight distances quoted. Has this been marked? Mr. Sutton replied yes.

Mr. Carter stated the requirements of Section 3.07.15 of the Road Code requires that Old Telegraph Road be upgraded to Minor Collector road standard for 100 either side of the proposed entrances onto Martha Way. The applicant can anticipate the requirement to improve and/or establish shoulders and improve drainage along this development s entire road frontage.

The DPW will require substantial Geo-tech investigation to determine the suitability of the sub grade in the area of the existing drainage swale crossing of Martha Way to support a County road.

Lot 1 must be denied access to Old Telegraph Road.

## TECHNICAL ADVISORY COMMITTEE 2004

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 and this must be so indicated on the Lot Grading Plan.

A PWA is required for the Roads and Storm Drains.

An I&M Agreement is required for SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands or streams required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Mr. Funk stated a lot of questions had been brought up in reference to the drainage areas of the open space and Lots 1-3. Mr. Funk questioned the size of the drainage area and what was the hydrology. Mr. Sutton replied he did know at this time but it would be part of the design of the SWM area.

Mr. Mandras, State Highway Administration, stated the project was not on a State highway therefore, they had no objection to its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. McDowell, Citizen's Representative, read a letter pertaining to citizens' concerns. There is a drainage swale across the proposed development that carries off water from 150-200 acres of land. The water originates from across Old Telegraph Road and from large lot 18. In heavy rains, a torrent of water flows over the Old Telegraph Road and across proposed lot one, the back of the Clevenger lot in the middle of the U shaped access road, and then across the proposed common open space. This causes a very wet area on the low side of the proposed development. This can be seen from the topography on the plat. The problem will increase with the development due to the additional areas of impervious surfaces from the roadway, driveways and houses. The Clevenger's are concerned that although the new plat being presented has improved the lot

## TECHNICAL ADVISORY COMMITTEE 2004

layout, the water will still cross their property. There has been no request for an easement to run stormwater across their property. The proposed interior road also crosses this swale in the wet area. Its location is not suitable for a roadway. The common open space area is all in the low, wet area and is not suitable for recreation. They are also concerned about plans for development of the remaining lands of Harry M. Crawford consisting of 53.7 acres in Delaware that is accessed by a panhandle crossing into Maryland.

Mr. DiGiacomo read the Board of Education comments, a copy attached for reference.

Mr. DiGiacomo read Conectiv's comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is SAR which permits a maximum base density of one (1) dwelling unit per eight (8) acres. Bonus density eligibility carries with it a permitted density of 1/5. This Concept Plat proposes 18 lots on 93.1 acres, for a proposed density of 1/5.17.

Mr. DiGiacomo asked what was the nature or purpose of the proposed add-on. Mr. Sutton replied for access to the Delaware portion so that it would not be a land lock property.

Mr. DiGiacomo stated New Castle County records indicate that the Delaware portion of this property, which is zoned SR, is 60 acres. If the 53.7 acre figure is correct, then possibly 11 additional lots could be approved (or 21 lots, if the open space option were elected).

Mr. DiGiacomo asked if any development had been planned or proposed in New Castle County for that portion of the property. Is there any technical reason why the proposed access strip is located at the very end of the property, and why it needs to be in excess of 100' wide? Mr. DiGiacomo suggested that the applicant advise the Planning Commission that developer was different than the potential developer in Delaware. Mr. Sutton stated the developer would only be purchasing the 18 lots and common open space. The Delaware portion and the 100' access would be retained by Mr. Crawford. Mr. DiGiacomo stated the OPZ had contacted the New Castle County Department of Land Use in an attempt to coordinate projects but have had no response and are therefore assuming that nothing had been proposed.

Any development of the remaining lands in New Castle County will require New Castle County approval prior to Cecil County recordation of the access strip. A mini-road maintenance association would need to be formed, and the incorporation documents recorded in both counties prior to recordation of the roadway in Cecil County.

## TECHNICAL ADVISORY COMMITTEE 2004

A Traffic Impact Study (TIS) for the full build-out potential may be recommended.

A number of issues, including traffic, emergency services, school attendance, and stormwater management will require inter jurisdictional coordination.

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

Minor Subdivisions 279, 2020, 3124, and 3441 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

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

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

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

15% common open space is required; 31.36% is proposed. The common open space and the proposed large lot together total 62.19% of the total acreage, thus satisfying eligibility for bonus density consideration in the SAR zone.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Old Telegraph Road.

Rows of street trees with 10 planting easements are required, outside the right-of-way, along both sides of the proposed, unnamed loop 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) 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.

The proposed internal road names have been approved.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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

There were no further comments.

**5. Wayne Newton presented Stoney Run Creek Estates, Razor Strap Road (Map 25/Parcel 526 & 749), Concept Plat, Delta Services, Fifth Election District**

Mr. Newton stated 156 town homes were proposed in a RM zone. There are significant access issues that need to be addressed.

Mr. Carter stated the Concept Plat, as submitted, is essentially unreviewable because it lacks sufficient detail to comment upon and we do not recommend it be brought before Planning Commission in this form. That being said he would try to comment as best as he could. Any comments are conditioned on the fact that DPW is not exactly sure of the interpretation of the items on the plat.

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

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein .

The downstream conveyance of stormwater 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.

Mr. Carter asked if the serving fire company commented on the need for fire hydrants. Mr. DiGiacomo replied no. Mr. DiGiacomo stated DPW recommends hydrants at each intersection 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 serving 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 should be demonstrated through a comprehensive network model and we encourage the Town of North East to consider requiring this of the applicant.

If the applicant has not already obtained a copy of the Cecil County Road Code, the Water and Sewer Standards, and the Stormwater Management Ordinance, they are strongly recommended. Documents incorporated by reference (such as the 10-State Standards for Water and for Sewer, and the MDE SWM Design Manual) will be similarly essential.

Mr. Carter asked if the internal roads would be private or public. Mr. Newton replied a mix of both. Mr. Carter stated the proposed roads must meet Road Code Standards. Road Code Standard Detail R-4 (Minor Collector) will be required for the road sections where 50 or more units will contribute traffic and R-2 will be applicable elsewhere. Rights of way must be corrected accordingly.

Mr. Carter stated the development seem to be based on a single entrance. Do you have some type of design/arrangement to access through Northwoods? Mr. Newton replied they had some concept of where

## TECHNICAL ADVISORY COMMITTEE 2004

some access was provided at some previous point in Northwoods. Whether it is still there today they are not sure. They will be investigating it. Mr. Carter stated the applicant must demonstrate that Peppertree Circle in Northwoods is suitable for the proposed traffic load if access is sought. The right of way stub to Lands of Mars is encouraged.

Regardless of phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction.

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

All driveways must be paved at least to the right of way and so noted on the Lot Grading Plan.

Internal streets, as well as several lots are immediately adjacent to or within the (apparent, unlabeled) flood plain line, which has been graphically shown from the FEMA maps. In reality, the flood plain follows some (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. It is likely that much of the proposed layout is within the 100-year floodplain. As graphically shown, the major street crossing has a flood plain some 200' wide, a considerable span for a subdivision bridge. Such a bridge would rank amongst the longest of any bridge maintained by the 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 request for sewer allocation must be submitted to DPW.

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

PWAs will be required for internal streets & storm drains and sanitary sewer mains.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the stream, runs or non-tidal wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated the plan was difficult to review because of the lack of necessary information, the location of highly erodible and hydric soils were unable to be located. He would like to see soils labeled on the plan. Some soils are susceptible to occasional flooding.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated on a personal level if he lived in Northwood he would have appreciated knowing that such a large development had the potential of connecting. He asked the applicant if the residents of Northwood had been notified. Mr. Newton replied no, he did not think they had been informed.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required, but the plat should state the water supplier.

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

Mr. McDowell, Citizen's Representative, advised that he received no public comments but was surprised to find the lack of information provided on the plat. He encouraged the applicant to provide the complete listing of information needed.

Mr. DiGiacomo stated that the Board of Education had no comment concerning this project.

Mr. DiGiacomo read the Board of Education comments and added that they had not been sure where the project would be located in relation to the current Northwood streets. Bus service would not be provided in a townhouse area and students would be required to walk to the bus stop located at Northwoods.

Mr. DiGiacomo stated that Conectiv had no comment concerning this project.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference. He also noted that he felt the NEFD assumed there were two entrances when in fact there was only one.

Mr. DiGiacomo read the OPZ comments: The zoning is RM which permits a maximum base density of two (2) dwelling unit one (1) acre without community facilities. With community facilities the permitted density is 12/1 for townhouses. As there is nothing noting the tract area or proposed number of dwelling units as required on Concept Plats, it is assumed that this Concept Plat proposes 156 lots on 44.3 acres, for a proposed density of 3.52/1. Both the tract area and number of proposed dwelling units must be included on any plat submitted for Planning Commission review.

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

The title block must indicate that this is a Concept Plat, and that the property is in the 5<sup>th</sup> Election District.

A Traffic Impact Study (TIS) will be required. It must be submitted prior to the submission of the Preliminary Plat for TAC review.

Mr. DiGiacomo stated the applicant had noted that currently the proposed access was shown to be Northwoods but other access where being sought. There is currently no stub road depicted in the approved Northwoods Concept Plat, and the capacity of the roads in the Northwoods subdivision to handle the additional traffic loads is questionable. Mr. DiGiacomo asked if the applicants had spoke to the other the adjacent property owners. Mr. Newton replied he had contacted them but they where proceeding on some other type of development.

Mr. DiGiacomo asked the applicant why there was no access via Razor Strap Road being proposed. Mr. Newton replied because of difficulty with floodplain issues.

Mr. DiGiacomo stated 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.

Adjacent property owner information is required.

## TECHNICAL ADVISORY COMMITTEE 2004

The cited block number is wrong. It should read 20.

The deed references of the parcels must be listed.

The existing and proposed zoning of the parcels and adjacent properties is required on the plat.

A vicinity map must be shown on the plat and depicted at a scale of 1" = 2000'.

A north arrow is required.

There is no dimension on the road/right of way going to the northeastern corner of the property.

The floodplain and wetlands that appear on the FEMA map 240019 0026A and County Wetland Management maps, respectively, are not depicted on the plat.

Mr. DiGiacomo stated the legend was not included, therefore making it very difficult to determine what the bold lines represented and any differentiation, making it hard to follow the property lines. Therefore, without a property line not being determined it was not know if the information included in the property was derived from the tax maps.

The elevations of the typographic lines, if included, must be discernable.

The required setbacks must be depicted/listed on the plat (front 20', side 15', rear 40').

Consistent with §4.0.13 (m), the total number of off-street parking spaces and the space to unit ratio for the proposed townhouses must be provided on the Concept Plat submitted for review by the Planning Commission. The required number of spaces is dependent on the number of proposed bedrooms per unit and can be found in § 277 of the Zoning Ordinance.

## TECHNICAL ADVISORY COMMITTEE 2004

No townhouse structure shall be closer than fifteen feet to any off-street parking area.

The proposed height of the buildings must be listed. The maximum building height in the RM zone is 35 feet. No building shall be constructed closer to any other building on the same lot that a distance equal to the height of the higher of the two buildings.

The minimum distance between townhouse structures shall be sixty feet if townhouse structures are face to face. The point of measurement shall be the exterior walls of the structures and does not include balconies or other architectural features.

Townhouses are required to have minimum lot sizes of 1,800 ft<sup>2</sup>. The lot dimensions and sizes are not provided.

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

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

The width of the stream buffers must be stated on the plat.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

This proposal does not satisfy the common open space provisions of the RM zone. 20% of the gross site area is required for common open space and no common open space is depicted on the Concept Plat.

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.

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.

25% landscaping of the development envelope is required in the RM zone.

All areas not occupied by buildings, roads, parking areas, service areas, or other required or permitted uses, including open spaces and usable recreation areas shall be landscaped by lawns, tree, shrubs, gardens, or other suitable ground cover.

A minimum 25 foot bufferyard Standard C is required around the perimeter of the development tract. No parking areas, roadways, or accessory structures shall be permitted in the 25 foot planted bufferyard.

Sidewalks on both sides of all internal roads are recommended in the RM zone. (Adequate pedestrian access shall be provided throughout the development. 29.3.a)

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

## TECHNICAL ADVISORY COMMITTEE 2004

A Landscape Agreement must be executed prior to recordation.

The Forest Stand Delineation (FSD) must be approved prior to Planning Commission review of the Concept plat. None has been submitted.

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.

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

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 Final/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. There are currently no proposed road names listed on the plat.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master 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 townhouses offered for sale.

Townhouse developments shall be served by public water and sewer facilities.

Written verification of water allocation and sewer capacity must be submitted prior to Final Plat review.

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 2004

Mr. DiGiacomo commented on an issue raised by Mr. Carter as to whether the proposed roads would be public or private. If they are to be private a Variance must be obtained to create lots on a non-public road.

The applicant was reminded of the Tuesday noon submission deadline for review by the Planning Commission this month. All deficiencies must be corrected. The applicant may want to consider submitting a revised Concept Plat for TAC review prior to review by the Planning Commission, especially since a FSD has not been submitted or approved.

There were no further comments.

### **6. Doug Kopeck presented Chesapeake Village, St. Augustine Road (Rte 342), Concept Plat, CAN, Second Election District**

Mr. Kopeck stated the project was located in Chesapeake City and gave a brief history of the project. The project consists of 42 proposed single family homes and 60 townhouses.

Mr. Carter stated it was the Departments' understanding that the site is located in the Town of Chesapeake City. As such, all infrastructure (e.g. sewer, water, and roads) will belong to the Town.

The Cecil County Department of Public Works recommends to the Town of Chesapeake City that the internal streets be built to Cecil County Road Code standards or equivalent and that the water and sanitary sewer be built to 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 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. Any change to the Forest Retention, Afforestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include a note saying: No clearing or grading is permitted beyond the limits of disturbance shown hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or

## TECHNICAL ADVISORY COMMITTEE 2004

both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein.

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 Department normally requires that any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. We recommend that the Town of Chesapeake City require the same before approving the Preliminary Plat.

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

If the Town of Chesapeake City requires sidewalks, the Department recommends that the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner.

The proposed alleys should be clearly established on the Final Plats as being the perpetual maintenance responsibility of the Homeowners or Condominium Association and the maintenance responsibilities should be clearly described in the Association documents.

The layout, with entrances to MD route 342 and Second Street is highly recommended and the Department of Public Works recommends that Final Plat for the first phase or section be conditioned upon construction of the through road in the first phase or section and the Final Plats should not be approved until the wetlands crossing permits have been obtained.

Recommendations from the 10 States 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.

Previous submittals for this project seemingly required sanitary sewers outside the street right of way and the Department of Public Works strongly cautioned against this. If this current layout is feasible, it is strongly recommended. The Department continues its recommendation against any proposed routing of the sewer through the woods and stream buffer, as indicated on the previous plan, unless the Applicant can substantiate

## TECHNICAL ADVISORY COMMITTEE 2004

that there is no feasible alternative.

If such a routing is permitted (that is, one through the common open space, wetland areas, etc.) the Department 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.

The Second Street entrance is proposed within the existing 100-year flood plain. The Department of Public Works recommends that the design thoroughly consider the impacts of the flood plain on the proposed road and that extensive geotechnical work substantiate the design and construction of the road section on what will surely be unacceptable subgrade conditions. The filling of the floodplain must anticipate and mitigate any impacts on upstream or downstream property damage that may result.

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. Roop of the (US Army) Corps of Engineers stated any filling in the tidal or non-tidal wetlands would require a Department of Army (DOA) permit. Any structures within the non-tidal or tidal wetlands would require a permit. Jurisdictional Determination (JD) has been issued.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated soils on the lower left hand side of the plan is incorrectly labeled KeB2 (correct KpB2). The section to the east side is not labeled (should read KeB2). These labels should be corrected. When planning an Erosion and Sediment Control Plan strategy the applicant should include the use of super silt for any areas adjacent to any wetland and water bodies. Multiple traps or basins should be constructed rather than one large basin.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required. Chesapeake City has excess appropriation on Chesapeake City's permit.

## TECHNICAL ADVISORY COMMITTEE 2004

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

Mr. McDowell, Citizen's Representative, advised that he received no comments.

Mr. DiGiacomo read the Board of Education comments, a copy attached for reference.

Mr. DiGiacomo read Conectiv's comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: 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 zoning is TND and IDA.

- Prior plats submitted for review have listed R-1 as applying to this parcel. Mr. DiGiacomo asked if the rezoning officially taken place that replaced the R-1 area with TND? The applicant replied yes.
- 102 proposed lots on 29.86 acres yields a proposed density of 3.42/1. It is recommended that the proposed density be checked for consistency with that allowed in the TND zone.
- It is recommended that the proposed Critical Area density be stated on the plat. Further, it should be confirmed that the proposed density does not exceed that allowed in the IDA zone under the Town's Critical Area Program.
- It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the IDA and TND zones.
- 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 on the subdivision layout and access by the Chesapeake City Volunteer Fire Co.

## TECHNICAL ADVISORY COMMITTEE 2004

- 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 ponds and streams where feasible, in consultation with the Chesapeake City Volunteer Fire Co.
- Water allocation should be confirmed prior to final approval.
- Sewer allocation should be confirmed prior to final approval.
- Consistency with the Master Water and Sewer Plan should be confirmed prior to final approval.
- Mr. DiGiacomo asked if there would be a connection to Iler Lane. Mr. Kopect replied no.
- It should be confirmed that the number of parking spaces proposed falls within the minimum and maximum number required or permitted by the Town's Zoning Ordinance and Subdivision Regulations.
- Sidewalks are recommended on both sides of all internal streets. Mr. DiGiacomo asked if any bike lane/trails proposed. Mr. Kopect replied there was a proposed trail system that could be used as a hiker or biker trail.
- 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.
- The internal street names must be approved by the County 911 Emergency Center prior to final approval.

## TECHNICAL ADVISORY COMMITTEE 2004

- 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 it be verified that the stream buffer distances are consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- It is recommended that it be verified that the Critical Area buffer distances are consistent with the requirements of the Town's Zoning Ordinance, Subdivision Regulations, and Critical Area Program.
- Additionally, it is recommended that it be verified that storm water management areas are allowed in CA buffers since portions of the SWM along the southern boundary and the SWM to the east of Back Creek are within the CA buffer. Additional CA Buffer impacts include, roads, allies, driveways (Lots 25 and 26), and Lots 88, 89.
- It is recommended that a stream buffer, pursuant to Town's Zoning Ordinance and Subdivision Regulations, be depicted outside of the Critical Area where appropriate (southwestern portion of Back Creek).
- It is recommended that the Critical Area buffer be expanded to include the hydric soils Elkton Silt Loam and Tidal Marsh, where applicable.
- It is recommended that protective fencing be considered around the stormwater management areas, as they are attractive hazards.
- There is no (common) open space identified on the plat yet Site Data #19 refers to the creation of a Homeowners' Association to maintain common open space. It should be determined what the common open space acreage requirements of the Town's Zoning Ordinance and Subdivision Regulations are for the TND and IDA zones.

## TECHNICAL ADVISORY COMMITTEE 2004

- It should be confirmed that the sensitive areas 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 is recommended that any access to common open space between lots be marked with concrete monuments.
- Mr. DiGiacomo asked how the walking trail would cross the stream. Mr. Kopeck replied they had not yet decided.
- 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. Consideration should be given to the vegetative screening of the C& P Telephone property.
- It is recommended that a Landscape Agreement be executed prior to recordation.
- An Environmental Assessment must be done.
- It is recommended that a note be placed on the plat indicating that the Critical Area portion of this project is exempt under §3.2B of the Forest Conservation Regulations.
- The Town of Chesapeake City has not signed an Assigning Obligations under the Forest Conservation Act agreement with the County. However, OPZ will continue to review and comment on an FSD and FCP as a courtesy to the Town.

## TECHNICAL ADVISORY COMMITTEE 2004

- In 1996, OPZ reviewed an FSD for this site. It was then known as the Back Creek subdivision. A revised FSD and a PFCP for a portion of the property we approved on 1/7/04.
- 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.
- OPZ agrees with SHA in recommending that a TIS be done.

### 7. Tim Whittie presented **Bayhead Shore Estates, Carpenters Point Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District**

Mr. Whittie stated the proposed project consist of 90 single family lots and one beach club. The total site area is 40.73 acres. There are 33.06 acres in the MH, 2.51 in the SR zone and 5.16 acres in the MB zone. There are 29.95 in the critical area.

Mr. Carter stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

## TECHNICAL ADVISORY COMMITTEE 2004

The CCDPW assumes that the water supply for this development will be provided by Carpenters Point Water Company. Therefore we recommend that the Planning Commission condition any approval on the water system being designed and built to meet or exceed County Standards. The water lines must be reflected on the sanitary sewer plans and as-builts.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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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.

The Department recommends that a TIS be required for this development. Traffic counts taken on Carpenters Point Road indicate approximately 1,700 - 1,800 vehicles per day south of Mountain Hill Road. This development is expected to generate an ADT of as much as 900 trip ends per day.

The requirements of Section 3.07.15 of the Road Code will be extended in this case and the Developer can anticipate requirements for off-site road improvements on Carpenters Point Road from this site to Mountain Hill Road. At this juncture we anticipate the applicant will be required to upgrade the road to Minor Collector Standard.

The proposed Carpenters Point Road realignment at the southwest corner is endorsed by the Department of Public Works; however, special care in design must be taken because of the existing wetlands in that area. The construction plans must show how existing driveways will be transitioned into the roadway and what will be the disposition of the existing roadbed.

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 will be required at all driveway entrances for Lots 1-31 as well as at the Riverside Lane/Carpenters Point Road intersection and the Carpenters Point Loop/Carpenters Point Road intersection. These locations must be marked in the field. The driveway turnarounds for lots 1-31 must be reflected on the lot grading plans as requirements.

Recordation information must be shown on the plats for all existing rights of way.

## TECHNICAL ADVISORY COMMITTEE 2004

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Carpenters Point Loop ROW is now owned by the County and those plats raise some question as to the boundary of this property. will become County ROW when the sewer main is run along it. For now the County only proposes to stone the surface after construction of the sanitary sewer therein. The Department of Public Works encourages a meeting between the applicants engineer and the sanitary sewer project engineer to ensure integration of design for the best infrastructure configuration.

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The Department recommends that the northern end of Carpenters Point Loop be paved to a width of 14 and made a one-way street, while the remainder of the loop will be a Minor/ Major Road combination.

Depending on phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a Maintenance bond of 50% of the roadway construction costs.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan. The Lot grading Plan must also reflect each driveway s location and configuration.

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

All sewer service must be provided along the county road frontage of each lot.

The Department of Public Works requests that the applicant dedicate approximately 2500 square feet for a pump station at the southeast corner of the property.

Lots 13-19 would gravity flow to the County pump station proposed at the southwest corner of this development.

A Benefit Assessment as well as Connection Fees will apply for these lots.

A PWA is required for the Roads and Storm Drains.

## TECHNICAL ADVISORY COMMITTEE 2004

A PWA will also be required for the Sanitary Sewer.

An I&M Agreement is required for SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands requires a Department of Army (DOA) permit. Ant filling or structures within the North East River requires a permit. The two isolated wetlands are stake to be under state jurisdiction.

Mr. Funk provided the applicant with a copy of the Soil Conservation Report. He stated the soil table on the plan incorrectly states that the Mr Mixed Alluvial is not a hydric soil. The Mr is a hydric soil, therefore this will need to be changed. The Mr zone was located in the southwest portion of the site. Determined will need to be made whether this is a feasible spot for the SWM pond. A Comprehensive Erosion and Sediment Control Plan will be required from clearing through house construction. He would like to see smaller drainage areas broken down into several traps/basin rather than one or two large basins.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval. Mr. Mandras asked when the TIS had been submitted. Mr. Kopeck replied last month.

Ms. Latham, MDE, stated an application was pending for an increase to the Water Appropriation Permit. Capacity will be verified.

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

Mr. McDowell, Citizen s Representative, read a letter pertaining to citizens concerns. The residents of the Carpenter s Point area have provided me with the following statement.

We are a group of people who will be drastically impacted by this development. The comments we are presenting represent the concerns of 191 people, who have signed a petition, opposing the development as it has been planned and proposed. These signatures were gathered in one week and we could probably acquire 200 more signatures if given the time to do so. We would prefer no development of this property whatsoever but realize that may not be an option, so want to assure that the development is done in a way that fits in with the character of the community and does not create significant new problems.

## TECHNICAL ADVISORY COMMITTEE 2004

The Carpenter s Point community is a water oriented/summer type of community that has started to develop into a year round community. During the last 25 years it has gone from none of the population being permanent year round residents, to more than half being permanent residents. We still have very little traffic, children ride bicycles, people jog and walk every day, and everyone knows their neighbors. People are moving from the cities to Cecil County, trying to get away from the city life, but are bringing city life to us, by way of increased traffic and population.

Cecil County has recognized that tourism is a big economic plus and advertises in many publications to attract people to the area to enjoy our many recreational opportunities. There are two developments planned, to replace campgrounds, in a water oriented community. Where will these people attracted to our County go after everything has been developed? These developments do not fit in with character of the existing community.

We hope that the Planning Commission members have all visited each property BEFORE making decisions that will affect the surrounding communities. Your decisions are life changing for us and should be studied thoroughly before passing the plan.

The following are some specific concerns that I have been provided:

**TRAFFIC:** The number of homes proposed for this community would almost double the number of year-round homes, and increase traffic by at least 175 to 200 cars every day/365 days a year, as opposed to the increased traffic now, which only occurs for 5 or 6 months, in the spring and summer months. Permanent residents also make many more daily trips to jobs, schools, sports activities, etc. than vacationers. The TAC initially voiced concern for cars backing onto the existing Carpenter s Point Road. The new concept now shows shared driveways, for lots 1 through 31, but this will NOT lower the number of cars backing onto this road. That number will remain the same. That concern still exists. These homeowners will no doubt park along the edge of the road when their driveways are full and who will police this situation? These homes will also have boats, trailers, and visitors cars parking along Carpenter s Point Road which will be very dangerous. Lots 1--31 should be accessed by an interior road.

**TRAFFIC STUDY:** A traffic count was done but would not be accurate, as the wires were cut, either by accident or intentionally, before the count was completed. There is a new count being done as of 8/26, but it is in a different location, and would not include cars coming off of Mountain Hill Road and going into the area where the development is proposed.

**CONDITIONS OF THE ROAD:** The Carpenter s Point Road is narrow with no shoulders, and this cannot be improved, even though the developer says they will take care of it. There are ditches which are needed for storm water management and must remain. Children stand along the roadways to be picked up by buses, and this is very dangerous in itself, but the hazard will be greatly increased by the increased number of cars that

## TECHNICAL ADVISORY COMMITTEE 2004

will be using these roads. These conditions also make it very dangerous for emergency vehicles to respond.

**SCHOOLS:** Charlestown Elementary was just enlarged and the Perryville Middle School is full. We feel that this development, plus a proposed development for Chestnut Point Marina/Campground, which is located no more than a mile and a half away, will tax the schools, and also put a burden on the taxpayer, as the property taxes will not cover the cost of schooling in Cecil County. We, as taxpayers, do not want to shoulder this burden.

**FIRE HYDRANTS:** There is only one fire hydrant to service this community. A statement was made at one of the meetings by the developer that dry hydrants would be installed. No one has been contacted about the right-of-ways that would be needed to install these hydrants or properties that would have to be utilized to run the pipes to the river, if needed.

**BEACH RIGHTS:** In the Riverside area of Carpenters Point, residents without waterfront properties have beach rights at the public beach located at Riverside Beach. This is in our deed, and cannot be taken away. The number of homes being proposed would increase the population using the beach. If this beach area is developed, the beach rights of the existing residents would be jeopardized dramatically. How will the existing beach rights be preserved? Also the meaning of the statement on the plat for lot 91, to remain reserved by owner is unclear.

**WATER SUPPLY:** The TAC voiced a concern about the water supply for this development, based on a comment made by MDE, stating that Carpenters Point Water Company has almost reached its maximum, and this project would require an additional 18,000 to 20,000 gallons a day. This information may not be accurate, due to the fact that we do NOT have a public sewer facility at the present time. It is in the process of being installed. Because of the septic system problems in this area, a majority of the existing homes do not have automatic washers, dishwashers, etc. After the sewer system is available, people served by this water system will be using much more water and current usage will increase significantly. This water system will also serve the Chestnut Point development, if it is approved. These new homes will also have dishwashers, clothes washers, hot tubs, swimming pools, etc., which will greatly tax the water supply. How can the water company state that they will be able to supply this water? The water supply to the existing campground is only needed during the summertime and is very minimal because these campers do not have washers, dishwashers, etc. A permanent community would surely tax this system.

It should be noted that the community water service is located at Map 35, Parcel 310, on lands of Charles Bowman, which is downslope from many lots. A number of lots are at elevations greater than 80 feet of elevation. Given the height of Carpenter's Point water tower (90') which is at 35 feet of elevation, the maximum water pressure would be 17 pounds per square inch (psi) to these lots, which is below the state minimum of 25 psi. How does the water supplier propose to pressurize the water supply system.

## TECHNICAL ADVISORY COMMITTEE 2004

**CRITICAL AREA:** Fifty-nine lots, out of 90, are in the critical area.

The Zoning Ordinance, Article XI, Part I, Section 191, 2. states that no

person shall develop, alter, or use any land for residential,

commercial, industrial, or institutional uses, nor conduct agricultural,

fishery, or forestry activities in the Cecil County Critical Area,

except in compliance with the applicable provisions contained herein,

and the Cecil County Critical Area Program. Are these provisions being met and can more than half of this development occur in a Critical Area? Impervious surfaces are limited to 15% in Limited Development Areas (LDA). What is the % of impervious surfaces in this development? This critical area issue is a major concern of ours. We do not feel that homes should be built in this area.

**SLOPES:** The developer stated at the last TAC meeting that there were no slopes greater than 25%. It can be observed that the whole property is on a slope, which causes a large amount of runoff during storms. Again, we think it is imperative for anyone making decisions about this development, to visit the area.

**STORM WATER MANAGEMENT:** The new plan shows two SWM areas, which are exactly the same as the original concept. There is still no plan for the runoff from the North end of this property. At the present time this water runs downhill towards Carpenter's Point Loop Road, and also towards Carpenter's Point Road, and beyond that to Cherry Lane and Barnes Lane. Storm water currently rolls through this area. This is a big problem and will only get worse with this development. We are enclosing several photographs of an example of this runoff. The photos are in the area of Barnes Lane. We are also attaching pictures of runoff in the area of the proposed main entrance/exit. (The package of photos were provided to DPW.)

**EXISTING RIGHT-OF-WAY:** It should be noted that Lots 61,62 and 63 are located on an existing 50 foot right-of-way (ROW) and the designated building area on Lot 61 is on that ROW.

**CONCLUSION:** The Cecil County Zoning Ordinance states one of its purposes is To preserve the character and appearance of neighborhoods. This development fails to meet that requirement.

Mr. DiGiacomo read the Board of Education comments, a copy attached for reference.

Mr. DiGiacomo read Conectiv's comments, existing poles should be shown on the plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments: Zoning: MH, MB, SR & LDA

The MH zone permits a maximum density of up to 4/1 with community facilities. This Preliminary Plat proposes 86 dwelling units on 33.06 MH-zoned acres, for a proposed density of 2.60/1.

There are also 2.51 SR-zoned acres. The SR zone permits a maximum density of up to 2/1 with community facilities, or 4/1 if a PUD. Four (4) dwelling unit are proposed on 2.51 acres, for a proposed SR density of 1.59/1.

The four (4) proposed SR lots are actually a resubdivision of six (6) lots (#115-#120) in the Carpenter's Point subdivision, as has been noted in the title block.

There are 5.16 MB-zoned acres.

29.95 of the 40.73 total acres of this site are located within the Chesapeake Bay Critical Area, designated LDA. The LDA overlay zone permits a maximum density of 6.51/1. 45 lots are proposed in (at least partially) in the LDA overlay zone, for a proposed Critical Area density of 1.50/1.

A boundary line survey must be done in conjunction with the preparation of the Preliminary Plat for density calculation purposes. Mr. DiGiacomo asked if a boundary line survey had been done. Mr. Whittie replied yes.

Minor Subdivision # 2602 must be referenced on the Preliminary Plat.

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

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed in conjunction with the Preliminary Plat for density calculation purposes;
- 3) The respective zoning acreages being resolved prior to the TAC's review of the Preliminary Plat;

## TECHNICAL ADVISORY COMMITTEE 2004

- 4) A TIS being completed prior to the TAC's review of the Preliminary Plat;
- 5) The TIS including an assessment of the safety advisability of having lots directly accessing Carpenter Point Road;
- 6) The TIS including an assessment of the safety advisability of having the northern section of Carpenter's point Loop, from the intersection with the proposed Riverside Lane east to Carpenter's Point Road, function as a one-way street;
- 7) Having Carpenter Point Loop connecting with Carpenter Point Road;
- 8) Variances being obtained for any lots proposed on any private roads; and
- 9) All legal arrangements for connecting the private roads to County roads being outlined at the Preliminary Plat's presentation to the TAC and Planning Commission.

This Preliminary Plat is generally consistent with the approved Concept Plat.

The developer must work with DPW to determine the legal and technical logistics of intersecting the proposed Riverside Lane with Carpenter Point Loop.

The TIS has been received and is currently under review. The questions relating to 1) the safety advisability of having lots directly accessing Carpenter Point Road and 2) of having the northern section of Carpenter's point Loop, from the intersection with the proposed Riverside Lane east to Carpenter's Point Road, function as a one-way street have not been addressed. The addressing of those questions were conditions of Concept Plat approval, so they must be addressed prior to the Planning Commission's review of the Preliminary Plat.

Note # 14 indicates that the boundary line survey has been completed.

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 15 & 25% have been shown.

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. Mr. DiGiacomo asked if the JD been done? Mr. Whittie replied no.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated the Natural Heritage letter indicates that the site does not contain any FIDS habitat and is not home to any rare, threatened, or endangered species.

15% common open space is required; 26% 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. Those threshold calculations have been included.

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

20% landscaping of the development envelope is required.

Sidewalks are recommended on one side of all internal roads.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. 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 Forest Stand Delineation (FSD) and conceptual environmental assessment have been approved. The Environmental Assessment is required for that area in the LDA zone, which is exempt from the Forest Conservation Regulations per §3.2.B.

The PFCP and Environmental Assessment 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

All road names have been approved.

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

The Master Water and Sewer Plan must be amended to change this site to S1 prior to Final Plat review.

Written verification of water allocation and sewer capacity must be received prior to the Planning Commission's review of the Final Plat.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale.

In the critical area, no structure shall exceed 35' in height.

None of the dwellings are proposed within the 100-yr. floodplain.

## TECHNICAL ADVISORY COMMITTEE 2004

This is a buffer exempt parcel. A note to that effect must appear on the Preliminary Plat submitted for Planning Commission review.

The topo and soils information has been included.

No more than 15% of the surface area can be converted to impervious surface in the LDA.

No more than 20% of the forest or developed woodland may be removed. The area inside the Critical Area is exempt, per §3.2.B, as must be noted on the plat.

Any modifications to the existing beach club will require site plan approval.

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

There were no further comments.

### **8. Tim Whittie presented Aston Pointe, Jackson Hall School Road and Rte 273, Preliminary Plat, Morris & Ritchie Associates, Inc., Fourth Election District**

Mr. Whittie stated this project consists of 300 residential lots with a 18 hole golf course. The golf course is zoned SR totaling 173.16 acres. Lots 1-300 consist of 124.53 acres. Open space consists of 66.31 acres in the BG zone. There is 32.04 acres of dedicated ROW in the SR. A JD has been issued. A TIS has been submitted. There will be four accesses into the subdivision.

Mr. Carter stated that a SWM Plan; 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM

## TECHNICAL ADVISORY COMMITTEE 2004

approval, with CCDPW. ).

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or Builder may be subject to the enforcement of the penalty provisions therein. )

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.

If storm water discharge is directed off of the site on to adjacent properties it is the responsibility of the Developer to obtain appropriate easements from the owners of the affected properties per Section 251-13 of the Cecil County Stormwater Management Ordinance.

A Dam Breach Analysis must be submitted to DPW for all ponds and as-builts will be required for any existing ponds proposed as SWM Facilities.

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The Department of Public Works has collected traffic data from tube counters as follows: Jackson School House Road (733 ADT, Oct 03), Barksdale Road (1547 ADT, Apr 04), Catswamp Road (276 ADT, Oct 03), Appleton Road (5149 ADT, Nov 03), and Brewster Bridge Road (1320 ADT, Mar 04).

In light of the Department s concerns regarding the adequacy of Appleton Road, Jackson Hall School Road and Barksdale Road to handle an approximate additional 3,800 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. (3,800 Trip Ends based on 3,000 Trip Ends generated by 300 lots and 800 Trip Ends generated by the Golf Course)

These roads exhibit areas of base and surface failure, inadequate width and shoulders, and poor roadside drainage. With regards to intersections, the Jackson Hall School Road / Appleton Road intersection is suspected to be severely impacted by the proximity of existing dwellings and will prove very challenging for the Developer s required improvements there.

## TECHNICAL ADVISORY COMMITTEE 2004

The Traffic Impact Study failed, in the Department's view, to adequately evaluate the existing road links (particularly, Jackson Hall School Road, Barksdale Road, Catswamp Road, Brewster Bridge Road, and Appleton Road) relative to AASHTO recommendations and the TIS conclusion that, Aston Pointe can be developed and its traffic accommodated without mitigation to the surrounding roadway network. Simply put, the Department of Public Works rejects this notion and does not recommend approval of the Preliminary Plat by the Planning Commission until the applicant has properly analyzed the roadways and intersections in comparison to AASHTO geometric recommendations and submitted a conceptual road improvements plan, approved by the Department of Public Works, that would then be developed into final construction drawings prior to submittal for Final Plat approval.

Sight distance measurements must be provided to the 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.

The Department strongly recommends the use of construction entrances for the project, separate from the final entrances. The proposed entrances should be shown on the Preliminary Plat together with a phasing plan submittal to be for use in developing an outline for when internal road sections will be accepted and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

Access from any lot to Appleton Road, Jackson Hall School Road, Cat Swamp Road, and Barksdale Road is denied except for the proposed entrances.

Lots 185 and 300 must be denied access to Lochland Drive except for the southernmost 20% of lots.

Lots 274 and 275 must be denied access to Lochland Drive except for the easternmost 20% of lots.

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All driveways must be paved to the ROW and this must be so indicated on the Lot Grading Plan.

All lots must access the least major road frontage where possible. Those that cannot, as on Country Club Drive & Lochland Drive, must have driveways of sufficient design to allow turnaround capability to improve access safety for each lot. Where driveway turnarounds are the recommended solution, the final lot-grading plan must show them as mandatory.

## TECHNICAL ADVISORY COMMITTEE 2004

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

The development contains some cul-de-sacs with radii that do not conform to the Road Code Standard R-14. Therefore, a variance request, in accordance with Section 1.06 of the Road Code, to use less than the standard 75' radius has been submitted by the applicant; however, the department is not inclined to grant a variance if the water source will be private wells.

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.

The Department of Public Works recommends against the use of individual wells and public sewer. Because of the availability of water and sewer capacity, the Department recommends use of both public water and public sewer for this development.

Currently neither the Highlands nor the Meadow View plants have excess water or sewer capacity at his location to service this development. The sewer capacity limitations at the Meadow View WWTP will be eliminated at the end of the current design-build project for the Meadow View WWTP, begun March 2004 with anticipated completion in 18 months. The Meadow View water supply has a reliable water source, through United Water Delaware's long-term commitment to the County. However, the developer must extend the water and sewer mains to Aston Pointe in accordance with Department requirements.

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 was commissioned and is currently being finalized. The applicant will be responsible to update it.

Sewer connection fees will be required plus a likely Benefit Assessment fee for the upgrade of the Meadow View WWTP.

## TECHNICAL ADVISORY COMMITTEE 2004

If the Planning Commission approves the Concept plat, the Department 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.

All cleanouts must be designed to be outside of all paved or concrete areas on each lot.

Careful consideration must be given to safety concerns with the close proximity of the gas transmission line to dwellings as well as design of water and sewer main crossings.

The gas line is routed across County ROWs. Therefore, the Applicant must inform the Owner of the line that they must obtain a maintenance easement to be allowed to work in the County's 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.

DPW will need to see details on the sewage demands and expected occupancy of the proposed clubhouse.

PWAs will be required for the proposed roads and storm drains, water lines, and sewer lines.

An Inspection and Maintenance Agreement is required for SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands or streams required a Department of Army (DOA) permit. Jurisdictional Determination (JD) has been issued.

Mr. Funk, Soil Conservation, stated a He stated a comprehensive Erosion and Sediment Control Plan will be required prior to any ground disturbing activities on the site. Multiple traps or basins should be constructed rather than one large basin.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Ms. Latham, MDE, stated several Water Appropriation Permits would be required: (1) individual domestic wells; (2) golf course area will required irrigation; and (3) the club house will require a separate appropriation permit. In addition if you use multiple sources for the irrigation it would require multiple permits.

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

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

Mr. McDowell, Citizen s Representative, advised that he received no comments.

As when the first plat was presented last September and again in February, I have been contacted by many residents from the Appleton area. They made clear that they do not oppose all development. They realize that development will take place; however, they want to assure that it is managed, and done in a way that enhances the quality of life for the Appleton residents. They believe that the proposed plan should be presented as a Concept Plat since there are significant changes to the interior road layout and the resulting traffic patterns, the entrance locations, lot density and lot locations, the number and locations of SWM areas, and most importantly the change from public water to on-site wells. It would also seem that the vote by the County Commissioners to reject the developer s request to amend the Master Water and Sewer Plan invalidates the Concept Plan.

There is also the major concern that this development is just the tip of the iceberg. Once either public sewer or water are available in the Northeastern corner of the county, there will be a flood of developers seeking to take advantage of this opportunity to market homes to people wishing to move from New Castle County and Newark which are essentially fully developed. Without careful management and planning now, the result will be more urban sprawl and a loss of the rural ambiance of Cecil County. All of the concerns about traffic, water quality, school crowding, public safety, decreased property values, and increased taxes will be amplified and the result will be a degraded quality of life in the Appleton area and not in keeping with the rural character of Cecil County.

The following specific concerns and questions were given to me:

**WATER SUPPLY and SEWER:** The new plan being proposed with on-site wells and public sewer is the worst of all options. This will deplete the water resources in the area with no recharge through on-site septic systems. This is of particular concern since there has been a history of groundwater deficiency in nearby Highlands and the high water consumption rate of the proposed golf course. The hydrological balance is disrupted both due to the export of wastewater collected by the sanitary sewer and the impervious surfaces which stop the infiltration of ground water which then runs off as stormwater. The clustering of 300 houses also decreases the probability of an adequate water supply. This is further complicated by the golf course

## TECHNICAL ADVISORY COMMITTEE 2004

which will have peak usage rates of 100,000 to 150,000 gallons per day.

Additionally, the location of the golf course is at the highest elevations on the property and in the area that is essentially the top of the ridge between the Christina River and Big Elk Creek watersheds. This means that there will be very little "base flow" in the groundwater in that area. Because the current Aston Pointe proposal calls for use of public sewers with surface discharge of the water miles away, there will be no recharge of the local groundwater via septic systems. In summary, it appears quite likely that rainfall alone will not provide sufficient "recharge" of the local groundwater in the vicinity of the proposed golf course and residential units. Thus, the high density of wells that are proposed for Aston Pointe are doomed to experience early failure.

The current waste water discharge from the Meadowview facility is covered by a permit issued by the State of Delaware, since all wastewater from the facility flows into Delaware. This discharge is already nearing the legal limit. Keeping in mind the current expansion of the Meadowview facility, will the expansion made for Aston Pointe necessitate re-application, re-assessment and/or re-permitting with State of Delaware? What is the current allowable out flow from Meadowview under that permit? Mr. Carter stated the permits are issued by Maryland. It seems the plants permit will require an expansion up to as much as 1.5 million gallons per day. There appears to be adequate room to work with within Delaware's TMDL's. Mr. McDowell asked if the facility equipped with an out flow meter, as recommended by the recent survey of wastewater facilities by the State of Maryland. Mr. Carter replied he was not sure what type of meter the existing plant had but it does have a flow meter. The proposed plat is designed with both because it allows for a better process control for the plant.

Mr. McDowell stated it is anticipated that water usage for irrigation of the golf course will be 10.6 million gallons per year. However usage occurs primarily during the months of May through October with peak usage rates of 100-150,000 gallons per day. This is based on data from 12 golf courses in New Castle County. What will be the source of this water--wells, streams, or collecting ponds? Mr. Whitte stated it could be all of the above. It could be piping or usage of ponds on site. It would have to be worked out. Mr. McDowell state the total impact of that much water usage is difficult to assess since its impact is primarily in the summer months when daily usage can be as much as that for 700 homes. The peak impact is at times of low rain fall and drought when water usage should be conserved. While irrigation returns water to the soil, much irrigation water is lost due to evaporation and does not recharge the aquifers.

Studies performed for Cecil County by the Maryland Geological Survey and by ARRO Consulting suggests there may be inadequate water in the Fair Hill area to support a project as large as the proposed Aston Pointe and the adjacent golf course.

Developers should not decide where the county provides public water and sewer service. The cost of building, operating, and maintaining this infrastructure is expensive, and service to areas where it provides economic advantages to the whole county should be given preference. Even if the developer bears the initial cost, it sets a precedent for a developer deciding where development should be supported by the county. Once

## TECHNICAL ADVISORY COMMITTEE 2004

the service is available it could be expanded to other tracts in the Appleton/Fairhill/Barksdale/ Jackson Hall areas. Other land owners have already received offers to sell their lands/farms. Once this precedent is set, control of growth has passed from the County Commissioners to developers. It is contrary to the best interests of the citizens of Cecil County to change the Comprehensive Water & Sewer Plan to accommodate Aston Pointe. These utilities should first be supplied to the Route 40/I-95 corridor where commercial/industrial users would be attracted to grow the local economy and provide jobs.

**TRAFFIC:** A Traffic Impact Study (TIS) should determine the increased usage and the level of improvement required to all the adjacent roads. The traffic study should include other area roads not just those that have entrances to Aston Pointe, including Little Egypt and Appleton Roads.

Jackson Hall School Road is very narrow and has dangerous intersections at both ends. It leads to Rt. 273 through Delaware: how will adequate improvements to this road be accomplished? What improvements are planned for Jackson Hall School, Appleton and Cat Swamp Roads? Who will pay for these improvements? If the hazardous Jackson Hall School Road intersection with Rte 273 is not improved, Country Club Drive will become a convenient pass through to Rte 273.

In order to improve safety on the impacted roads, will the one-way bridge on Barksdale Road between Cat Swamp and Appleton Roads be widened or replaced?

**WATER QUALITY AND STORMWATER MANAGEMENT:** The planned golf course is a major source of water pollution. The runoff will contain the pesticides, herbicides and fertilizers used to maintain the greens. Any analysis of anticipated stormwater runoff must include this source as well as that due to the maintenance of the many lawns. This study should also consider the impact on the existing wells in the area. Will the residents have the right to know what chemicals are used on the golf course? This would help in screening the wells for contamination. Does the golf course have to notify some government agency what chemicals are used on a continuous basis?

**GOLF COURSE:** Specific mention has been made that the Newark Country Club may relocate to the golf course proposed at Aston Pointe. Has this been presented to the members of the country club and has a vote of the members been taken to determine if there is support for this proposal? Who will actually own the golf course? Will this be a private golf course or a public course? Will it be open to residents of Aston Pointe?

Will the country club area be restricted from further future subdivision and residential development or is there the possibility that it will also be developed for homes when that is a more economically favorable use of the land.

## TECHNICAL ADVISORY COMMITTEE 2004

**DENSITY:** The area residents believe that the developer should build at the density permitted for private water and sewer of one dwelling unit per acre and a minimum lot size of 20,000 sq. ft. rather than 12,000. The current plan is to place 300 lots on the parcel. This density and lot size is out of character with the surrounding communities. It is unclear why lot 301 is included in the plan since there is no new development planned on this lot. Also regarding the golf course, will there be a restriction that no further subdivision can occur, otherwise that is an area of 173 acres available for future home sites. Since the golf course is included in the density calculation, there should be such a restriction.

**SCHOOLS:** There are two primary concerns about the impact of the development on schools. The first is the increased number of students that will require schooling at all grade levels. This often results in overcrowding and use of relocatables since school construction significantly lags behind growth. The second concern is that services required by a development, particularly schools, are seldom supported by the tax revenue from the new development, thus spreading additional taxes on the rest of the county residents. Aston Pointe students will attend Cecil Manor Elementary School which is over capacity, Cherry Hill Middle School which will not be renovated for years and Elkton High School. Using current statistics, Aston Pointe will very conservatively add 336 students (possibly as many as 600 students), with 91 students to Cecil Manor, 94 students to Cherry Hill, and 74 to Elkton High. There are also several other developments in process which will also use these schools including 904 apartments on Fletchwood Road. Regarding school construction, the record setting cost of the Elkton High renovation will limit county bond money until after that renovation is complete, so there will be limited funds for other projects.

**BUMPSTEAD ARCHEOLOGICAL SITE:** There is an archeological site designated #18CE162 in this area which is on file with the Office of Archeology, Maryland Department of Housing and Community Development. It is believed to be on this parcel of land as well as the adjacent Zebley property. Registered archeology sites must not be disturbed and must be preserved. The following letter was received by the Appleton Regional Community Alliance: (see attached)

**BUSINESS GENERAL AREA:** This area of 30 acres is of special concern since its use is undefined. There is no indication of the traffic that will be generated, the water usage, the pollution generated, or the community impacts which will result from this parcel. Will it be a service station, another convenience store, a car wash, a fast food outlet, strip mall, storage yard or buildings, auto sales, etc.?

**EMERGENCY SERVICES:** There is also a concern about the ability to adequately provide all the emergency services required by new large developments. This includes the need for police, fire, and medical services.

**PLAT ISSUES:** The adjacent lands currently used for agriculture must be separated by bufferyards. This includes the lands of Zebley, Whitmyre, Wohner, the BG zoned area, and perhaps others.

Adjacent lands owned by James and Eva Walker are not delineated on the plat.

## TECHNICAL ADVISORY COMMITTEE 2004

There are questions about including the golf course in the approval process for the development, since it is a totally separate entity not connected with the residential development or the future homeowners there.

Lot 301 shows no new development, so why is it included in the plat. Will there be a restriction that no subdivision of that lot will be permitted?

Due to open space calculations that include bufferyards, steep slopes, stormwater management areas, streams, wetlands and associated buffer areas, there is very little usable open space. It appears that even the 35 foot gas line easement is included in the open space. Other than the athletic field near the traffic circle there is no open space for recreation. This is of particular concern for the Southern section of the development which is distant from that one field.

**ACTION REQUESTED:** The residents specifically request that a study be initiated to evaluate the best options for development of the whole Appleton/Fairhill/Barksdale/ Jackson Hall area. This study should consider any future requirement to provide water and sewer service to this whole area, rather than to one selected development with potential piecemeal extensions to other developments as they pop up. Until it is determined to be in the best interests of the county to encourage development at the density that community services allow, all development in this area should be limited to on-site private wells and septic systems.

A detailed, competent, peer reviewed analysis of the hydrogeology of the site that concludes adequate groundwater will be available for this project, and other projects planned in the immediate vicinity, should be a prerequisite for any further approval of the project proposal. The option of combining on-site wells and public sewers should not be permitted in the county due to the resultant depletion of groundwater.

**CONCLUSION:** There appears to be no economic benefit to Cecil County from this development as proposed, and there are many negative impacts to the local residents and to the residents of the entire county..

Mr. DiGiacomo read the Board of Education comments, a copy attached for reference.

Mr. DiGiacomo stated that Conectiv had no comment concerning this project.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the Singlerly Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning is SR & BG. The SR zone permits a maximum base density of one (1) dwelling unit per one (1) acre, or two (2) dwelling units per one (1) acre with community facilities. This Concept Plat proposes 302 lots on approximately 390.04 acres, for a proposed density of 1/1.29. A portion of the proposed Shadow Creek Court is depicted in the BG-zoned portion of this site, but, otherwise, nothing is proposed in the BG zone.

The Concept Plat, for 302 lots on 390.04 acres, was approved on 4/19/04, conditioned on:

- 1) The road names being approved prior to Preliminary Plat approval;
- 2) The estimated staging of construction being shown of the Preliminary Plat submitted for TAC review;
- 3) The PFCP s being approved prior to Preliminary Plat approval;
- 4) The sensitive areas thresholds in the common open space information being provided on the Preliminary Plat prior to TAC review;
- 5) A Sensitive Species Survey being completed prior to the TAC s review of the Preliminary Plat;
- 6) A Traffic Impact Study (TIS) being completed prior to the TAC s review of the Preliminary Plat;
- 7) The boundary line survey being completed prior to the TAC s review of the Preliminary Plat;
- 8) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat approval; and
- 9) A bufferyard and setback modification being granted for the existing structure on proposed Lot 301.

On 5/20/04, the Planning Commission subsequently approved a revision to the Concept Plat that eliminated roadway connectivity to Locharron Drive in the Highlands.

This Preliminary Plat, also proposing 302 lots, is generally consistent with the approved Concept and Revised Concept Plats.

A golf course is proposed as Lot 302. This proposed golf course can be approved as part of the proposed subdivision only if it is a private golf course, as was determined at Concept Plat review. As just stated earlier it continues to be proposed as a private golf course.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo asked if a boundary line survey been done? Mr. Whittie replied yes. Mr. DiGiacomo asked if there were change in acreage. Mr. Whittie replied yes.

Mr. DiGiacomo stated Note # 19 continues to refer to a non-existent proposed Lot 371 which should be 301.

No slopes greater than 25% been shown on the Preliminary Plat. 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'.

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

The habitats of rare, threatened, and endangered species must be avoided. The Natural Heritage Service indicated the midland sedge, a rare plant species, is known to occur within the vicinity of the project site. Therefore, a sensitive species survey was required prior to Preliminary Plat review by the TAC.

58.5 acres (15%) of common open space are required in the SR zone, based on 390.04 acres. This plat indicates that 60.31 (was 58.5) acres are proposed, in addition to the proposed 169-acre golf course. All common open space must be labeled as such.

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 thresholds have been included on the plat.

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

Sidewalks are recommended on at least one side of all internal roads in the SR zone. This proposal should include adequate sidewalks, walking/bike paths, any possible greenway linkages, as well as direct access to the BG portion. Mr. DiGiacomo asked if any bike/ped facilities had been depicted. Mr. Whittie replied they had.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Appleton, Cat Swamp, Jackson Hall School, and Telegraph Roads. A Bufferyard Standard C is also required to buffer the golf course from adjacent residential uses (§100.3) and to buffer the parking area (§100.4). Proposed Lots 85 and 86 may require a Bufferyard A.

As stated during Concept Plat reviews, if the golf course is private, then it would be considered an accessory use. As such:

- 1) A determination must be made as to ownership, and
- 2) The details of the golf course development must be approved as part of the regular subdivision process, with the Preliminary Plat including details consistent with §291 and Appendix A of the Zoning Ordinance.

Per §100.4 of the Zoning Ordinance, off-street parking and loading areas, golf tees, and maintenance facilities must be screened by a Bufferyard Standard B.

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.

Street trees with 10 planting easements 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 wetland locations shown on the Preliminary Plat do not match those shown on the approved FSD. That must be rectified.

The Natural Heritage Service indicates that midland sedge, a rare plant species, is known to occur within the vicinity of the project site, and a condition (#5) of Concept Plat approval required that a sensitive species survey be conducted prior to the TAC's review of the Preliminary Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

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).

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 provided on the Final and Record Plats. Mr. DiGiacomo asked what flows through the gas line. Mr. Whittie replied natural gas.

Mr. DiGiacomo stated 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.

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

Confirmation must be received from the gas company prior to Final Plat review that all proposed roads, intersections, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement.

A Traffic Impact Study (TIS) has been completed and is currently under review. Staff has concerns that the new design may possibly skew the trip distribution consensus reached at the original TIS scoping meeting. If a copy of the Preliminary Plat has not already been sent to DelDOT for review, it should be as soon as possible. All agencies must have completed their reviews of the TIS and concur with its findings and recommendations prior to the Planning Commission's review of the Preliminary Plat.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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, with all lot owners becoming members.

Active recreational amenities shown in common open space must be included in the public works agreement. Mr. DiGiacomo asked, what does Note # 18 mean? Mr. Whittie stated note means the material is preliminary.

Mr. DiGiacomo stated Note # 14 indicates that this project is to be served by on-lot wells and public sanitary sewers.

Verification of the groundwater appropriation permit must be received prior to the Planning Commission's review of the Final Plat.

Verification of the sewer capacity must be received prior to the Planning Commission's review of the Final Plat.

The sewer component of the Master Water and Sewer Plan must be amended prior to Final Plat review.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community sewerage system is in conformance with the Master Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

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 dry hydrants at the stormwater management ponds.

As they are attractive hazards, serious consideration should be given to protective fencing around the stormwater management facilities.

The applicant was reminded of the Tuesday noon submission deadline for review by the Planning Commission this month, although not all conditions of Concept Plat approval have been satisfied and the details of the golf course have not been included.

TECHNICAL ADVISORY COMMITTEE 2004

There where no further comments.

**October 6, 2004, 9:00 a.m.**

**Technical Advisory Committee**

**PRESENT:** Carter, DiGiacomo, Latham, Mandras, McDowell, Orr, Von Staden, Woodhull and Jones

**ABSENT:** Ancel, Davis, Funk, Markwardt, Moore, Ouano and Roop

**1. Will Whiteman presented Nell & Stephanie Privett (Lands of), US Rte 40, Preliminary/Final Plat, Will Whiteman Land Surveying, Inc., Fifth Election District**

Mr. Whiteman stated the project consisted of a little over 10 acres on the south side of US Route 40. The owners are planning to subdivide a one acre lot for their daughter. The proposed road access for this lot will be a perpetual Road Maintenance Agreement along the panhandle and will utilize the existing driveway. The perc has been completed. The septic and well met the Health Department regulations.

Mr. Orr stated a SWM Plan and Mass & 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil

## TECHNICAL ADVISORY COMMITTEE 2004

County SWM Ordinance.

The use of a PRMA to provide access to Lot 1 requires that the agreement must be between parent and child or grandparent and grandchild. Mr. Orr asked which scenario occurred in this situation. Mr. Whiteman replied parents to daughter.

Mr. Orr stated an Inspection and Maintenance Agreement would be required for the SWM facilities.

Mr. Orr stated the easement must be a minimum of 20' wide should a driveway be constructed in the future.

Mr. Whiteman asked if a SWM exception was granted, would the applicant be required to complete the grading plan. Mr. Carter replied no.

Ms. Latham, MDE, stated one lot would not require a Water Appropriation Permit.

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

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference:

Mr. McDowell, Citizen's Representative, advised that he had received no comments.

Mr. DiGiacomo provided the applicant with comments from the (US Army) Corps of Engineers, stating a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or Waters of the US present.

Mr. DiGiacomo provided the applicant with the comments from the Board of Education, a copy attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments: The zoning is DR which permits a maximum base density of one (1) dwelling unit per one (1) acre without community facilities, or four (4) dwelling unit per one (1) acre with community facilities. This Preliminary/Final Plat proposes one (1) lot and the remaining lands on 10.219 acres, for a proposed density of 1/5.109.

Mr. DiGiacomo asked if a boundary line survey had been done. Mr. Whiteman replied yes.

Mr. DiGiacomo verified that the proposed lot was for an immediate family member, as it would have affected both the need for a Forest Conservation Plan and for a Road Code Waiver to establish the perpetual road maintenance agreement had it not been a family member.

A north arrow must be shown on the plat submitted for Planning Commission review, per §4.1.22(f).

Adjacent information pertaining to Samuel Thompson is incorrect. That parcel is owned by Carolyn Thompson, Deed Reference WLB 1683/626.

Parcel 650 referenced in the vicinity map should read 550. The Block number must be listed on the plat, §4.1.22(b). The proposed density of the subdivision must be listed on the plat, §4.1.22(r). Approval blocks are to appear in the lower left hand corner, per §4.2.13(b).

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

The habitats of any rare, threatened, and endangered species must be avoided. No open space is required in the DR zone in subdivisions involving fewer than 10 lots.

20% landscaping of the development envelope is required in the DR zone. A Landscape Plan must be submitted and approved prior to Planning Commission review of the plat. No street trees or bufferyards are required. A Landscape Agreement must be executed prior to recordation.

## TECHNICAL ADVISORY COMMITTEE 2004

Any tree removal within a public right-of-way requires approval from the Maryland Department of Natural Resources. This project is exempt from the Forest Conservation Regulations under Section 3.2K as noted on the plat (Note #7).

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

There were no further comments.

### **2. Doug Kopeck presented *Chesapeake Village, (Rte 342). St. Augustine Road (Town of Chesapeake City), Preliminary Plat, CNA, Second Election District***

Mr. Kopeck stated this project had previously been reviewed by TAC. It had also received concept approval from the Chesapeake City Planning Commission. This project has been redesigned to combine Phase 1 and 2 along with some other changes. Per the Chesapeake City Planning Commission's request, a trail connection has been added. The connections to the trail had not yet been determined. The SWM for Phases 1 and 2 were proposed to discharge into the C&D Canal with some possible improvements to the culvert under Second Street. The proposed development will consist of neighborhood parks, 42 single family home and 60 townhouses with rear loaded garages. The FSD was submitted. The comments received from the Critical Area included the wetland area near the large stormwater facility, being shown as a 100' buffer that should be a 25' buffer. This correction will be made prior to the next plat submission. Mr. Kopeck pointed out a future connection to the adjacent property owner on the southwest side of the site. The alleyway on the southeast side is shown as a wide enough ROW should the Town require a future connection to the adjacent development.

Mr. Orr stated some of the comments that would be covered contained specific detail about the designs once the applicants had received preliminary approval. He urged the applicant to contact CCDPW concerning any questions or concerns prior to getting into the actual SWM design.

It is the Department's understanding that the site is located in the Town of Chesapeake City. As such, all of the public infrastructures (e.g. sewer, water, and roads) will be owned and maintained by the Town.

## TECHNICAL ADVISORY COMMITTEE 2004

The Cecil County Department of Public Works recommends the Town of Chesapeake City's internal streets be built to Cecil County Road Code standards or equivalent and that the water and sanitary sewer be built to Cecil County Water and Sewer Main Standards or equivalent.

The CCDPW request that the Town withholds Final Plat approval until a SWM Plan and any applicable Mass and Final Grading Plan had been approved by the CCDPW. 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The SWM Plan must address the requirement for pollution loadings reduction per Section 251-9 A. (4). This requirement applies to all development in the IDA of the Critical Area.

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

The SWM Facility adjacent to Lots 84-86 must be located completely outside of the 100-year Flood Plain. This includes the area required for pond maintenance.

The SWM submittal must address the proximity of the pond to the 100-year Flood Plain especially the outflow conditions for pond discharge if at all impacted by back water from flooding at the 100-year elevation.

It appears that the applicant may request a Direct Tidal Water Discharge Waiver. Some portion of this site would require the use of non-tidal waterways as such a downstream analysis is necessary to identify any impacts on adjacent properties.

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

## TECHNICAL ADVISORY COMMITTEE 2004

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

Mr. Orr stated the applicant had mentioned a possibility of a requirement or proposal for improvements to the culverts on Second Street. Mr. Orr asked if that portion of Second Street was Town maintained or State Highway Administration. Mr. Kopeck replied SHA. Mr. Orr state the applicants would need to coordinate the proposed culverts improvements with the State Highway Administration.

Mr. DiGiacomo asked Patricia Garrett, Town Administrator, if Second Street was MD 286. She answered in the affirmative.

Mr. Orr stated as part of the downstream analysis the applicant may be required to look at the conveyance through the culverts and any roadways over topping from any bridge analysis from the stormwater facilities.

The Department normally requires that any applicable Road Code Variances must be requested prior to submittal for Preliminary Plat approval. We recommend that the Town of Chesapeake City require the same before approving the Preliminary Plat.

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

If the Town of Chesapeake City requires sidewalks, the Department recommends that the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner.

The proposed alleys should be clearly established on the Final Plats as being the perpetual maintenance responsibility of the Homeowners or Condominium Association and the maintenance responsibilities should be clearly described in the Association documents.

The Department recommends that either Lock Road be connected to MD Route 342, by obtaining the Lands of Pyle or that Idler Lane be connected through to Lock Circle. If Lock Road is not connected through it must be terminated in a cul-de-sac. A Tee-Turn Around is not acceptable.

## TECHNICAL ADVISORY COMMITTEE 2004

The layout, with entrances to MD Route 342 and Second Street are highly recommended and the Department of Public Works recommends that if phasing is pursued, the first phase approval be conditioned upon construction of the through road and the Final Plats should not be approved until the wetlands crossing permits have been obtained.

It appears that the connectivity, recommended during Phase I review, is not possible. Therefore, it is highly recommended that a standard cul-de-sac replace the proposed Tee turn around on Canal Path.

If on street parking is permitted the paved width of Canal Path should be extended as detailed in Standard R-6 of the Road Code. We think that an acceptable outcome can be achieved within the 50' ROW. This section of Canal Path should be modeled after the Minor Road Standard (including 11' lanes with 8' parking separated by striping.).

Village Way should be modeled after the Minor Road Standard R-7 of the CC Road Code (including 11' travel lanes with 8' parking separated by striping).

Regardless of the conceptual cross sections shown at this time, approval should be based on meeting acceptable spread calculations.

Recommendations from the 10 States 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.

Previous submittals for this project seemingly required sanitary sewers outside the street right of way and the Department of Public Works strongly cautioned against this. If this current layout is feasible, it is strongly recommended. The Department continues its recommendation against any proposed routing of the sewer through the woods and stream buffer, as indicated on the previous plan, unless the applicant can substantiate that there is no feasible alternative.

If such a routing is permitted (that is, one through the common open space, wetland areas, etc.) the Department 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.

## TECHNICAL ADVISORY COMMITTEE 2004

The Second Street entrance is proposed within the existing 100-year flood plain. The Department of Public Works recommends that the design thoroughly consider the impacts of the flood plain on the proposed road and that extensive geotechnical work will be required to substantiate the design and construction of the road section on what may be unacceptable sub grade conditions. The filling of the floodplain must anticipate and mitigate any impacts on upstream or downstream property damage that may result. An Inspection and Maintenance Agreement will be required for all SWM facilities.

It is recommended that the Town require PAW s for the sewer mains, water mains, and roads. Mr. Orr commented on the water quality facility and discharge location to the northeastern part of the site from the storm drain. Keep in mind as you get into the design work for the stormwater that you are discharging into a 200-year flood plain and there is a 100-year flood plain elevation. Keep in mind the hydraulics considerations of the storm drain performance because DPW will be looking closely at the engineering to substantiate the outfall performance.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. Mandras, State Highway Administration, comments, a copy attached for reference. Future comments may be pending on Second Street.

Mr. DiGiacomo asked if Second Street and Route 286 were the same. Mr. Kopeck responded yes, he would add it to the plat.

Mr. McDowell, Citizen s Representative, advised that he had received no comments.

Mr. DiGiacomo provided the applicant with comments from the US Army Corps of Engineers, stating any filling in the non-tidal wetlands or waters of the US requires a Department of the Army Authorization.

Mr. DiGiacomo provided the applicant with the comments from the Board of Education, a copy attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments: 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 Chesapeake Village Concept Plat was reviewed by the TAC last month, in fact. The zoning is TND and IDA.

- 102 proposed lots on 29.62 acres yields a density of 3.44/1.
- Last month, the acreage was 29.86 acres. Mr. DiGiacomo asked if the new figure was the result of a boundary line survey. Mr. Kopeck replied yes.
- The reduced acreage translates into a higher proposed density: from 3.42/1 to 3.44/1. It is recommended that the upwardly revised proposed density be checked for continued consistency with that allowed in the TND zone.
- The proposed Critical Area density has been stated on the plat, as recommended. It should be confirmed that the proposed density does not exceed that allowed in the IDA zone under the Town's Critical Area Program.
- It should be confirmed that the setbacks are consistent with the Town's Zoning Ordinance for the IDA and TND zones.
- 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 on the subdivision layout and access by the Chesapeake City Volunteer Fire Co.
- The townhouses on proposed Lots 52, 53, 60 & 61 could exceed the reach of a 100' aerial ladder if the ladder truck were confined to the proposed Bayard Circle right of way. This should be confirmed by the Chesapeake City Volunteer Fire Company, and solutions should be developed in consultation with the Chesapeake City Volunteer Fire Company. One potential solution could be the use of mountable curbs. Another might be designing the unnamed alley's curves with larger, more apparatus-friendly radii.

## TECHNICAL ADVISORY COMMITTEE 2004

- Any consultation with the Chesapeake City Volunteer Fire Company should include the issue of the advisability of allowing the alleys to remain unnamed.
- Fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as recommendations from the Chesapeake City Volunteer Fire Company.
- It is recommended that any consultation with the Chesapeake City Volunteer Fire Company should include the issue of the advisability moving the northernmost fire hydrant on Chick's Tavern Road to the northerly bump-out of Bayard Circle, and moving the hydrant at the southerly bump-out of Bayard Circle to the bump-out near proposed Lot 46, for example. While rear-only vehicular access is in keeping with traditional neighborhood designs, it does pose some emergency response access issues.
- Consideration should be given to locating dry hydrants at the stormwater management ponds and streams where feasible, in consultation with the Chesapeake City Volunteer Fire Co.
- Water allocation should be confirmed prior to Final Plat approval.
- Sewer allocation should be confirmed prior to Final Plat approval.
- Consistency with the Master Water and Sewer Plan should be confirmed prior to Final Plat approval.
- If not already done, it should be confirmed that the number of parking spaces proposed falls within the minimum and maximum number required or permitted by the Town's Zoning Ordinance and Subdivision Regulations.
- Striped pedestrian crosswalks are shown at all intersections.
- If not already done, 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.

## TECHNICAL ADVISORY COMMITTEE 2004

- The internal street names have been approved. None of the alleys have been given proposed names.
- It is recommended that it be verified that the stream buffer distances are consistent with the requirements of the Town's Zoning Ordinance and Subdivision Regulations.
- It is recommended that it be verified that the Critical Area buffer distances are consistent with the requirements of the Town's Zoning Ordinance, Subdivision Regulations, and Critical Area Program.
- It is again recommended that a stream buffer, pursuant to Town's Zoning Ordinance and Subdivision Regulations, be depicted outside of the Critical Area where appropriate (southwestern portion of Back Creek). It is further recommended that it be verified that dwelling locations can be proposed to be located within the stream buffer.
- It is recommended that the Critical Area buffer be expanded to include the hydric soils Elkton Silt Loam and Tidal Marsh, where applicable.
- It is again recommended that protective fencing be considered around the stormwater management areas, as they are attractive hazards.
- It is recommended that any access to any parkland/open space between or beside lots be marked with concrete monuments.
- 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. Consideration should be given to the vegetative screening of the C & P Telephone property.

## TECHNICAL ADVISORY COMMITTEE 2004

- It is recommended that a Landscape Agreement be executed prior to recordation.
- It is recommended that an Environmental Assessment be done and approved prior to Final Plat approval.
- The Town of Chesapeake City has not signed an Assigning Obligations Under the Forest Conservation Act agreement with the County. However, OPZ will continue to review and comment on an FSD and FCP as a courtesy to the Town.
- In 1996, OPZ reviewed an FSD for this site. It was then known as the Back Creek subdivision. A revised FSD and a PFCP for a portion of the property (phase 1) were approved on 1/7/04.
- The final Forest Conservation Plan (FCP) should be approved prior final subdivision approval. The wetland, non-tidal wetland and forest locations shown on the plat do not match those shown on the approved FSD and the Phase 1 PFCP.
- 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.

There where no further comments.

### **3. Mr. Dennis Allgeier presented Linkous Family Homes at McMullen s Landing, Old River Road (Town of Perryville), Preliminary Plat, Morris & Ritchie Associates, Inc., Seventh Election District.**

Mr. Allgeier stated that the earlier project, Owens Landing, to the south was complete. After which the applicants purchased the approximate .758 acre parcel in its current state. Fifteen condominium units are proposed which will be identical to the type and style on the Owens Landing property. The plan proposes to decrease impervious surface. Although the plan has been submitted to the Town of Perryville, the applicant has not received any feedback. Thirty parking spaces, two per 15 units are required, 36 will be provided. A direct outfall to the Susquehanna River through the existing bulkhead system has been proposed. A concrete walkway has been proposed in conformance with the Town s request to provide access along the frontage of the bulkhead along the Susquehanna River. The site will gain access through Old River Road. Public water

## TECHNICAL ADVISORY COMMITTEE 2004

and sewer will be provided by the Town.

Mr. Woodhull stated this property is within the Corporate Limits of the Town of Perryville and that the streets along with the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the roads sewer mains and water distribution system be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The sanitary sewers would be owned and maintained by Cecil County.

We request that the Town withhold Final Plat approval until the SWM plan and a Mass and Final Grading plan are approved by the CCDPW. 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

The SWM Plan must address the requirement for pollution loadings reduction per Section 251-9 A. (4). This requirement applies to all development in the IDA of the Critical Area.

While this site may qualify for Redevelopment  $WQ_v$  must still be addressed due to the direct nature of runoffs impact on the Susquehanna River.

The proposed storm drain piping must be rerouted out from under Unit #5. The design must address how the fill proposed on site will impact adjacent properties.

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

The plat must accurately reflect existing off-site conditions (i.e. curbs, sidewalks, etc ).

## TECHNICAL ADVISORY COMMITTEE 2004

If the Town of Perryville requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

An I&M Agreement will be required for all SWM facilities.

The Department recommends that the Town require PWAs for the water lines as well as sanitary sewers and internal streets and stormdrains.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

Mr. McDowell, Citizen's Representative, advised that he had received no comments.

Mr. DiGiacomo provided the applicant with comments from the US Army Corps of Engineers, stating any structures or filling in the Susquehanna River would require a Department of Army (DOA) permit.

Mr. DiGiacomo provided the applicant with the comments from the Board of Education, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: 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 C-M.

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

October 6, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

The title block indicates that this is a Preliminary Site Plan. Mr. DiGiacomo asked if a Concept Plat had already been reviewed. Mr. Allgeier replied no. Mr. DiGiacomo stated if not, then it should be verified that the review and approval process could begin with a Preliminary Site Plan.

Mr. DiGiacomo asked if any consideration had been given to creating additional bicycle or pedestrian access in addition to the proposed 6' walkway. Mr. Allgeier replied there were both existing and proposed accesses to the walkway and therefore an additional walkway only 10' away would defeat the. Mr. DiGiacomo asked if a fence would be constructed keeping the pedestrians out of harms way. If so the hydrant would not be very accessible to emergency response. Mr. Allgeier replied a fence would be a good idea because of the difference in elevation. The hydrant could be moved to the front of the building allowing better access.

Mr. DiGiacomo continued as the access to the proposed McMullen's Wharf Court parking lot from Old River Road would have only a 30' centerline-to-centerline offset from the 20' right of way on the opposite side of Old River Road thus creating a potentially unsafe situation. Therefore, it is recommended that the developer work with the Town on appropriate traffic control signage at that intersection, consistent with MUTCD guidelines.

The street/parking lot name McMullen's Wharf Court must be approved by the County 911 Emergency center prior to Final Plat approval by the Perryville Planning Commission.

It is recommended that the proposed use and density be verified as being consistent with the Town's Zoning Ordinance for the C-M zone. Mr. DiGiacomo asked if any zoning changes were required. Mr. Allgeier replied no.

Mr. DiGiacomo continued it should be confirmed that the setbacks, lot sizes, and lot widths are consistent with the Town's Zoning Ordinance for the C-M 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.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement. However, reviews of FSD's and FCP's are performed as a courtesy to the Town. In this case, the project is located entirely within the Chesapeake Bay Critical Area IDA overlay zone.

It should be confirmed that the project is consistent with all requirements of the Critical Area Program

A note to the effect that the project is exempt from the Forest Conservation Regulations, per §3.2B, should appear on the plat.

It is recommended that an environmental assessment be submitted to the Critical Area circuit rider for Perryville. It is further recommended that the Planning Commission not approve the Preliminary Plat until after the environmental assessment has been approved.

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 if any ADA parking spaces are required.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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 any necessary variance or special exception numbers be shown on the plat.

Mr. DiGiacomo asked if there would be any open space areas proposed or required. Mr. Allgeier stated it was not required but a gazebo and walkway, common area, would be provided.

Mr. DiGiacomo asked if any stormwater management facilities be required. Mr. Allgeier replied this issue was presently being addressed with the Town. Water quality inlets would probably be installed.

Mr. DiGiacomo continued it was recommended that a detailed lighting plan be approved by the Town, with particular attention being paid to pedestrian/bicyclist/vehicular safety and potential conflicts.

## TECHNICAL ADVISORY COMMITTEE 2004

If the dwelling units are to be condominiums, then it is recommended that the condominium review and approval process, if different from the Town's subdivision review and approval process, be strictly adhered to.

If the dwelling units are to be condominiums, then it is recommended that documentation that the Condo Instruments for these condominiums have been accepted by the Maryland Secretary of State be received by the Town prior to recordation.

If the dwelling units are to be condominiums, then it is recommended that all condominium owners be required to become members of the condominium association.

There were no further comments.

#### **4. Michael Burcham presented Elk Nest, Lots 1-26, Rte 272, Preliminary Plat, McCrone, Inc., Fifth Election District**

Mr. Burcham stated the project was located south of the Town of North East, on the west side of Route 272 and was divided by a portion of West Shady Beach Road, which was currently a private road. The project is 18.73 acres in total, which includes all of Parcel 667 and a portion of Parcel 666. The applicants plan to add just a portion of Parcel 666 to the northern parcel to create the 18.73 acres that is shown on the plan. Mr. DiGiacomo clarified that the increase from 18.57 was not from the result of a Boundary Line Survey, but from an add-on. Mr. Burcham replied an adjustment to the add-on. Mr. Burcham stated a Boundary Line Survey had been completed on both parcels. Private wells and public sewer are proposed for this project. Elk Nest Drive, the first cul-de-sac road as you come in off of Hances Point Road, has been proposed to be a minor road, within the Cecil County Road Code, with the standard 75' radius cul-de-sac bulb. Elk View Court has been proposed to be a 36' wide Mini-road ROW. A 50' radius cul-de-sac bulb has been added to the end of West Shady Beach Road as it extending into what currently a Tee- turnaround. Mr. DiGiacomo confirmed that the cul-de-sac public ROW would consume part of the, thinking of West Shady Beach Road as a T, the base of the T becomes a public road as does the cul-de-sac bulb and the two wings of the upper part of the T would remain private roads. Mr. Burcham replied that was correct and would be owned and maintained by the current ownership and maintenance for those areas. Mr. Burcham stated along the private road leading further down West Shady Beach Road in a southwesterly direction from the proposed cul-de-sac, along the private road the proposed sewer line will be extended to a pump station. A utility and access easement will be proposed at a later date for the sewer lines and access to the pump station. The force main will lead from the pump station up Shady Beach Road connecting into Elk Nest Drive, through Lots 6 and 7 to gain access to the public sewer that is located on the east side of Route 272. Mr. Burcham stated at Planning Commission the Health Department had requested that all adjoining properties' septic areas be located and identified, but because the applicants intention is that all the projects have direct access to the new public sewer and therefore the existing septic had not been identified on this plan.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. McDowell, Citizen's Representative, stated when this project was previously reviewed there were a number of citizens that had contacted him concerning the sewer systems in that area. Their concerns were with the overload and other septic problems they were having. Some of the discussion at that time indicated this might solve that problem and it appears it would do that for those located to the south of West Shady Beach Road. But what about the properties located to the north. Mr. Burcham stated because the applicants have not had a sit down meeting with DPW to discuss the overall sewer alignment, routing and things of that nature they had not yet shown a sewer line extending to the north. The developers will be responsible for construction of the pump station and all the sewer lines to and from the pump station. They are aware that this was an area that will be followed through with. Servicing the properties to the north of that cul-de-sac is yet to be determined. Mr. McDowell stated it would appear that this would be an opportunity to solve an existing problem. He questioned what DPW's viewpoint of this issue was. Mr. Carter stated DPW had gotten some limited indication for the community that they are very much interested in this. DPW has recently gotten some direction from the County Commissioners as to what departmentally they should be doing. An information meeting with the community is planned and will probably be organized within a few weeks. This will allow for some feed back from the public while giving DPW a chance to share some of their ideas.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass & 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

Careful consideration of the existing stormwater drainage along Hances Point Road must be given in developing the Lot Grading Plans for Lots 1-6. This also applies to the lots located in the area of the existing

## TECHNICAL ADVISORY COMMITTEE 2004

smaller culvert under West Shady Beach Road.

Since West Shady Beach Road is to be deeded to the County, the proposed road must be constructed to Minor Road standard per the Road Code.

The DPW continues to desire that the southern extension of West Shady Beach Road become a public road. This section of road will be the County's only access to the proposed County owned pump station. The DPW envisions this as being a 16' wide paved road ending in a Tee Turnaround or parking area for the proposed pump station.

The Board of County Commissioners have directed the DPW to meet with the residents of Lots 1-22 to discuss the issues of sanitary sewer service and the conversion of the portion of West Shady beach Road fronting their lots being made a County road.

The cul-de-sac bulb is in non-compliance with the Standard R-13 of the Road Code. The bulb must be 150' in diameter not 100' as shown. With the change in diameter will require moving the cul-de-sac bulb east a sufficient distance to maintain the ROW outside of any existing lots (i.e. 15-17). The road design must address the access of the northern section extension of West Shady Beach Road and how it will tie into the cul-de-sac bulb or if the southern section does not become a County road, again how would a private road tie in.

Section 3.07.15 of the Road Code directs that Hances Point Road must be upgraded to a Minor Collector Standard for a minimum distance of 100' either side of the point of intersection between Hances Point Road and the Shady Beach Road West.

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

The Department conducted a traffic count study of Hances Point Road on 7/8/04. This study identified an ADT of 2161.

Section 2.13 of the Road Code must be adhered to for the construction of the private mini-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 must be approved by the Planning Commission and placed on the final plat. The Department proposes the following note: (The proposed

## TECHNICAL ADVISORY COMMITTEE 2004

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 driveways must be paved to the ROW and so noted on the Lot Grading Plan.

Clear up the denied access references associated with West Shady Beach Road.

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

Any applicable Road Code Variances must be requested prior to review of the Preliminary Plat by the Planning Commission approval.

The sizing and routing of the sanitary sewer lines for this subdivision must follow those recommendations set forth in Alternative #5 of the Sewage Collection Alternatives for Carpenter Point and Hances Point study areas for West Shady Beach Road. This includes providing a pump station to be built adjacent to Lot 7 at the southwestern end of West Shady Beach Road, running gravity line from this development along the southern section of West Shady Beach Road to the pump station, providing house connection for all dwellings adjacent to this new section of gravity main. The gravity main required from De La Plaine extending toward Hances Point Road must be maximized in length to allow as short a run of force main as is possible.

A sanitary sewer line stub-out must be provided on the northern side of the cul-de-sac bulb for future connection to Lots 18-22. The sanitary sewer design for this project must include the design for providing future service, by others, to these same lots.

The pump station must be sized for build-out flows in the future design.

The developer must provide title evidence of ownership for the section of West Shady Beach Road from the cul-de-sac to the pump station or establish the existence of all easements and ROW required to successfully route the sanitary sewer line to and from the pump station. Mr. Woodhull asked if the ownership had been verified. Mr. Burcham stated from the title search work it appears that the property was owned by McDaniel Yacht Basin. The boundary survey established the southeastern side dimension but the ownership is not 100% clear at this time.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Carter asked the applicant if any Road Code Variances had been submitted. Mr. Burcham replied no.

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

A PWA will be required for the streets and storm drains as well as for sanitary sewer.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required.

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

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference:

Mr. McDowell, Citizen's Representative, advised that he received no further comments other than the ones previously provided.

Mr. DiGiacomo provided the applicant with comments from the US Army Corps of Engineers, stating any filling in the isolated wetlands, of which there are two pockets in the northeast corner, required State authorization.

Mr. DiGiacomo provided the applicant with the comments from the Board of Education, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: The zoning was SR, MB and LDA.

The SR zone permits a maximum base density of one (1) dwelling unit per one (1) acre, or 2/1 with community facilities. The LDA zone permits a density of 3.99/1 or the density permitted in the underlying zone (2/1), whichever is more restrictive.

The Concept Plat was approved for 26 Lots at a density 1.4/1 on 6/21/04, conditioned on:

October 6, 2004, 9:00 a.m.

## TECHNICAL ADVISORY COMMITTEE 2004

- 1) The Jurisdictional Determination being completed prior to the Planning Commission's review of the Preliminary Plat;
- 2) A boundary line survey being completed in the preparation of the Preliminary Plat for density calculation purposes; and
- 3) A study to determine the appropriate termination of the County owned portion of West Shady Beach Road, agreeable to the Planning Commission/Department of Public Works.

This Preliminary Plat is generally consistent with the approved Concept Plat.

The dwelling location on proposed Lot 26 must be situated entirely within the SR zone, as depicted.

The Concept Plat reviewed by the TAC proposed 25 lots. This Concept Plat proposes 26 lots on 18.73 as opposed to 18.57 acres, for a proposed density of 1.4/1. Other than the additional proposed lot and a slight change in total acreage, this plat is virtually identical to the one reviewed by the TAC.

Mr. DiGiacomo asked if a JD had been completed. Mr. Burcham replied no.

Mr. DiGiacomo asked if the boundary line survey had been completed. Mr. Burcham replied yes.

Mr. DiGiacomo stated one of the conditions (Condition #3) of Concept Plat approval was that a required study be completed to determine the appropriate termination of the County owned portion of West Shady Beach Road. Is it correct to assume that the conversations with Mr. Sennstrom and DPW constitute that study in meeting that requirement? Mr. Burcham replied yes, a meeting is scheduled to discuss it in more detail.

Mr. DiGiacomo stated the Critical Area boundary must be labeled, per §4.1.22 (v) 13. The Critical Area boundary must be labeled on the Preliminary Plat submitted for review by the Planning Commission.

Mr. DiGiacomo asked if the site contain any slopes 15% or greater. (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. Burcham replied no.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo state 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 if not already completed.

15% common open space is required; 18.96% is proposed. The sensitive area thresholds have been calculated and included on the plat.

Fee simple common open space access from the proposed private mini road is depicted. Mr. DiGiacomo asked if the access was intended for all lot owners or just those on the proposed mini road. Mr. Burcham replied on all lot owners.

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

Aerial photographs confirm what is shown on the ADC map: that Dune Drive extends from Shady Beach Farm Lane back to approximately Lot 24 in the adjacent subdivision.

§ s 4.1.22 (h) & (j) require that Dune Drive be shown on the plat.

Its use may have implications for possible vegetative buffering of the common open space and the rear lot lines of proposed Lots 8 and 9. In addition, proposed Lots 8 & 9 must be denied access to Dune Drive.

20% landscaping of the development envelope is required in the SR zone; 25%, in the MB zone. Sidewalks are not recommended in order to limit the amount of impervious cover.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of MD Route 272 and Hances Point Road.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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

The Forest Stand Delineation (FSD) and Environmental Assessment were approved on 6/4/04. There are no habitats of rare, threatened, and endangered species on site.

The portion of the project located in the LDA zone is exempt under §3.2B, as noted.

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 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. It appears that the buffer may need to be expanded onto portions of proposed Lots 21 & 23.

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 LDA. For proposed lots one acre or less in size (8-26) the impervious cover limitation is 25% (§200.8.a). The 15% impervious cover threshold applies to the entire portion of the subdivision within the Critical Area and any proposed lots that may yet end up greater than one acre in size.

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 Landscape Agreement must be executed prior to recordation.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

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

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

The issue of the plat's drawing of the proposed West Shady Beach Road cul-de-sac begs the question of access to existing lots 17-22 has been addressed.

The Master Water and Sewer Plan shows this as an S-3 area. It must be amended to S-1 prior to Final Plat review by the Planning Commission.

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

The Record Plats shall also contain a statement, signed by the owner, to the effect that sewer facilities will be available to all lots/homes offered for sale. The statement now included on the plat is inappropriate because individual wells are proposed, not public water service.

Note # 6's wording should be changed to be consistent with the Health Department statement regarding sewer service.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull requested that the applicant remove Lot 24 from the new County road and add it to the note referencing Lots 20, 21 and 23 denied access to West Shady Beach Road.

There where no further comments.

### **5. Cordell Willen presented Bayside Development, Inc., Rte 282 (Town of Cecilton), Preliminary Plat, American Engineering, First Election District**

Mr. Willen stated this plat had been submitted as a Concept Plat in December of 2003. Due to various meetings with the Town of Cecilton, various alignments have changed slightly, and the number of lots had increased by two. The Town has requested that TAC review the Preliminary Plat, after which the Town's Planning Commission will review this plat. Access has been provided to the Town's park along Creamery Drive and the proposed commercial development into the library and Town maintenance building site. The Town has requested that the applicants incorporate a new entrance to the library off of Main Street. In turn, the proposed parking will be used to satisfy some of the parking requirements or commercial use.

Mr. Woodhull stated this property is within the Corporate Limits of the Town of Cecilton, and the streets along with the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the roads sewer mains and water distribution system be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

It is the CCDPW's recommendation that Center Street be designed to meet Structural Number (SN) of 4.15 as identified in Standard Detail R-23 of the County Road Code. The proposed ROW and paved widths are acceptable as shown. The County is concerned more about the potential traffic loading of this street and associated turning movements associated with the proposed on-site commercial operations.

The CCDPW request that the Town withhold Final Plat approval until a SWM plan and a Mass and Final Grading plan are approved by the Department. 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

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

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

If the Town of Cecilton recommends sidewalks, the Final Plats should include a note indicating that sidewalks maintenance will be required of the adjacent property owner.

In regards to sidewalks the CCDPW recommends that the Town review the pedestrian crossing of Creamery Drive to evaluate if any additional crossing maybe warranted.

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

The CCDPW recommends that the Town require PWAs for internal streets & storm drains, water and sanitary sewer mains.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

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

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo asked if the TIS would address both entrances, the one on the proposed Center Street and the library entrance. Mr. Mandras replied yes.

Mr. McDowell, Citizen's Representative, advised that his wife had taken a call late the night before from a person who was a member of the Cecilton Library Board and was concerned with the impact on the library. He was unclear as to if they were speaking solely on behalf of themselves or the board; raising the concern of the entrance location that would require removal of trees, relocating the book drop and removal of the brick wall that supports the library's sign. They questioned how the plan would be carried out how the access to the bank building would cross the library property. Mr. Willen replied these issues would be directed to the Cecilton Mayor and Commission. Mr. McDowell stated these issues will impact the library and the concern is how these concerns will be addressed, who would be responsible for making the changes and how they would be ultimately carried out. Mr. Willen stated the final designs of any changes in that area would be approved by Cecilton. The sidewalk was to provide continuity of the sidewalks from Main Street to the back of the commercial development and residential area.

Mr. DiGiacomo provided the applicant with comments from the US Army Corps of Engineers, stating a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or waters of the US present on the property.

Mr. DiGiacomo provided the applicant with the comments from the Board of Education, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments: 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 subdivisions proposed within the towns' corporate limits. The zoning is TC.

Cecil County TAC reviewed a similar plan for this site in December of 2003.

Since this is a Preliminary Plat, it is recommended that the approval of the Concept Plat be verified. Special attention should be paid to any conditions of Concept Plat approval.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

It should be confirmed that mixed-use development is permitted by the Town's Zoning Ordinance in the TC zone.

It should be verified that the proposed density for the residential portions of the parcel is consistent with that allowed in the TC zone.

It should be confirmed that the proposed residential dwelling types are allowed in the TC zone and that the proposed percentages of types of dwelling units do not exceed those allowed in the TC zone.

It should be confirmed that the dwelling unit to commercial gross floor area ratio allowed in the TC zone has not been exceeded.

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

Mr. DiGiacomo asked if the proposed bank building require a setback variance. Mr. Willen replied a variance was not required because there was no setback specified in the TC zone.

Mr. DiGiacomo state 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 the proposed business types are permitted in the TC zone.

It should be confirmed that the number of parking spaces proposed falls within the minimum and maximum number required or permitted by the Town's Zoning Ordinance and Subdivision Regulations.

It should be confirmed that the number of handicapped parking spaces proposed falls within the minimum and maximum number required or permitted by the Town's Zoning Ordinance and Subdivision Regulations.

It is recommended that proper precautions be taken to eliminate or reduce the hazards involved with the backing movements in and out of the parking spaces along the proposed access easement.

## TECHNICAL ADVISORY COMMITTEE 2004

Sidewalks are recommended on both sides of all internal streets.

Striped pedestrian crosswalks are recommended at all intersections.

The internal street names must be approved by the County 911 Emergency Center.

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 TC zone regulations. Special attention should be paid to the proximity of roadways intersecting opposite sides of another roadway (Center Street and Logan Court).

Coordination with the Town is recommended regarding signage to control traffic flow at intersections to minimize vehicle/vehicle and vehicle/pedestrian conflicts. Special attention is recommended in the commercial section of the project. MUTCD guidelines should be consulted.

Mr. DiGiacomo asked if all the proper steps had been taken to ensure the access easement to the library would be allowed. Mr. Willen replied this issue was part of the ongoing discussions with the Town of Cecilton.

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.

Consideration should be given to soliciting review and comment on the subdivision layout and access by the Cecilton Volunteer Fire Co.

It could not be determined if the fire hydrants locations had been designated. Mr. DiGiacomo asked if any fire hydrants been planned for? Mr. Willen pointed out the hydrants to Mr. DiGiacomo. Fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as suggestions from the Cecilton Volunteer Fire Co.

Consideration should be given to locating dry hydrants at the stormwater management ponds and streams where feasible, in consultation with the Cecilton Volunteer Fire Co.

## TECHNICAL ADVISORY COMMITTEE 2004

It is recommended that protective fencing should be considered around stormwater management areas, as they are attractive hazards.

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.

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.

In the interest of maximizing safety and security, a lighting plan should be reviewed and approved prior to final approval with special attention regarding the commercial component of the plan.

Mr. DiGiacomo asked if there was any current lighting associated with the existing baseball field. Mr. Willen replied it was not a lighted field. Mr. DiGiacomo stated should lighting ever be considered appropriate vegetative screening would be recommended.

It is recommended that details regarding the privacy fence (i.e. height, building material, etc) be provided.

It is again recommended that consideration be given to the installation of bicycle racks near the proposed ice cream parlor, bank and/or office/retail building and/or library.

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It is recommended that it be verified that the Town has approved the proposed access to the park.

It is again recommended that any habitats of rare, threatened, and endangered species be avoided.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

It is recommended that access to common open space between lots be marked with concrete monuments. It should be determined what the acreage requirements of the Town's Zoning Ordinance and Subdivision Regulations pertaining to open space are for the TC zone.

Mr. DiGiacomo asked if the open space labeled "public" be accessible to anyone or simply to those living in the development. Mr. Willen stated it would be accessed to anyone.

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.

Vegetative screening along the Creamery Road side of Lots 1 and 18 are recommended to screen the light from headlights from cars on Center Street and the unnamed fire lane.

It is recommended that consideration be given to a dense vegetative buffer along the property boundary adjacent to the baseball field in regards to the noise, not lights.

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.

The Town of Cecilton assigned its forest conservation obligations to the County on 12/3/92. Therefore, OPZ will review and approve the FSD and FCP for the Town. Neither an FSD nor a preliminary FCP have been submitted yet, and these plans must be approved by this office prior to Cecilton's approval of the subdivision plat.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

**November 3, 2004, 9:00 a.m.**

**Technical Advisory Committee**

**PRESENT:** Carter, DiGiacomo, Latham, Mandras, Markwardt, Moore, Orr, Ouano, Roop, Woodhull and Jones

**ABSENT:** Ancel, Davis and Funk

**1. David Strauss presented Perryville Station (Town of Perryville), U.S. Route 40, Preliminary Site Plan, McCrone, Inc., Seventh Election District**

Mr. Strauss stated the Town of Perryville approved the Preliminary Site Plan with conditions last month. The Town requested that TAC review the proposed shopping center site to be located along U.S. Route 40 and 222. This project will consist of 16.6 acres with a proposed 56,091 ft<sup>2</sup> of retail space which will include a 38,000 ft<sup>2</sup> grocery store along with two future pad sites. Conditions included sidewalks, connectivity to Route 222 and along Route 40, in addition to a road connection to Route 222, which will require a stream crossing permit.

Mr. Woodhull stated CCDPW understands that this property is within the Town of Perryville and that the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the sanitary sewer mains and water distribution system be designed to meet or exceed the County's standards. The Department also recommends that the Town request that the serving fire company review fire hydrant spacing and locations.

We request that the Town withhold Final Plat approval until the Department has approved the SWM Plan and the Mass and Final Grading Plan. 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The SWM plan submittal must include the on-site drainage system.

## TECHNICAL ADVISORY COMMITTEE 2004

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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 specifically address the impacts that this site s SWM discharge will have on the properties located along the outfall stream immediately below U.S. Route 40 (i.e. Perryville Middle School, etc )

Engineer s structural design & certifications will be required for any underground SWM system intended to be load bearing.

Shop drawings of the proposed underground storage facility will be required.

Mr. Woodhull asked who would be responsible for maintenance of the on-site SWM storm drainage system. Mr. Strauss replied it would be private. The developer will maintain ownership of the shopping center and the tenants will bear the responsibility.

Mr. Woodhull stated DPW recommends that the initial SWM design accommodate the future development of two site pads area, unless the applicant has additional area set aside for future SWM needs.

The CCDPW recommends that the Town require the developer to provide a copy of all recorded easements required for this access via the adjoining property.

An SHA access permit will be required. The CCDPW questioned the SHA comment on the misalignment of the proposed access across U.S. Route 40 from Couldon Boulevard. Mr. Woodhull asked if this was

## TECHNICAL ADVISORY COMMITTEE 2004

acceptable to SHA. Mr. Mandras stated it was their opinion that the differences were not significant. They have modified it from a double out to a single out. The other connection will help. He added there were issues with Mr. Collette that he would cover in his comments.

Mr. Woodhull stated an I&M Agreement would be required for all SWM facilities.

Mr. Orr stated CCDPW recommended a sidewalk connector into Route 222 that it be discussed with the Town whether or not it would be appropriate to connect the small sidewalk with the proposed access road to Route 222. Mr. Strauss stated they had been in discussions with the Town about the sidewalks.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the non-tidal wetlands or streams required a Department of Army (DOA) permit. Although Mr. Roop has walked the property a Jurisdictional Determination (JD) had not been issued.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference. In addition Mr. Mandras stated SHA has had numerous discussions with Mr. Collette whose property is located adjacent to the proposed project. Mr. Collette is concerned with his vehicles access to the intersection signal, which currently has a video camera assigned to the entrance allowing him to trip the signal. In order for him to maintain the ability to do this he will need access to the out lane on Route 40 located in front of his property. There are ongoing discussions with SHA, Mr. Collette and the developer concerning this issue. Mr. Strauss asked that SHA modify their letter to contain Mr. Collette's issues. Mr. Mandras agreed to do so.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Mr. Markwardt, Board of Education had no comments.

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

Mr. Ouano, Conectiv, had no comments.

Mr. Rogers, URS, on behalf of Town of Perryville, recommended that the TIS include a signal warrant analysis for Franklin Street and Route 222 at the existing access road leading into Happy Harry's that will tie into the proposed project. Mr. Mandras stated SHA would take these issues into consideration.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated it had always been the assumption of the OPZ that the developers and Towns worked together but this was obviously not correct because an agenda item previously reviewed by TAC located in the Town of Cecilton had not been also sent to the Town prior to TAC. Therefore, all developers are henceforth requested to send a copy of the submittal letter and site plan to the Town.

Mr. DiGiacomo stated there were no public comments received.

Mr. DiGiacomo stated that no comments had been received from the Perryville Volunteer Fire Department.

Mr. DiGiacomo, OPZ stated this site plan proposal was located 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 Preliminary Plat are as follows. Town Zoning is C2.

It should be confirmed that all adjacent existing structures are accurately depicted.

A vehicle/pedestrian circulation plan should be developed so as to reduce pedestrian-vehicle conflicts, potentially using a combination of striping and MUTCD signage.

Of particular concern is the striped pedestrian crosswalk from the parking area to the grocery store in close proximity to the entrance from WB US 40. Specifically, if possible, the striped pedestrian crosswalk should be relocated at the far end of the grocery store. Another alternative would be to redesign the entranceway to a point equidistant from the grocery store and the proposed future development area.

It is recommended that the Site Plan reflect the fact that what has been labeled US 222 is actually MD 222.

It is recommended that there be a sidewalk along U.S. Route 40 or MD 222.

No street names have been provided. If any new street names are contemplated they must be approved by the County 911 Emergency Center. It is recommended that any street name approvals be obtained prior to Perryville Planning Commission review.

## TECHNICAL ADVISORY COMMITTEE 2004

It is recommended that the proposed use(s) be verified as being consistent with the Town's Zoning Ordinance.

It should be confirmed that the setbacks, floor area ratios, and building heights are consistent with the Town's Zoning Ordinance for the C2 zone.

It is recommended that the site plan 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.

Given the new trips that this project will generate, it should be confirmed whether or not the Town's and SHA's regulations will require a Traffic Impact Study (TIS).

The habitats of any possible 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 any required bufferyards.

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 final site plan approval.

Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement. Nevertheless, the FSD and FCP will be performed by the Office of Planning and Zoning as a courtesy to the Town, if requested. As yet, nothing has been submitted for a courtesy review.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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.

Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the 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.

Any required water allocation should be confirmed by the Town of Perryville prior to final approval.

Any required sewer capacity hookups should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.

It is recommended that the site plan approval be contingent upon approval of a detailed lighting plan.

Mr. DiGiacomo asked if any zoning changes be required. Mr. Strauss replied no.

Mr. DiGiacomo stated it is recommended that any necessary variance or special exception numbers be shown on the plat.

It is recommended that consideration be given to switching the locations of the grocery store future expansion and the loading area.

It is recommended that a JD be required and MDE/COA permits be obtained for the various proposed wetland and stream impacts prior to site plan approval.

There were no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

### **2. Cordell Willen presented *Stony Run Business Center (Town of North East), U.S. Route 40, Concept Site Plan, American Engineering & Surveying, Inc., Fifth Election District***

Mr. Willen stated this project had been annexed into the Town of North East. The preliminary approval from the Town has expired. The Town has requested that the applicant come before TAC with a concept plan. Both the Town's Planning Commission and 2001 TAC comments have been incorporated into the plat. The proposed usage is a flex office/warehouse building which is consistent with the Town zoning. Sanitary connections to an existing line as well as a water line into the present system have been proposed.

Mr. Orr stated that CCDPW has previously reviewed a Major Site Plan for this project at which time the SWM submittal addressed the requirements of the old SWM Ordinance. That SWM report is at least partially no longer valid and a new SWM submittal addressing the current Ordinance must be generated.

The Department understands that this property is within the Town of North East and that the water mains will belong to the Town. The CCDPW recommends that the water distribution system be designed to meet or exceed the County's standards. We recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts.

The CCDPW also recommends that the Town require a site lighting plan be submitted for approval and that it use a maintenance factor of 1.0.

The Department request that the Town withhold Final Plat approval until the Department has approved the SWM plan, Sanitary Sewer plan, and the Mass and Final Grading plan. 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

Include a copy of the site plan (with site grading, utilities & storm drain system shown) with the SWM submittal.

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of

## TECHNICAL ADVISORY COMMITTEE 2004

the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

The 100-year flood plain line must be graphically tied to the appropriate contour elevations. This must be established via an engineering analysis (HEC)

All SWM facilities located on the site should normally be located completely outside of stream and wetlands buffer boundaries. Article 12, Section 12-1. a. of the Town of North East Zoning Ordinance requires that all permanent or temporary SWM or sediment control devices should not be permitted in the perennial stream buffer. Mr. Orr stated two buffers are shown on the plan, one at 110 and one at 160 , which is correct? Mr. Willen replied the hydric soil would be extended to the 160 buffer. The previous submittal contained a 110 but the Town requested it be extended to 160 . A waiver will be requested from the Town. Mr. Orr asked if the Town granted a variance with requirement or considerations DPW would like a copy for verification. If an underground SWM system is proposed, an engineer s structural design and certification will be required for any portion of the system intended to be load bearing.

Any variance by the Town should be carefully considered and only granted after the developer has proven that there are no adverse impacts to any portion of the proposed SWM facilities resulting from the 100-year storm.

An SHA access permit is required.

A sanitary sewer allocation request, containing usage estimates, must be submitted to the CCDPW prior to site plan approval.

The North East Station sanitary sewer mains are private. The applicant indicated connecting to this line. The applicant must provide CCDPW with a copy of the easements, dedications, and agreements covering construction and maintenance of the private sewer mains to the Stony Run Interceptor Gravity Sewer Main.

## TECHNICAL ADVISORY COMMITTEE 2004

An I&M Agreement will be required for all SWM facilities and a PWA is required for sanitary sewer.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in Stony Run, stream or adjacent wetlands required a Department of Army (DOA) permit. The isolated wetlands, located in the pond, are under State jurisdiction and would require approval from MDE. No Jurisdictional Determination (JD) has been issued.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Mr. Markwardt, Board of Education, asked if a sidewalk would connect the business part to North East Station. Mr. Willen replied yes, it had been requested by the Town.

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

Mr. Ouano, Conectiv, stated it was their intention to extend the pole line, ending at North East Station, along Route 40 through the western most part of the property. There may be some conflict based on decel/accel lane and the billboards, but it cannot be determined until the changes have been made on the final plat. Transformers will be determined later, as well.

Mr. DiGiacomo stated there were no public comments received.

Mr. DiGiacomo stated that no comments had been received from the North East Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments. This is a site plan which TAC does not ordinarily review. However, as a courtesy to the towns in the County, TAC occasionally reviews site plans and subdivision proposals. Our comments are as follows. The Town zoning is I.

It should be confirmed whether site plan approval by the Town is a staged process. If not, it is recommended that concept be removed from the type of application.

## TECHNICAL ADVISORY COMMITTEE 2004

It is recommended that the town limits shown on the vicinity map be verified.

It should be confirmed whether the Town's Zoning Ordinance requires a Zoning Administrator signature block on site plans.

It is recommended that dumpster locations be shown.

It should be confirmed whether or not the Town's Zoning Ordinance and Subdivision Regulations require construction details to be included on site plans.

It should be confirmed whether the Town's Zoning Ordinance permits the proposed uses in this zone.

It should be confirmed that the number of parking spaces and the number of handicap parking spaces provided meets at least the minimum and maximum number of specified by the Town's Zoning Ordinance and Subdivision Regulations.

It should be confirmed that the setbacks shown meet the requirements of the Town's Zoning Ordinance and Subdivision Regulations.

Neither a Forest Stand Delineation nor a Forest Conservation Plan has been submitted. Despite this proposal being within the Town of North East, the FSD and FCP must be submitted to this office.

The Town of North East and Cecil County signed and Assigning Obligations Under the Forest Conservation Act agreement on 2/4/00. This means that all procedures and regulations of the County's Forest Conservation Act must be abided by for any proposed development activities within the Town. This also means that any proposed subdivisions, site plans, building permits, and/or grading permits must receive County approval prior to recordation or issuance.

The proposed 20' wide sanitary sewer easement cuts through a forest retention area established by the North East Station subdivision's FCP (see file #NE-1 or state file #C95-3). This is not permitted, and should the developer want to pursue this configuration, a revised FCP must be submitted and the North East Station

## TECHNICAL ADVISORY COMMITTEE 2004

subdivision record plat must be re-recorded.

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 approved site plan.

It should be noted that the proposed SWM facilities, paved areas, and the limits of disturbance are located within the stream buffer. It is recommended that the process to obtain any variance/waiver from the Town be confirmed.

It is recommended that protective fencing should be considered around the stormwater management areas, as they are attractive hazards.

Mr. DiGiacomo questioned fore bay ponds . Mr. Woodhull stated it was a pretreatment, which was part of the SWM facility.

Mr. DiGiacomo state with the close proximity of the environmentally sensitive area along the western portion of the parcel, it is recommended that consideration be given to incorporating pervious pavers into the paved areas.

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 site plan approval.

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 any required bufferyards.

It is recommended that the Landscape Plan and the Landscape Agreement both be approved and executed respectfully prior to site plan approval.

It should be confirmed that any proposed signage is consistent with the requirements of the Town's Zoning Ordinance.

## TECHNICAL ADVISORY COMMITTEE 2004

Coordination with the Town is recommended regarding signage to control traffic flow to minimize vehicle/vehicle and vehicle/pedestrian conflicts. MUTCD guidelines should be consulted.

It is recommended that traffic pattern arrows be added along the western portion of the development area.

It is recommended that serious consideration be given to pedestrian connectivity between the proposed development and North East Station.

In the interest of maximizing safety and security, a lighting plan should be reviewed and approved prior to site plan approval with particular attention paid to the area involving the 19 proposed parking spaces facing Rte 40.

It is recommended that consideration be given to improving pedestrian crossing from the proposed 19 spaces that front Route 40 to the proposed office/warehouse buildings.

Fire hydrant locations should be consistent with the Town's Zoning Ordinance and Subdivision Regulations, as well as suggestions from the North East Volunteer Fire Co.

Consideration should be given to soliciting review and comment by the North East Volunteer Fire Department.

Water allocation should be confirmed prior to final site plan approval.

Sewer allocation should be confirmed prior to final site plan approval.

Consistency with the 10-year Master Water and Sewer Plan should be confirmed prior to final approval.

Mr. DiGiacomo asked if the Town of North East was aware of this project being heard by TAC. Mr. Willen replied yes.

**3. Tim Granger presented Bay View Woods, Old Bayview Road, Preliminary Plat, American Engineering & Surveying, Inc., Fifth Election District**

Mr. Grainger stated the project consisted of 12.27 acres. The PFCP was recently approved.

Mr. Woodhull stated CCDPW understands that water supply for this site will be provided and owned by the Town of North East. The Department recommends that the water distribution system be designed to meet or exceed the County's standards. We recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. The sanitary sewers would be owned and maintained by Cecil County.

A SWM plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass & 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

The existing sediment trap on the Lands of Aston Woods drains across this property. The existing and future impacts of this flow must be considered in the SWM Plan and redirected accordingly.

Bay View Woods Lane, as shown, extends to and provides access for the adjacent lands of Barry Montgomery. Connectivity between this parcel and Montgomery Oaks, through the remaining lands of Montgomery, appears substantially feasible and should be strongly encouraged. Only if the Planning Commission endorses the connectivity concept should Bay View Woods Lane be ended in a Tee Turnaround. Otherwise it should be terminated in a cul-de-sac.

## TECHNICAL ADVISORY COMMITTEE 2004

At Concept Plat review DPW identified an area of discrepancy with the plan submitted for Montgomery Oaks in regards to location of the existing sanitary sewer line, stream, and connection site. Mr. Woodhull asked if anything had been done to rectify this discrepancy. Mr. Granger stated he had obtained a copy of the concept plat from McCrone and it appeared the contours had derived from the County aerials. He will contact McCrone in attempt to gather additional information.

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Mr. Woodhull stated no Road Code Variance requests have been received to date.

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 site meeting with the engineer and Gary Page of DPW is recommended, and sight distance as easements may be required on the adjacent lots immediately south of the proposed entrance.

All driveways must be paved at least to the right of way and so noted on the Lot Grading Plan.

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

The applicant must provide as-built information of the connecting sewer (rim and invert elevations, pipe sizes and types) and engineering calculations to demonstrate total and available capacity from Manhole #493 to Manhole #476 of the Stony Run Interceptor (North East Sanitary Sewer Extension A )

All cleanouts [and water meter vaults] must be designed to be outside of all paved or concrete areas on each lot.

All easements required to access the existing sanitary sewer main must be provided prior to submittal for Final Plat approval.

The Preliminary Plat must indicate the locations of all infrastructure per Section 4.21. K-P of the Subdivision Regulation. Prior to the Planning Commission reviewing the Preliminary Plat the DPW will need review a conceptual sanitary and water layout. Mr. Woodhull asked if there would be a proposal for sanitary pump stations. Mr. Grainger replied no it would be gravity sewer.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated a PWA will be required for internal streets, storm drains, sanitary sewers, and any private utility improvements.

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

Mr. Orr asked if the gravity sewer for the project would be an inter connection offsite. Mr. Grainger replied it would tie into the manhole on Barry Montgomery s property. Mr. Orr asked if the applicant was in the process of negotiating an easement. Mr. Grainger replied it had been completed.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the stream or adjacent wetlands required a Department of Army (DOA) permit. The Jurisdictional Determination (JD) has not been issued, but Mr. Roop did walk the property yesterday.

Mr. Mandras, State Highway Administration, stated the project was not on a State highway therefore, they had no objection to its approval.

Ms. Latham, MDE, stated a Water Appropriation Permit would not be required.

Mr. Markwardt questioned the size, price range and construction commencement of homes. Mr. Granger replied the size would be 1200 1600 ft<sup>2</sup> with a price range of \$200,000. Construction would be in the spring of 2005.

Mr. Markwardt stated based on, the assumption that Bayview Wood Lane and Loop were approved, bus service would be provided at the intersection of Old Bayview Road and Old Bayview Woods Lane.

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

Mr. Ouano, Conectiv, asked that the existing utility lines on either side of the entrance be shown on the plat.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated there were no public comments received.

Mr. DiGiacomo stated that no comments had been received from the Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments. The zoning is DR which permits a maximum base density of one (1) dwelling units per one (1) acre; with community facilities, a density of 4/1 is permitted.

The Concept Plat, proposing 36 lots on 12.27 acres was approved on 7/19/04, conditioned on:

1. A boundary line survey being done in conjunction with the preparation of the Preliminary Plat for density calculation purposes;
2. A JD being completed prior to the Planning Commission's review of the Preliminary Plat;
3. The details of the PFCP and the Preliminary Plat matching up; and
4. Adequate consideration being given to the inclusion of TOT lots and/or active recreational amenities as part of the common open space.

Mr. DiGiacomo asked if a boundary line survey had been done. Mr. Grainger replied no. Mr. DiGiacomo stated the survey would need to be complete prior to Planning Commission review.

Mr. DiGiacomo stated although the Jurisdictional Determination (JD) had not been done the information was correct per the U.S. Army Corp of Engineers.

This Preliminary Plat proposes 36 lots 12.27 acres, for a proposed density of 2.934/1.

This Preliminary Plat is generally consistent with the approved Concept Plat.

The vicinity map does not show parcel 792.

The driveway alignment on Lots 9 and 36 should be reconfigured to meet the road at more of a 90 degree angle. As currently proposed they are somewhat awkward and perhaps unsafe angles.

## TECHNICAL ADVISORY COMMITTEE 2004

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. There are no steep slopes currently highlighted 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 and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland impacts prior to recordation.

15% is common open space required; 27.22% 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 non-tidal or tidal wetlands. Those thresholds must be calculated and included on the Preliminary Plat. These calculations must be on the plat prior to Planning Commission review.

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

Sidewalks are recommended on both sides of all internal roads.

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

## TECHNICAL ADVISORY COMMITTEE 2004

An FSD for this site was approved on 10/11/02. According to the Natural Heritage Service, the site contains FIDS habitat, but it is not home to any rare species.

The PFCP was approved on 10/27/04.

The PFCP and the Preliminary Plat do not currently match up. Neither afforestation nor forest retention occurs in the common open space in the southeastern corner of the parcel. This area is designated as reforestation on the approved PFCP. Also, there are no steep slopes currently shaded on the Preliminary Plat and steep slopes do appear on the PFCP.

General Note #5 referring to the FSD should be updated to include the PFCP.

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 Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

Written verification of water allocation and sewer capacity must be received prior to Final Plat review.

The proposed road names have been approved.

Under Site Data Note #1, the s should be removed from parcel as this project only involves one parcel.

## TECHNICAL ADVISORY COMMITTEE 2004

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. Woodhull stated §3.0715 of the Road Code states a mandatory 100' upgrade on either side of the entrance. This will be required. A Sewer Allocation Request will be required.

There were no further comments.

#### **4. Cordell Willen presented *Springhill, Section 2, Lots 5-18, Ridge Road & Spring Hill Road, American Engineering & Surveying, Inc., Sixth Election District***

Mr. Willen stated the original Concept Plat was approved in December 1998, setting the density. The proposed density has not changed. Section 1 was approved in 1999 and recorded in 2001. The concept plat approval has expired. Some revisions have been made to the locations of Natalie Way and Amber Court based on the previously Planning Commission comments. He stated the 30' road widening easement along Ridge Road and Spring Hill Road had been revised to be dedicated. The cul-de-sac was proposed to be constructed as private mini roads/minor road section with curb and gutter.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

## TECHNICAL ADVISORY COMMITTEE 2004

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

If Natalie Way and Amber Court are proposed to be private mini-roads the ROW would need to be cut off from the fee simple strip dedication along Spring Hill Road.

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

Section 3.07.15 of the Road Code nominally directs that Spring Hill Road be upgraded to a Minor Collector Standard for a distance of 100' either side of the points of intersection between Spring Hill Road and the two private mini-roads.

Sight distance measurements will be required for both Natalie Way and Amber Court intersections with Spring Hill Road. These locations must be marked in the field.

ROW dedications on along this development's frontage on Ridge Road and Spring Hill Road must be identified as 30' wide strip to be dedicated in fee simple to the Board of County Commissioners of Cecil County on the plat.

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan.

An I&M Agreement will be required for all SWM facilities and a PWA will be required for the roads and storm drains.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the stream or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Roop of the (US Army) Corps of Engineers stated a Department of Army (DOA) Permit was not required since there were no non-tidal wetlands or waters of the US present on the property. Any filling in the isolated wetlands requires approval from MDE A Jurisdictional Determination (JD) has not been issued.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

Ms. Latham, MDE, stated that a Water Appropriation Permit would be required for the full subdivision which would include Sections 1 and 2 in the lots.

Mr. Markwardt stated bus service would be provided at the entrances of Natalie Way, Amber Court and Spring Hill Road. He questioned the size, price range and construction commencement of homes. Mr. Willen replied the approximate size would be 2500 ft<sup>2</sup>. He asked assuming approval, when would the project start? Mr. Willen replied within 1-2 years.

Mr. Markwardt asked that consideration be given to the area on Ridge Road, to be dedicated to the County Commissioners, to construct a 10 x 10 gravel spot designated to allowing students waiting for the bus to stand off the roadway.

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

Mr. Ouano, Conectiv, asked that two poles be shown on the plat on either side of each entrance.

Mr. DiGiacomo stated there were no public comments received.

Mr. DiGiacomo stated that no comments had been received from the Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments. The zoning is NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres.

## TECHNICAL ADVISORY COMMITTEE 2004

The Spring Hill Concept Plat was originally approved on 12/21/98, conditioned on:

- 1) Amber Court being realigned to minimize the impact on the existing forest, and
- 2) The number of panhandle lots being re-evaluated and if at all possible, being reduced to two.

The Section 1 Preliminary and Final Plats were approved on 4/19/99 and 8/16/99, respectively.

Subsequently, another Spring Hill Concept Plat (for Section 2) was reviewed by the TAC on 3/7/01 and approved by the Planning Commission 3/19/01.

The Springhill Section 1 (approved 8/16/99) Record Plats were signed on 10/17/02.

The Section 2 Preliminary Plat was approved on 4/16/01.

§4.1.17 stipulates that Preliminary Plat approvals are valid for two years if a Final Plat is not recorded within that timeframe. Thus, the original 4/16/01 Section 2 Preliminary Plat approval has expired, as have the respective 12/21/98 and 3/19/01 Concept Plat approvals, per §4.0.9.

This Section 2 Concept Plat proposes only 14 lots. If approved, Section 2's proposed 14 lots, together with Section 1's 5 lots, would yield an overall Springhill proposed density of 1/5.1842 -- 19 lots on 98.501 acres. Bonus density is not an issue.

The site data notes must be modified accordingly. In addition, the vicinity sketch suggests that this is a Concept Plat for all lots: Section 1, Section 2, and the minor sub lots. As that is not accurate, the vicinity sketch delineation must also be modified accordingly.

The Section 2 acreage must be stated on the plat submitted for review by the Planning Commission. That acreage total must account for the proposed add-on, and the add-on hook must show a directional arrow.

The proposed density for Section 2 and the overall density must take into account the impact of the proposed add-on.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo asked if a boundary line survey been done. Mr. Willen replied yes.

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

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. The Natural Heritage Service indicates that bog turtles are known to occur downstream within the drainage area of the project site, and recommends that appropriate sediment and erosion control measures be taken to minimize impact.

The 100-year floodplain must be shown on the Preliminary Plat.

15% common open space is required, based upon the total acreage; 18.264 acres of common open space are proposed.

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

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Ridge and Spring Hill Roads.

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of all internal roads. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and

## TECHNICAL ADVISORY COMMITTEE 2004

street tree requirements.

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

Forest Stand Delineations (FSD) was approved on 2/9/99 and 3/15/99. FSDs are valid for a period of five years. Thus, a new FSD must be submitted or an extension of the approved FSD must be formally requested. A Preliminary Forest Conservation Plan (PFCP) was approved on 4/10/01, but its roadway and lot configurations differ from those on this Concept 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 for the bufferyard and street trees must be executed prior to recordation.

Although Lot 2 is technically not part of this submission, it details, including the FRA configuration has been included on this plat. That FRA configuration is at odds with the revised FSD that was approved on 11/1/02. This must be modified accordingly, either through a new FSD or a formal application of extension.

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 names have been approved by the County 911 Emergency Center.

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 in Sections 1 and 2 must become members.

If Amber Court and Natalie Way are proposed as private mini-roads, the mini-road maintenance associations must be established prior to recordation, with the owners of all lots accessing the mini-roads becoming members of the respective mini-road maintenance associations.

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

## TECHNICAL ADVISORY COMMITTEE 2004

protected from nuisance claims provided the conditions of Article I, § 4 are being complied with.

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

Mr. Orr stated if the issue of the bus stop is agreed to DPW would like to roll it into the PWA for the mini roads. They would like to see topo shots. Discussion continued among DPW, the Applicant and Board of Education.

There were no further comments.

**5. Alan Bowman and Art Leonard presented Perryville Middle School, Aiken Avenue (Route 222), Preliminary Site Plan, Site Resources, Inc., Seventh Election District**

Mr. Bowman stated this project consisted of modernization and additions to Perryville Middle School. The proposal consists of approximately a 9000 ft<sup>2</sup> addition to the original 92,000 ft<sup>2</sup> building as well as several site improvements having been proposed.

Mr. Leonard stated this property was comprised of approximately 35 acres. The property is shared with the elementary school. The proposed improvements include an expansion of the parking lot, separated school bus parking lot and a travel way connected to Coudon Boulevard. The travel way will take a significant amount of traffic off of Aiken Avenue. The boundary survey, FSD and JD have been completed. The site improvements will require a Federal and State application. Water quality and SWM will be provided in accordance with the current Cecil County Code. All improvements have been coordinated with the Town of Perryville. Lighting and Landscape Plan will be provided. The joint State and Federal applicant will note any impacts to the environment.

Mr. Woodhull stated CCDPW understands that this property is within the Town of Perryville and that the water and sanitary sewer mains will belong to the Town. The CCDPW recommends that the sanitary sewer mains and water distribution system be designed to meet or exceed the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations.

## TECHNICAL ADVISORY COMMITTEE 2004

We request that the Town withhold Final Plat approval until the Department has approved the SWM Plan, Road & Storm Drain Plans and the Mass and Final Grading Plan. 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The SWM submittal must include a copy of the site plan with utilities and storm drain system shown. The onsite storm drain system will be considered part of the SWM submittal and must be submitted for review.

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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 confirmed that the stream was piped, there were no relocation planned and all areas were outside of the 100-year floodplain.

The intersection of Couldon Boulevard and the proposed access road must be designed to County Road Standards. The radii for the entrance curves must be a minimum of 42 (AASHTO Guidance) to accommodate school bus turning movements. The DPW will require that an acceleration lane be provided on Couldon Boulevard. The acceleration lane can be accommodated within the existing paved shoulder requiring only the establishment of proper traffic control paint striping for this purpose.

Couldon Boulevard has a travel way consisting of two 12 wide lanes, 12 Graded Aggregate Base (GAB), 6 Base (19 mm) Hot Mix Asphalt (HMA), 2 Surface (12½ mm) HMA. Structural Number (SN) of 4.88. Shoulders consist of two 10 wide lanes. 6 GAB, 4 Base (19 mm) HMA, 1½ Surface (12½ mm) HMA. SN = 3.04.

## TECHNICAL ADVISORY COMMITTEE 2004

Section 3.07.15 of the Road Code requiring upgrade of existing County roads at new intersections will not be required for this project due to the fact that Couldon Boulevard is a new road.

An I&M Agreement will be required for all SWM facilities.

A PWA will be required for the new intersection work within the County ROW as well as the striping for the acceleration lane.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the streams or the non-tidal wetlands required a Department of Army (DOA) permit. Although a Jurisdictional Determination (JD) has been issued for the elementary school none has been issued for the middle school.

Mr. Mandras, State Highway Administration, stated when reviewing the plan he had discovered an existing access off of Route 222. Although some of comments were based on a proposed new access it is his opinion that those comments are still pertinent in addition to the school being expanded, a copy attached for reference.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated the entrance off of Couldon Boulevard will take relieve some of the traffic on Aiken Avenue. All buses will arrive and depart off of Couldon Blvd.

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

Mr. Ouano, Conectiv, stated the school s electric comes in off the right corner and the pole is owned by the school. He would like to see the pole shown on the plans. He questioned the improvements already completed off of Aiken Avenue; therefore, an impact study may have already been completed.

Mr. DiGiacomo stated there were no public comments received.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated that no comments had been received from the Perryville Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments. This site plan proposal is located 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 Preliminary Plat are as follows. The Town zoning is R-1.

It should be confirmed that all existing structures are accurately depicted.

A vehicle/pedestrian circulation plan should be developed so as to reduce pedestrian-vehicle conflicts, potentially using a combination of striping and MUTCD signage.

No street names have been provided. If any new street names are contemplated, must be approved by the County 911 Emergency Center. It is recommended that any street name approvals be obtained prior to Perryville Planning Commission review.

It should be confirmed that the setbacks, floor area ratios, and building heights are consistent with the Town's Zoning Ordinance for the R-1 zone.

It is recommended that the site plan 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.

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 any required bufferyards.

It is recommended that the Landscape Plan and the Landscape Agreement be approved and executed respectfully prior to final site plan approval.

## TECHNICAL ADVISORY COMMITTEE 2004

Cecil County and the Town of Perryville have not signed an Assigning Obligations Under the Forest Conservation Act agreement. Nevertheless, the FSD and FCP will be performed by the Office of Planning and Zoning as a courtesy to the Town, if requested.

The FSD was approved on 6/10/04.

Neither a PFCP nor an FCP have been submitted. The site is not home to any rare, threatened, or endangered species.

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.

The proposed new entrance from Coudon Boulevard is on property not owned by the Board of Education. Mr. DiGiacomo asked if this design had been prepared in a way agreeable to that property owner. Mr. Leonard stated the Board of Education was aware of the need to acquire that strip. Mr. Bowman stated they have had numerous discussions with the developer.

Given the new traffic patterns that this design will establish, it should be confirmed whether or not the Town's regulations will require a Traffic Impact Study (TIS). It is recommended that the Site Plan reflect the fact that Aiken Avenue is MD 222, not US 222.

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.

Consideration should be given to soliciting review and comment by the Perryville Volunteer Fire Company with respect to the 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.

Any required water allocation should be confirmed by the Town of Perryville prior to final approval.

## TECHNICAL ADVISORY COMMITTEE 2004

Any required sewer capacity should be confirmed by the Town of Perryville's Department of Public Works prior to final approval.

It is recommended that the site plan approval be contingent upon approval of a detailed lighting plan.

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

It is recommended that a JD be required and MDE/COA permits be obtained for wetland and stream impacts prior to site plan approval.

There were no further comments.

### **6. Tim Whittie and Jim Lambdin presented Cool Springs at Charlestown, Louisa Lane, Concept Plat, Morris & Ritchie, Associates, Inc., Fifth Election District**

Mr. Whittie stated the project was zoned SR, consisting of two parcels with a proposed use of 176 single family detached homes. A JD has been issued. Common open space and density have been met. The community will be served by County sewer. The applicant is looking at two sources of water, Charlestown or Artesian Water Company supplying their own well system, using it as a community well system. The roads will be designed at the County's standards. There will be three entrances. Two main entrances will tie in at Trinity Woods and Inspiration Wood and the second at Clemency Drive. There is a secondary entrance into Louisa Lane. Although the site plan shows a conflict with property boundaries but additional information obtained verifies the applicant has ROW to access Louisa Lane from their site.

Mr. Orr asked if the developer had approached the Town of Charlestown in regards to annexation of this site and providing water allocation. Mr. Whittie stated yes they have had a number of conversations with the Town. The Town is waiting on the Charlestown Crossing Project to move ahead before committing to this project. Density of the proposed development is obviously tied to the availability of public water. The County has no ability to provide water to this site. Therefore without annexation private wells will be required to meet this need necessitating a reduction to the proposed density.

If this site is annexed by the Town of Charlestown, the streets along with the water mains will belong to the Town. The CCDPW recommends that the roads and water distribution system be designed to meet or exceed

## TECHNICAL ADVISORY COMMITTEE 2004

the County's standards. We also recommend that the Town request that the serving fire company review fire hydrant spacing and locations. The water lines must be reflected on the sanitary sewer plans and as-builts. The sanitary sewers will be owned and maintained by Cecil County.

Prior to Preliminary Plat submittal to the Planning Commission the applicant must provide Town correspondence addressing any required water system analyses, improvements, etc

We request that the Town withhold Final Plat approval until the Department has approved the SWM plan, Sanitary Sewer plan, and the Mass and Final Grading plan. 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

The condition of Peddlers Run and its capability to handle existing flows is of concern to the CCDPW as well as the Town Of Charlestown. In particular MD Route 7 and adjacent properties located at the highway cross culvert have experienced extreme flooding. Therefore, the downstream analysis associated with Section 251-9 A. (5) of the county's SWM Ordinance will be of great importance and must address the MD Route 7 crossing as well as the MD Route 267 crossing.

The Department will require a flood zone study showing the developments impacts (pre & post). The analysis must be taken to the outfall of Peddlers Run into the Northeast River.

All SWM facilities must be located completely outside of any stream or wetlands buffers.

## TECHNICAL ADVISORY COMMITTEE 2004

The proposed routing will more than likely have an adverse impact on Wells Camp Road and Red Toad Road as traffic flows to and from MD Route 40. Therefore, the developer should anticipate off-site improvements to these two roads.

The primary access is indicated through to Louisa Lane Extended. Neither the County nor The Town of Charlestown holds title to this portion of ROW. Any required offsite ROW improvements will be at the applicants cost.

Prior to Preliminary Plat submittal to the Planning Commission the applicant must provide documentation of easement allowing access to Louisa Lane Extended from this site.

Inspiration Road and Clemency Drive are not considered, singularly, acceptable collector streets for subdivision access if no other site access is available.

The CCDPW recommends that the Town require that the road design address upgrades to the existing section of Louisa Lane Extended, Clemency Drive, and Revelation Drive to support this additional traffic loading (approx. 1760 ADT)

The main artery, which appears to be the continuation of Louisa Lane Extended, should be a minor collector street and designed to Road Code Standard R-7 (60' ROW).

On the Typical Layout for Single Family Detached Dwelling the 55' available width between BRL's is incorrect.

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

If the Town of Charlestown requires sidewalks, the CCDPW recommends that the Final Plats should include a note indicating that sidewalks maintenance will be the responsibility of the adjacent property owner.

The Department sure of the applicants intended concerning conceptual sewer routing. CCDPW strongly recommends looking at gravity sewer routing through Trinity Woods prior to preliminary review. In any case the sanitary sewer will belong to the County.

## TECHNICAL ADVISORY COMMITTEE 2004

Adequacy of the existing sewer must be identified via survey.

All cleanouts and water meter vaults must be designed to be outside of all paved or concrete areas on each lot.

An I&M Agreement will be required for all SWM facilities.

A PWA will be required for the sanitary sewers and internal streets.

If the water system is to be private a PWA will be required for a private system. If the public water is intended to be Town of Charlestown require PWAs.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the stream or adjacent wetlands required a Department of Army (DOA) permit. Any filling in the isolated wetlands requires approval from MDE. Verification was made that the JD was issued in Mr. Lambdin's name and not the project's name, Cool Springs.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval, but he did question site distance.

Ms. Latham, MDE, stated Charlestown was at 60% of their Water Appropriation Permit and had submitted an application for a substantial increase. She asked if this project had been included in the increase. Mr. Whittie replied no it had not. Ms. Latham stated this would be a good time to be included in the current application as it is in process. Should the applicant develop their own water supply they will need a Water Appropriation and Use Permit and a possible Aquifer test. Further down the line, permits to construct a water treatment and distribution system will be required. She supplied the applicant with the name and number of the MDE contract for design and construction of the community system.

Mr. Markwardt asked if the primary access to this project would be through Trinity Woods. Mr. Whittie replied right now it was being viewed as Trinity Woods. Mr. Markwardt stated he shared the same concerns as DPW in that Revelation Drive would not be suited for the amount of traffic that would be produced. The current residents are already complaining about the amount of traffic and road congestion where it comes into MD Route 7.

## TECHNICAL ADVISORY COMMITTEE 2004

Bus service will be provided internally as this development would generate too many students for the corner of Louisa Lane and Route 7. Will this project be completed in phases? Mr. Whittie replied it would be broken down into two phases. Mr. Markwardt stated an area would need to be designated, wide enough for the bus to turn around, once Phase 1 was completed. This would require either a 100' cul-de-sac or a loop road. A waiver will be required to be signed by the developer agreeing to maintain the roads (plowed, sand and salted during inclement weather) while not holding the buses responsible prior to acceptance by DPW.

Mr. Markwardt informed the applicant that initially interior bus transportation would not be provided until the roads were accepted by the County. Bus service is typically placed at street corners.

Mr. Markwardt questioned the size, price range and construction commencement of homes. Mr. Whittie replied the size would be four bedrooms, price was unknown at this time and the project would begin within 10-20 months.

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

Mr. Ouano, Conectiv, had no comments.

Mr. DiGiacomo stated there were no public comments received.

Mr. DiGiacomo reviewed a letter dated 11/1/04 to Morris & Ritchie from the Charlestown Volunteer Fire Department, a copy attached for reference.

Mr. DiGiacomo read the OPZ comments. The zoning is SR which permits a maximum base density of one (1) dwelling unit per one (1) acre or 2/1 with community facilities. This Concept Plat proposes 176 lots on 102 acres, for a proposed density of 1.725/1.

If the intended development name is Cool Springs at Charlestown, then Charlestown has been misspelled.

In Note # 2, the name Lambdin has been misspelled.

## TECHNICAL ADVISORY COMMITTEE 2004

On the plat, the word Louisa in Louisa Lane has been misspelled.

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

Areas of steep slopes are depicted in common open space, roadway rights-of-way, and portions of proposed Lots 20-25, 34-37, 42-43, 93, & 139-141.

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

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. A Jurisdictional Determination (JD) must be done prior to preliminary plat review by the Planning Commission, though Note # 12 indicates that the JD has been completed.

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

15.3 acres of common open space is required; 35.24 acres are proposed. All common open space must be labeled common open space.

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 will be recommended on at least one side of all internal roads.

Per §187.2, a bufferyard will be required to buffer adjacent M1-zoned properties.

Rows of street trees with 10 planting easements 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) 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.

## TECHNICAL ADVISORY COMMITTEE 2004

A Traffic Impact Study (TIS) will be required prior to TAC's review of the Preliminary 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.

Note #s 4 & 11 state that public water and sewer will be used, but the service providers are not identified. This site is classified as W-2 and S-2 in the Master Water and Sewer Plan. The service providers must be identified on the Preliminary Plat. The Master Water and sewer Plan must be amended to include this site classification as W-1 and S-1 prior to the Planning Commission's review of the Final Plat.

Written verification of water allocation must be provided to OPZ prior to the Planning Commission's review of the Final Plat.

Written verification of sewer capacity must be provided to OPZ prior to the Planning Commission's review of the Final Plat.

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

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

There were no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

### 7. David Dodge and Tim Whittie presented **Bayhead Shore Estates, Carpenters Point Road, Preliminary Plat, Morris & Ritchie Associates, Inc., Fifth Election District**

Mr. Whittie stated the property was presently being used as a campground. Due to the Critical Area requirements the previous submittal of 90 lots has been reduced to 74 single family detached lots with one beach club. The zoning is a combination of SR, MH, MB, LDA and EDA. The JD approval letter was issued today. TIS has been submitted with a follow up concerning access onto Carpenters Point Road, which was addressed by Traffic Concepts. Open Space requirement is 15%, 33% was provided. After meeting with OPZ the applicant is proposing 4.05 acres of impervious area within the Critical Area. The development will be served by County sewer and private water from Carpenters Point Water Company who has applied for an increase of allocation. SWM will be provided in accordance of Cecil County and MDE requirements. The project will use existing roads to access the majority of the lots.

Mr. Dodge stated there were two points of entry. Density has been reduced within the Critical Area. He addressed the public present stating the applicants had no plans in developing the river shore portion of this property. In the future, the applicants are looking at this portion being a part of the community. At present, there are no intentions of pursuing a restaurant, liquor license or of taking any of the river rights away the existing property owners.

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The CCDPW assumes that the water supply for this development will be provided by Carpenters Point Water Company. Therefore we recommend that the Planning Commission condition any approval on the water system being designed and built to meet or exceed County Standards. The water lines must be reflected on the sanitary sewer plans and as-builts.

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

## TECHNICAL ADVISORY COMMITTEE 2004

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

The DPW recommends you investigate linking the two primary onsite SWM areas with a storm drainage outfall system that directs discharge through the property to the Northeast River. If you determine that this is not feasible, be aware that you may be required to obtain offsite drainage easements for SWM discharge.

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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.

The Department recommends that a TIS be required for this development. Traffic counts taken on Carpenters Point Road indicate approximately 1,700 – 1,800 vehicles per day south of Mountain Hill Road. This development is expected to generate an ADT of as much as 740 trip ends per day.

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The requirements of Section 3.07.15 of the Road Code will be extended in this case and the developer can anticipate requirements for off-site road improvements on Carpenters Point Road from this site through the intersection with Mountain Hill Road. The applicant will be required to upgrade the road to Minor Collector Standard.

The proposed Carpenters Point Road realignment at the southwest corner is endorsed by the Department of Public Works; however, special care in design must be taken because of the existing wetlands in that area. The construction plans must show how existing driveways will be transitioned into the roadway and what will be the disposition of the existing roadbed.

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

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Sight distance measurements will be required at all driveway entrances for Lots 1-22 as well as at the Riverside Lane/Carpenters Point Road intersection and the Carpenters Point Loop/Carpenters Point Road intersection and the unnamed second access. These locations must be marked in the field. The driveway turnarounds for lots 1-22 must be reflected on the lot grading plans as requirements.

Recordation information must be shown on the plats for all existing rights of way.

## TECHNICAL ADVISORY COMMITTEE 2004

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Carpenters Point Loop ROW is now owned by the County and those plats raise some question as to the boundary of this property. It has become County ROW when the sewer main is run along it. For now the County only proposes to stone the surface after construction of the sanitary sewer therein. The Department of Public Works encourages a meeting between the applicants engineer and the sanitary sewer project engineer to ensure integration of design for the best infrastructure configuration.

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The Department recommends that the northern end of Carpenters Point Loop be paved to a width of 14' and made a one-way street, while the remainder of the loop will be a Minor/ Major Road combination.

Depending on phasing, the Department will not accept the internal roads until 80% of all the lots are complete, unless the developer includes a separate, dedicated construction entrance beyond the first phase of construction or provide a Maintenance bond of 50% of the roadway construction costs.

-

All driveways must be paved at least to the right of way and this must be so indicated on the Lot Grading Plan. The Lot grading Plan must also reflect each driveway's location and configuration.

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

All sewer service must be provided along the county road frontage of each lot.

The Department of Public Works requests that the applicant dedicate approximately 2500 square feet for a pump station at the southeast corner of the property.

Lots 11-19 would gravity flow to the County pump station proposed at the southwest corner of this development.

Mr. Woodhull asked where is the gravity sewer located on Carpenters Point Road adjacent to Lots 1-10 tied into the rest of the system. Mr. Whittie discussed this issue with Mr. Woodhull.

A Benefit Assessment as well as Connection Fees will apply for these lots.

## TECHNICAL ADVISORY COMMITTEE 2004

A PWA is required for the Roads and Storm Drains and the Sanitary Sewer. An I&M Agreement is required for SWM facilities.

Mr. Orr stated Lots 115-120 at the Riverside Recreational Resort are not shown as part of the project but prior to obtaining building permits for those lots some extension to Carpenters Point Loop Road would have to be completed. Mr. Whittie stated per the Critical Area Commission they removed those lots.

Mr. Roop of the (US Army) Corps of Engineers stated any filling or structure in the northeasterly part of the project or adjacent wetlands required a Department of Army (DOA) permit. Any filling in the isolated wetlands requires approval from MDE.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

Ms. Latham, MDE, stated that Carpenters Point Water Company has an application pending for an increase in their Water Appropriation and Use Permits in which this project is included. It is her understanding that there are some problems with low pressure in the current water system along with some aesthetic problems with the water. To increase the number of homes this may need to be addressed at some point. Mr. Dodge stated they were expecting a booster pump may be required.

Mr. Markwardt asked the applicant what his plans were for sidewalk along Carpenters Point Road. Mr. Whittie replied they were looking to keep it an open section without sidewalks. Mr. Markwardt stated they would like to see on the Carpenters Point Roadside a sidewalk system (walking trail) connecting Lots 1-7, Lots 8-16 and Lots 17-22. This would allow students to get to a central point for bus service. With the combination of existing and proposed traffic this would insure a safe means of walking for the children. Mr. DiGiacomo asked if it could be like the type recommended for Racine School Road.

Mr. Markwardt informed the applicant that initially there would be no interior bus transportation until the roads were accepted by the County. Bus service is typically placed at the corners of the streets.

Mr. Markwardt stated bus service would be provided on Carpenters Point Road. There would be no service to Carpenters Point Loop. Students will be expected to get to junctions such as Riverside and Water Road which is how it currently works in that area.

## TECHNICAL ADVISORY COMMITTEE 2004

He questioned the size, price range and construction commencement of homes. Mr. Whittie replied the price range would be in the mid to high 3's. Sizes would range from 2000 to 2400 ft<sup>2</sup>. Starting time would be 12 months.

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

Mr. Ouano, Conectiv, asked that the closest utility poles on each side of each entrance be show on the plat. The utility poles located on the lower corner and the one in the middle should also be shown.

Mr. DiGiacomo stated in the absence of a citizens representative the staff has received a number of comments which he will attempt to summarize the letters received by OPZ. The concerns of the citizens included traffic and roadway conditions. In conjunction with the roadway conditions there is a concern with the County owned ROW that is shown on the plat is not shown correctly; it is not wide enough. There is a concern with the impact on schools, fire hydrant locations, beach rights, water supply, critical area requirements, steep slopes, entrance and SWM. The concern with SWM issues includes previous flooding in this area and the two SWM areas illustrated on the map are only shown on one end. There is concern that with the absence of the SWM areas at the other end what the likely results of that might be.

Mr. DiGiacomo stated for the record there is precedent for the staff's recapitulation of these issues of concern, as was established several years ago with the Pines of Cherry Hill proposal. In addition, this has been done solely because of the input received combined with the temporary absence of a citizen representative to receive citizen's comments in conjunction with the TAC review. Two things warrant being noted. First this recapitulation must not be construed as an endorsement of any citizen comments by Cecil County Government, the Planning Commission or the Office of Planning and Zoning staff. Second inasmuch as the TAC makes no decisions the Planning Commission is the more appropriate and potentially effective venue for all citizens input, whether it be in-person testimony or submitted via fax, email or mail.

Mr. DiGiacomo read the OPZ comments. Zoning is MH, MB, SR and LDA.

This Preliminary Plat has been modified since TAC review of a similar Preliminary Plat on 9/1/04, as follows:

- The number of proposed residential lots has been reduced to 74 (was 90);
- The number of proposed Critical Area lots has been reduced to 41 (was 59);
- The resubdivision of lots 115-120 in the Riverside Recreational Resort, Inc., has been excluded;
- The connectivity of Carpenter Point Loop with Carpenter Point Road has been eliminated in favor of an unnamed road connecting to Carpenter Point Road from the proposed Riverside Lane; and
- The proposed Riverside Loop has been given a smaller footprint with a reduction in impervious cover.

## TECHNICAL ADVISORY COMMITTEE 2004

Because these modifications have resulted in no additional, proposed lots, and because the general character of the Concept Plat s layout has been maintained, this Preliminary Plat is generally consistent with the approved Concept Plat.

Density: The MH zone permits a maximum density of up to 4/1 with community facilities. This Preliminary Plat proposes 74 dwelling units on 32.22 MH-zoned acres, for a proposed density of 2.3/1.

There are also 0.38 SR-zoned acres, on which no new or re-subdivided lots are now proposed.

There are 5.17 MB-zoned acres, on which proposed Lot 75 is to remain reserved by its owner.

27.16 of the 37.77 total acres of this site are located within the Chesapeake Bay Critical Area, designated LDA. The LDA overlay zone permits a maximum density of 3.99/1. 41 lots are proposed in the LDA overlay zone, for a proposed Critical Area density of 1.51/1.

Per Note # 16, a boundary line survey has been done.

Minor Subdivision # 2602 must be referenced on the Preliminary Plat.

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

- 1) A JD being completed prior to Preliminary Plat review by the Planning Commission;
- 2) A boundary line survey being completed in conjunction with the Preliminary Plat for density calculation purposes;
- 3) The respective zoning acreages being resolved prior to the TAC s review of the Preliminary Plat;
- 4) A TIS being completed prior to the TAC s review of the Preliminary Plat;
- 5) The TIS including an assessment of the safety advisability of having lots directly accessing Carpenter Point Road;
- 6) The TIS including an assessment of the safety advisability of having the northern section of Carpenter s point Loop, from the intersection with the proposed Riverside Lane east to Carpenter s Point Road, function as a one-way street;

## TECHNICAL ADVISORY COMMITTEE 2004

- 7) Having Carpenter Point Loop connecting with Carpenter Point Road;
- 8) Variances being obtained for any lots proposed on any private roads; and
- 9) All legal arrangements for connecting the private roads to County roads being outlined at the Preliminary Plat s presentation to the TAC and Planning Commission.

The TIS has been received and is currently under review. Several questions, including the safety advisability of having lots directly accessing Carpenter Point Road were not been addressed. Subsequently, a letter concerning those issues was faxed to OPZ on 10/27/04. It is currently under review. The addressing of those questions were conditions of Concept Plat approval, so they must be satisfactorily addressed prior to the Planning Commission s review of the Preliminary Plat.

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 15 & 25% have been shown.

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. Has the JD been done?

The Natural Heritage letter indicates that the site does not contain any FIDS habitat and is not home to any rare, threatened, or endangered species.

15% common open space is required; 33% 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. Those threshold calculations have been included.

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

## TECHNICAL ADVISORY COMMITTEE 2004

20% landscaping of the development envelope is required.

Because of environmental considerations, sidewalks are not recommended.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Carpenter s Point Road. That requirement may be modified at the discretion of the Planning Commission to improve sight distances.

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

The Forest Stand Delineation (FSD) and conceptual environmental assessment have been approved. The Environmental Assessment is required for that area in the LDA zone, which is exempt from the Forest Conservation Regulations per §3.2.B.

The PFCP and Environmental Assessment 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.

All previous road names have been approved. However, the new, unnamed road connecting back to Carpenter Point Road from the proposed Riverside Lane must have a road name approval from the County 911 Emergency Center prior to the Planning Commission s review of the Preliminary Plat.

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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

The Master Water and Sewer Plan must be amended to change this site to S1 prior to Final Plat review.

Written verification of water allocation and sewer capacity must be received prior to the Planning Commission's review of the Final Plat.

If the water source is an on-site private system, then verification that the proposed water system is capable of serving these proposed lots and recreation center must be received from MDE prior to Final Plat review. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

The Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots/houses offered for sale.

In the critical area, no structure shall exceed 35' in height.

None of the dwellings are proposed within the 100-yr. floodplain.

This is a buffer exempt parcel. A note to that effect must appear on the Preliminary Plat submitted for Planning Commission review.

The topo and soils information has been included. No more than 15% of the surface area can be converted to impervious surface in the LDA.

No more than 20% of the forest or developed woodland may be removed. The area inside the Critical Area is exempt, per §3.2.B, as must be noted on the plat.

Any modifications to the existing beach club will require site plan approval.

## TECHNICAL ADVISORY COMMITTEE 2004

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

There were no further comments.

**8. Tim Whittie, Paul Scott and Bill Stritzinger presented *Aston Pointe, Jackson Hall School Road & Route 273, Preliminary Plat, Morris & Ritchie Associates, Inc., Fourth Election District***

Mr. Whittie stated this project consists of 300 residential lots with a 18 hole golf course. The total site area is 420.1 acres consisting of eight parcels. The SR zone consists of 173.16 of the golf course, 124.53 acres for Lots 1-31, 66.31 acres of open space and 432.04 acres of dedicated ROW. The BG area which is future development consists of 30.06 acres. The JD letters has been issued for this project. The TIS was submitted and letter addressing road improvements was submitted 10/1/04 from the Traffic Group to DPW. Access to the site consist of an entrance on to Route 273, Telegraph Road, an entrance on to Cat Swamp Road and two entrances on to Jackson Hall School Road. The dedicated ROWs along with necessary road improvements, per the County's request, have been supplied. Mr. Whittie stated at this time water is proposed to be provided by community roads with the possibility of tying this system into the County public water system. The sewer will be supplied by the County. There is a possibility that a pumping station may be acquired for this site. Further study will be necessary. The project meets both the open space and the density requirements for the SR zone. SWM will be provided in accordance with Cecil County and MDE. A cul-de-sac variance was submitted to DPW on 10/6/04 requesting 50' cul-de-sac in lieu of 70'. A variance for Bufferyard C, Lot 301, was submitted to the OPZ on 10/27/04. The FCP for this project will be submitted today, 10/3/04. Additional information for the county club has been provided as far as the building and parking lot locations on the plan.

Mr. Orr stated that a SWM Plan; 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW. ).

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of

## TECHNICAL ADVISORY COMMITTEE 2004

the penalty provisions therein. )

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.

If storm water discharge is directed off of the site on to adjacent properties it is the responsibility of the developer to obtain appropriate easements from the owners of the affected properties per Section 251-13 of the Cecil County Stormwater Management Ordinance.

A Dam Breach Analysis must be submitted to DPW for all existing ponds and as-builts addressing MD 378 Pond Code classification, and condition to include embankment and outfall structure stability prior to beginning SWM design. Where ponds are hazard class structures subject to the MD 378 Pond Code, existing pond embankments must be brought up to current applicable standards such as embankment materials, anti-seepage elements, conduit specifications, etc. Where existing onsite hazard class ponds cannot meet current MD 378 Pond Code requirements, they may not be used for SWM.

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The Department of Public Works has collected traffic data from tube counters as follows: Jackson Hall School Road (733 ADT, Oct 03), Barksdale Road (1547 ADT, Apr 04), Cat swamp Road (276 ADT, Oct 03), Appleton Road (5149 ADT, Nov 03), and Brewster Bridge Road (1320 ADT, Mar 04).

In light of the Department's concerns regarding the adequacy of Appleton Road, Jackson Hall School Road and Barksdale Road to handle an approximate additional 3,800 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. (3,800 Trip Ends based on 3,000 Trip Ends generated by 300 lots and 800 Trip Ends generated by the Golf Course)

These roads exhibit areas of base and surface failure, inadequate width, pavement condition, and shoulders, and poor roadside drainage. With regards to intersections, the Jackson Hall School Road/Appleton Road intersection is impacted by the proximity of existing dwellings and will prove very challenging for the developer's required improvements there.

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The Traffic Impact Study failed, in the Department's view, to adequately evaluate the existing road links (particularly, Jackson Hall School Road, Barksdale Road, Cat Swamp Road, Brewster Bridge Road, and Appleton Road) relative to AASHTO recommendations and the TIS conclusion that, Aston Pointe can be

## TECHNICAL ADVISORY COMMITTEE 2004

developed and its traffic accommodated without mitigation to the surrounding roadway network. Simply put, the Department of Public Works rejects this notion and does not recommend approval of the Preliminary Plat by the Planning Commission until the applicant has properly analyzed the roadways and intersections in comparison to AASHTO geometric recommendations and submitted a conceptual road improvements plan, approved by the Department of Public Works, that would then be developed into final construction drawings prior to submittal for Final Plat approval.

Per Section 2.7.1 of the Cecil County Subdivision Regulations the Cecil County Planning Commission may disapprove a subdivision of land if offsite road access to the proposed subdivision is hazardous or unsafe by virtue of one or more of the following:

- a. Lack of compliance with the applicable sections of the Cecil County Road Code.
- b. Poor or nonexistent sight-distances due to topography, natural vegetation, or poor road alignment; vertical and/or horizontal.
- c. Grades exceeding 10%.
- d. Width of paved road surface too narrow to allow the passing of two vehicles safely.
- e. When a proposed entrance access involves a highway under jurisdiction of State Highway Administration, the entrance intersection is subject to requirements of that agency and the overall safety of the access shall be coordinated with said agency.

A Roads Condition Survey is required prior to Preliminary Plat hearing before the Planning Commission along with a general description of the offsite Road Improvements proposed.

In lieu of a preliminary Offsite Roads Condition Survey and Roads Improvement Plan, offsite road access to the project via Jackson Hall School Road, Appleton Road, Cat Swamp Road, and Barksdale Road must be upgraded, at the Developer's expense, to meet applicable standards of the County Road Code based upon the expected ADT. The following County Road intersections shall be upgraded for lane width & turning movements as well as signage and lane delineation as required by the DPW:

- a. Appleton Road and Jackson Hall School Road.
- b. Jackson Hall School Road and Cat Swamp Road.
- c. Cat Swamp Road and Barksdale Road.
- d. Barksdale Road and Appleton Road.

The developer shall be responsible for the cost of the plan preparation (by a private consulting engineer) and shall provide offsite roads improvements plan to the above standard. All ROW acquisition required to be

## TECHNICAL ADVISORY COMMITTEE 2004

done at the developer's expense. The determination of existing offsite ROW existence and ownership on affected roads should begin now

The developer must indicate (specifically) to the Planning Commission at the Preliminary Plat hearing their acceptance of the requirement to provide road improvements as a condition of approval. This condition will address the process by which the developer intends to identify any offsite road improvements proposed, offsite road improvements plan to be submitted by the developer's consulting engineer with the onsite subdivision road plan submittals (first phase). Road improvements to be included in the PWA for the first phase applicable to the Jackson Hall School Road and Cat Swamp Road access locations. A phased improvements plan may be necessary and should be thoroughly investigated by the developer's engineer in coordination with the DPW.

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

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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.

The Department strongly recommends the use of construction entrances for the project, separate from the final entrances. The proposed entrances should be shown on the Preliminary Plat together with a phasing plan submittal to be for use in developing an outline for when internal road sections will be accepted and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held.

Access from any lot to Appleton Road, Jackson Hall School Road, Cat Swamp Road, and Barksdale Road is denied except for the proposed entrances. -

All lots must access the least major road frontage where possible. Those that cannot, as on Country Club Drive and Locharron Drive, must have driveways of sufficient design to allow turnaround capability to improve access safety for each lot. Where driveway turnarounds are the recommended solution, the final lot-grading plan must show them as mandatory.

Lots 185 and 300 must be denied access to Loch land Drive except for the southernmost 20' of lots. Lots 274 and 275 must be denied access to Loch land Drive except for the easternmost 20' of lots.

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## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Orr questioned if Parcel 37 access Jackson Hall School Road via a common drive to Parcel 38, and if so how would this project affect this? This issue must be adequately addressed prior to submitting Preliminary Plat to the Planning Commission for review. It was decided that the applicants and DWP will meet at the site to discuss this issue.

Mr. Orr stated all driveways must be paved to the ROW and this must be so indicated on the Lot Grading Plan. At the time surface hot mix is installed the developer must ensure that all d Development contains some cul-de-sacs with radii that do not conform to the Road Code Standard R-14. Therefore, a variance request, in accordance with Section 1.06 of the Road Code, to use less than the standard 75 radius has been submitted by the applicant. The Department has denied this request due to the proposal to use private wells for water supply. The current Preliminary Plat indicates that water will now be supplied by either a private water company or via a County owned system. Therefore the Department will entertain a new request for this variance.

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.

The Water distribution system design must meet County Standards and be submitted for review and approval prior to Final Plat submittal. Private water systems easements must be shown on the final plat and indicate the provider if the system is to be privately owned and maintained. The Water System provider information regarding capacity, MDE permit, and fire flow availability must be presented to the DPW and accepted prior to Final Plat.

Mr. Orr questioned the location of the wells for the water tower? Mr. Stritzinger pointed out the locations. Mr. Orr stated the Preliminary Plat must show the production Well Location(s) before being submitted for Planning Commission review.

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Currently neither the Highlands nor the Meadow View plants have excess water or sewer capacity at this location to service this development. The sewer capacity limitations at the Meadow View WWTP will be eliminated at the end of the current design-build project for the Meadow View WWTP, begun March 2004 with anticipated completion in 18 months. The Meadow View water supply has a reliable water source, in combination with United Water Delaware's long-term commitment to the County. However, the developer must extend the water and sewer mains to Aston Pointe in accordance with Department requirements. It is our understanding that the developer proposes the installation of production wells onsite which would eliminate the developments dependence on United Water of Delaware. In fact these wells may provide added capacity and fire flow pressures for this area.

## TECHNICAL ADVISORY COMMITTEE 2004

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. The baseline study of the Meadowview Plant is complete and available for review. The applicant will be responsible to update the study prior to submitting the Final Plat for Planning Commission review.

Water and sewer connection fees will be required plus a likely Benefit Assessment fee for the upgrade of the Meadow View WWTP.

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The Department will require a written statement to accompany the concept master sanitary sewer and water plan for the entire development prior to Preliminary Plat submittal for any section of the development.

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All cleanouts and water meter vaults must be designed to be outside of all paved or concrete areas on each lot.

DPW will require the expected occupancy of the proposed clubhouse as well as the projected water and sewer usage flows.

Details of the proposed wash facility will be required during the site design stage. If washing is to be conducted inside the building, design of the wash facility and effluent pretreatment may be required prior to discharge to the public gravity sewer.

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Careful consideration must be given to safety concerns with the close proximity of the gas transmission line to dwellings as well as design of water and sewer main crossings.

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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.

PWAs will be required for the proposed roads and storm drains, water lines, and sewer lines. An Inspection and Maintenance Agreement is required for SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the nontidal wetlands or stream required a Department of Army (DOA) permit. Any filling in the isolated wetlands requires approval from MDE.

## TECHNICAL ADVISORY COMMITTEE 2004

Jurisdictional Determination (JD) has been issued.

Mr. Mandras, read the State Highway Administration comments, a copy attached for reference.

Ms. Latham, MDE, stated more than one Water Appropriation Permit would be required. Public water would require a permit in addition to the construction permit. Aquifer testing would be required in addition to verify that the well sites are acceptable. There is barely enough water balance for this property during drought conditions, and, therefore, extensive analysis will be involved. What kind of yields were derived from the test. Applicant replied they were preliminary plum yields for the drilling rigs. There were three productive wells out of six, 50, 100 and 500 were the preliminary plume yields which was the extent of the testing. Ms. Latham questioned the yield from the water supply. Applicant replied 500, up at the northeastern corner.

Mr. Markwardt asked if there would be internal sidewalks. Mr. Whittie replied yes. Mr. Markwardt stated at some point and time bus service would at initially be provided at Route 273, Jackson Hall and Cat Swamp Road. It is anticipated that bus service will be provided at Country Club Drive with four to five stops generated. There will be two stops on Lockland Drive. A waiver will be required, prior to the County accepting the road, allowing access and agreeing to plowing and salting the road in the winter.

He questioned the size, price range and construction commencement of homes. Applicant replied sizes would 2500 to 3500 ft<sup>2</sup>, three phases, and three sections.

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

Mr. Ouano, Conectiv, asked that the applicant show the utility poles on both sides of each entrance. Keep in mind that locations of each peg mount transformer must be within of a paved road so that the trucks and cranes can set the transformers.

Mr. DiGiacomo stated that no additional comments had been received from the Singerly Volunteer Fire Department.

Mr. DiGiacomo stated in the temporary absence of a TAC Citizens Representative, the staff has received a significant volume of citizen input for the TAC review. The vast majority of the input has repeatedly addressed the following areas of concern:

## TECHNICAL ADVISORY COMMITTEE 2004

- Traffic relating to the increased trips that would be generated by a golf course/country club, 300 new homes, and whatever is ultimately proposed on the thirty BG-acres.
- Water Quality/Stormwater Management -- relating to the creation of significant areas of impervious cover on what now are open fields and the resultant downstream environmental implications.
- Golf Course relating to traffic generation, to the possible contamination of wells from fertilizer run-off, and to the possible conversion of the golf course to more new dwelling units at some future point.
- Water & Sewer relating conformity with the Master Water and Sewer Plan and underground water recharge issue associated with wells being used in conjunction with public sewers.
- Density relating to 300 new lots being proposed on approximately 173 acres, discounting the proposed golf course/country club.
- The BG-zoned 30 Acres relating to some of the SR-zoned proposal s spilling over onto the BG-zoned portion.
- Schools relating to potential overcrowding in schools and the revenue-negative impact of such residential development.
- Emergency Services relating to the additional burden that would be placed upon the Emergency Services Department, the Sheriff s Department, and the Singerly Volunteer Fire Company.
- Open space relating to their being too little usable common open space and/or active recreational amenities.

Mr. DiGiacomo supplied the applicants with a hardcopy of all public comments that was received.

For the record, there is precedent for the staff s recapitulation of the issues of concern (The Pines at Cherry Hill). In addition, this has been done solely because of the quantity of input received combined with the temporary absence of a Citizens Representative to receive and air citizens comments in conjunction with the TAC s review. Moreover, two things warrant being noted:

- 1) This recapitulation must not be construed as an endorsement of any citizen comments by Cecil County Government, the Planning Commission, or the Office of Planning & Zoning staff;
- 2) Inasmuch as the TAC makes no decisions, Planning Commission is the more appropriate and potentially effective venue for all citizen input, whether it be in-person testimony or submitted via fax, e-mail or mail.

The OPZ comments are zoning is SR and BG. The SR zone permits a maximum base density of one (1) dwelling unit per one (1) acre, or two (2) dwelling units per one (1) acre with community facilities. This Concept Plat proposes 302 lots on approximately 390.04 acres, for a proposed density of 1/1.29. A portion of the proposed Shadow Creek Court is still depicted in the BG-zoned portion of this site. In addition, a proposed water tank and a portion of the proposed water line are depicted in the BG zone, which specifies

## TECHNICAL ADVISORY COMMITTEE 2004

future development.

The Concept Plat, for 302 lots on 390.04 acres, was approved on 4/19/04, conditioned on:

- 1) The road names being approved prior to Preliminary Plat approval;
- 2) The estimated staging of construction being shown of the Preliminary Plat submitted for TAC review;
- 3) The PFCP s being approved prior to Preliminary Plat approval;
- 4) The sensitive areas thresholds in the common open space information being provided on the Preliminary Plat prior to TAC review;
- 5) A Sensitive Species Survey being completed prior to the TAC s review of the Preliminary Plat;
- 6) A Traffic Impact Study (TIS) being completed prior to the TAC s review of the Preliminary Plat;
- 7) The boundary line survey being completed prior to the TAC s review of the Preliminary Plat;
- 8) The Jurisdictional Determination (JD) being completed prior to Preliminary Plat approval; and
- 9) A bufferyard and setback modification being granted for the existing structure on proposed Lot 301.

On 5/20/04, the Planning Commission subsequently approved a revision to the Concept Plat that eliminated roadway connectivity to Locharron Drive in the Highlands.

On 10/18/04, the Planning Commission rescinded the requirement (condition #5 of Concept Plat approval) for a sensitive species survey for the midland sedge, as that species was declassified as rare, threatened, or endangered.

Note # 17 indicates that a boundary line survey has been done. There was no change in acreage.

This Preliminary Plat, also proposing 302 lots, is generally consistent with the approved Concept and Revised Concept Plats.

A golf course is still proposed as Lot 302. This proposed golf course can be approved as part of the proposed subdivision only if it is a private golf course, as was determined at Concept Plat review. Mr. DiGiacomo asked it was still proposed as a private golf course. Applicant replied yes.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated a Bufferyard Standard C is recommended to buffer the golf course from adjacent residential uses and to buffer the parking area.

As stated during Concept Plat reviews, if the golf course is private, then it would be considered an accessory use. As such:

- 1) a determination must be made as to ownership, and
- 2) the details of the golf course development must be approved as part of the regular subdivision process, with the Preliminary Plat including details consistent with §291 and Appendix A of the Zoning Ordinance.

Thus, the following information must be provided on the Preliminary Plat submitted for TAC review:

- construction details of the proposed golf course club house;
- the exact size and height of the proposed golf course club house with all setbacks dimensioned;
- a list of any required variances or other regulatory approvals or permits;
- details of the of the water and sewer line hook-ups to the proposed golf course club house and pool;
- the proposed locations of fire hydrants near to the proposed golf course club house;
- details of the of the water and sewer line hook-ups to the proposed golf course club maintenance office/equipment and wash pad buildings;
- details of waste removal from the proposed golf course club house, maintenance office/equipment and wash pad buildings;
- 2 contour topographic detail;
- a detailed lighting plan;
- a detailed landscape plan;
- the location, size and type of all signs, including traffic control signs;
- a detailed rendering of vehicle and pedestrian circulation plan, including motorized and non-motorized connections to the rest of the proposed development;
- restaurant and banquet facilities information;
- a detailed parking plan, and although the Ordinance and Subdivision Regulations do not specifically require handicap spaces there are no depicted and it is believed that the standard of 1-50 should be adhered to (this is not required, it merely a recommendation);

## TECHNICAL ADVISORY COMMITTEE 2004

- any outdoor storage areas being identified;
- details of the future tennis courts; and
- the section and phase numbers associated with this project.

Therefore, Note # 18's contention that these details are subject to final determination is unacceptable.

Such details are integral to the proposed development and its possible approval, and the Preliminary Plat is the last one that undergoes technical review by the TAC before possible Preliminary & Final Plat approvals by the Planning Commission. Therefore, if the Planning Commission does not have the benefit of the technical comments by the TAC for details that are either missing or have been changed on the Preliminary Plat, then the approval of a Preliminary Plat by the Planning Commission becomes problematic.

Moreover, the Planning Commission needs to review the same Preliminary Plat that the TAC has reviewed and commented on. In addition; per §4.1.22, incomplete Preliminary Plats can be returned to the applicant.

The proposed clubhouse is indicated to be 30,000 ft<sup>2</sup> on 2 stories, but the approximately 12,000 ft<sup>2</sup> building footprint does not support that.

The word wading has been misspelled and must be corrected.

The notation in the proposed clubhouse parking area indicates the 191 parking spaces are proposed; however, only 189 parking spaces have been depicted. That discrepancy must be reconciled on any subsequent plat.

The notation in the proposed maintenance office/equipment and wash pad buildings parking area indicates the 34 parking spaces are proposed; however, only 33 parking spaces have been depicted. That discrepancy must be reconciled on any subsequent plat.

In addition, the details of the Preliminary Plat must include a breakdown of the number of parking spaces required by ordinance and the number proposed.

## TECHNICAL ADVISORY COMMITTEE 2004

The unnamed access road to the proposed maintenance office/equipment and wash pad buildings crosses both the driveline of the 12<sup>th</sup> hole and a proposed cart path right-of-way. Details of the safety management proposed at this location must be included among those in the detailed vehicle and pedestrian circulation plan of the Preliminary Plat.

No slopes greater than 25% have been shown on the Preliminary Plat. 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'.

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

Where the proposed cart paths are not part of a stream or wetland crossing, they must be located outside the wetland non-disturbance buffers. This pertains to holes 11 and 14.

58.5 acres (15%) of common open space are required in the SR zone, based on 390.04 acres. This plat indicates that 60.31 (was 58.5) acres are proposed, in addition to the proposed 169-acre golf course. All common open space must be labeled as such.

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 thresholds must be included on the Preliminary Plat.

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

Sidewalks are recommended on at least one side of all internal roads in the SR zone. This proposal should include adequate sidewalks, walking/bike paths, any possible greenway linkages, as well as direct access to the BG portion. Mr. DiGiacomo asked if bike/ped facilities been depicted. Mr. Whittie replied no.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo stated Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Appleton, Cat Swamp, Jackson Hall School, and Telegraph Roads. A Bufferyard Standard C is also required to buffer the golf course from adjacent residential uses (§100.3) and to buffer the parking area (§100.4).

Per §100.4 of the Zoning Ordinance, off-street parking and loading areas, golf tees, and maintenance facilities must be screened by a Bufferyard Standard B.

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. DiGiacomo stated verification must be made that there are no contiguous operating farms. (If there are any of the contiguous properties in agricultural operation, then a Bufferyard A with a 100' setback would need to be shown on the Preliminary Plat.)

Street trees with 10' planting easements 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 wetland locations shown on the Preliminary Plat do not match those shown on the approved FSD. That must be rectified.

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).

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.

## TECHNICAL ADVISORY COMMITTEE 2004

The identity of the gas line owner must be provided on the Final and Record Plats. Mr. DiGiacomo questioned what flows through the gas line. Mr. Whittie replied it was natural gas.

Mr. DiGiacomo stated 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.

Confirmation must be received from the gas company prior to Final Plat review that all proposed roads, intersections, and the parking lot at the golf course, as well as sanitary sewer lines, water lines, and any required stormwater conveyance devices will not have any adverse impacts on the gas line within the easement.

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

A Traffic Impact Study (TIS) has been completed and is currently under review. Staff has concerns that the new design may possibly skew the trip distribution consensus reached at the original TIS scoping meeting. In addition, other concerns include the fact that the impacts of the possible full build-out potential of 30-acre BG-zoned portion of the site have not been included in the analysis, as explicitly determined to be required at the scoping meeting.

Mr. DiGiacomo asked if a copy of the plat with the new design been sent to the Newark Planning Department and DelDOT, as requested? Mr. Whittie replied no. Mr. DiGiacomo stated it must be done.

Mr. DiGiacomo stated all reviewing agencies must have completed their reviews of the TIS and concur with its methodologies, findings and recommendations prior to the Planning Commission's review of the Preliminary Plat.

Access to common open space between lots must be marked with concrete monuments. Common open space must be consistently referred to as common open spaces on all parts of all sheets of the Preliminary Plat.

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, with all lot owners becoming members.

## TECHNICAL ADVISORY COMMITTEE 2004

Active recreational amenities shown in common open space must be included in the public works agreement.

Mr. DiGiacomo confirmed that Note #14 indicates that all proposed lots will be served from community wells and from that all along with public sanitary sewers.

The water service source and appropriate details (including the number of lots proposed to be served) must be determined prior to Preliminary Plat review by the TAC.

Verification of the groundwater appropriation permit must be received prior to the Planning Commission's review of the Final Plat.

If the water source for the supplemental system is an on-site private system, then verification that the proposed water system is capable of serving all proposed lots and the golf course facilities must be received from MDE prior to Final Plat review by the Planning Commission. Documentation of all approvals for the system and the operator required by the Public Service Commission must be submitted prior to Final Plat review.

Any other PSC approvals, if necessary, to extend a water line to this property must be received prior to Final Plat approval.

The sewer and water components of the Master Water and Sewer Plan must be amended prior to Final Plat review.

If the sewer service is private, then, per §175.1, a controlling authority for community sewerage service approved by MDE shall be designated by the Board of County Commissioners. The abovementioned amendment to the Master Water and Sewer Plan must reflect the establishment of a community sewerage system service area.

Per §175.2, such a community sewerage system thus approved and constructed shall remain in private ownership of the development being serviced.

## TECHNICAL ADVISORY COMMITTEE 2004

Per §175.3, such a controlling authority thus 1)approved, 2)designated, and 3)appointed, must then operate and manage the system.

Per §175.4, the Office of Planning and Zoning, in conjunction with the Department of Public Works and the Health Department, shall develop a policy manual which will set forth procedural requirements relative to the development review process for this proposed project.

Verification of water allocation and sewer capacity 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 Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the water system and the community sewerage system is in conformance with the Master 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, or specifically-designated, lots offered for sale.

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 dry hydrants at the stormwater management ponds.

As they are attractive hazards, serious consideration should be given to protective fencing around the stormwater management facilities.

Per §4.1.22 (r), the Preliminary Plat must include the total number of lots, area of lots, density, total area and types of right-of-way dedicated, and total area of subdivision in table form.

The applicant is reminded of the Monday noon submission deadline for review by the Planning Commission this month, although not all Preliminary Plat requirements have been satisfied, the TIS is not yet satisfactory, and the site plan level of detail for the golf course still have not been included from which technical comments could have been made for Planning Commission review.

There were no further comments.

## TECHNICAL ADVISORY COMMITTEE 2004

9. Barry Montgomery and Michael Burcham presented Montgomery Springs, Lots 15-16, Razor Strap Road, Preliminary/Final Plat, McCrone, Inc, Fifth Election District

Mr. Woodhull stated a SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan, and a Mass & 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

The CCDPW has a serious concern about potential stormwater runoff form this site on the down-gradient property adjacent to the east side of Lots 15 & 16. The Lot Grading Plan as well as the SWM Plan must address how runoff from Lots 15 & 16 will be directed away from this adjacent property.

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 confirmed that water would be supplied through the Town of North East. He questioned why public water would be supplied to Lot 15 and Lot 16 would be supplied by a well. Mr. Burcham stated that they were currently under review.

Mr. Woodhull asked if the driveway for Lot 1 had been relocated as required by the previous Final Plat. Mr. Montgomery replied no. Mr. Woodhull stated that DPW intends to recommend disapproval to the Planning Commission until this issue resolved to the Departments satisfaction. Discussion between DPW and Mr.

## TECHNICAL ADVISORY COMMITTEE 2004

Montgomery continued in reference to the issue of the existing driveway to Lot 1 off of Razor Strap Road.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the perennial stream or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Mr. Markwardt stated bus service would be provided at junction of Stoney Run Creek and Razor Strap Road. He questioned the size, price range and construction commencement of homes. Mr. Montgomery replied 3-4 bedroom homes to start 1-2 years.

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

Mr. Ouano, Conectiv, had no comments.

Mr. DiGiacomo stated that the State Highway Administration had no objection to its approval.

Mr. DiGiacomo stated there were no public comments received.

Mr. DiGiacomo stated that no comments had been received from the North East Volunteer Fire Department.

Mr. DiGiacomo read the OPZ comments. The zoning was RM which permits a maximum base density of two (2) dwelling units per one (1) acre without community facilities. This Lots 15-16 Final Plat proposes 2 lots on 1.027 acres for a density of 1.95/1 for this section.

The Montgomery Springs Lots 5-14 Final Plat was approved on 11/18/96 and recorded on 4/23/04. The area involving the current subdivision to create Lots 15 and 16 is listed on the record plat as remaining lands for future development.

## TECHNICAL ADVISORY COMMITTEE 2004

Lot 16 must be denied access to Razor Strap Road. A note to that effect must appear on the plat.

The setbacks in the RM zone are as follows: front 30', rear 40', and side 10'. This correction will eliminate the need for the setback modification request mentioned under the notes.

A corner lot has two front yard and two side yards (Section 12, lot, corner ) therefore requiring Lot 16 to have a 30' setback along the Razor Strap Road boundary and the Stoney Run Creek Road boundary and a 10' setback along the remaining boundaries.

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

Water allocation for one lot must be confirmed prior to final approval.

Sewer capacity for 2 lots must be confirmed prior to final approval.

The statement to be signed by the owner to the effect that water and sewer service will be available to prior to the sale of the lots must include more detail. It should read Water service will be available to Lot 16 and sewer service will be available to Lot 15 and 16 prior to the sale of the lots.

Only one well permit is required for the proposed subdivision. The s needs to be removed from permits in the note above the water and sewer information.

No afforestation/reforestation areas appear on this plat. The Note suggesting this occurs need not appear 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 ft<sup>2</sup> or more. On slopes between 15 and 25%, good engineering practices shall be used to ensure sediment and erosion control and slope stabilization before, during and after disturbance activities.

## TECHNICAL ADVISORY COMMITTEE 2004

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 or stream impacts prior to recordation. Mr. DiGiacomo asked Mr. Roop if a JD should be required. They decided a JD would be required prior to the Planning Commission's review.

Mr. DiGiacomo stated open space requirements have been fulfilled through the Montgomery Springs 5-14 subdivision.

25% landscaping of the development envelope is required in the RM zone.

Sidewalks are recommended along Stoney Run Creek Road.

Bufferyard Standard C is required, outside the right-of-way, along the road frontages of Razor Strap Road.

Rows of street trees with 10' planting easements are required along both lot frontages on Stoney Run Creek Road. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements. In areas with community facilities, no street trees shall be planted within 20 feet of sewer laterals and cleanouts.

The FSD and PFCP were both approved on 12/7/94. The Final FCP, which takes the area encompassed by these lots into account, was approved on 1/7/97. However, because the FFCP identifies the area encompassed by these lots as lands reserved for future development by owner, a revised FFCP must be submitted. This revised FFCP must explicitly show this area as Lots 15 & 16.

FCP requirements are being fulfilled in other portions of Montgomery Springs and the note pertaining to the afforestation/reforestation being shown on this plat should be removed.

A landscape plan must be approved prior to Planning Commission review of the final plat. A landscape agreement must be executed prior to recordation.

## TECHNICAL ADVISORY COMMITTEE 2004

Lot 15 and 16 must become members of the established Homeowners Association for maintenance of common open space must be established with \$50 per recorded lot placed in escrow prior to recordation, for improvements.

A 30' road widening strip along Razor Strap Road is required to be dedicated fee simple to the Cecil County Board of County Commissioners.

The utility involved in the easement must be identified. Mr. Montgomery stated that it was a sewer easement.

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

There were no further comments.

### **10. Michael McAllister and Robert Grier presented Robert A. & Kathleen Tobin Grier, Route 272, Preliminary Plat, Michael S. McAllister, Fifth Election District**

Mr. McAllister gave a brief history of the project.

Mr. Woodhull stated that a SWM Plan and a Mass & 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. Any change to the Forest Retention, Forestation, and/or Reforestation will require a consistency review, of the SWM approval, with CCDPW. )

The Lot Grading Plan must include the standard note addressing the limits of construction. ( No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of

## TECHNICAL ADVISORY COMMITTEE 2004

the penalty provisions therein. )

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

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

Special consideration must be given to the existing swale directing onsite runoff on to the Lands of Gollehon. The Lot Grading Plan must address this issue to the Departments satisfaction.

An I&M Agreement will be required for any SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated any filling in the streams or adjacent wetlands required a Department of Army (DOA) permit. No Jurisdictional Determination (JD) has been issued.

Ms. Latham, MDE, stated that a Water Appropriation Permit would not be required.

Mr. Markwardt had no comments.

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

Mr. Ouano, Conectiv, had no comments.

Mr. DiGiacomo stated there were no public comments received.

Mr. DiGiacomo read the State Highway Administration s comments, a copy is attached for reference.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo read the OPZ comments. The zoning is NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3. This Preliminary Plat proposes 1 lot and remaining lands on 25 acres, for a proposed density of one (1) dwelling unit per 12.5 acres.

Mr. DiGiacomo asked if a boundary line survey had been completed. Mr. McAllister replied yes.

Mr. DiGiacomo noted that if the symbol for the proposed well is very similar to nodes found along the proposed lot boundary and should be made more obvious.

Thought should be given to the proximity of the proposed house and the existing kennel.

There is an inconsistency between the stated scale and the dimensional representation which must be reconciled prior to being submitted for Planning Commission review.

Mr. DiGiacomo verified that a common entrance would not be sought. Does Note #11 refers to a common entrance. Mr. McAllister replied it was a common entrance for two new lots, not including the existing driveway.

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

Mr. DiGiacomo asked if there slopes in excess of 25%; if so you will need to determine and if they must be shown on the final plat prior to Planning Commission review.

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'.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

No open space is required for this proposal.

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 MD Route 272.

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

Neither an FSD, FCP or Landscape Plan has been submitted. All three plans are required in order to create Lot 1.

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.

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 2004

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

There were no further comments.

Respectfully submitted,

Lisa A. Jones

Administrative Assistant

**December 1, 2004, 9:00 a.m.**

**Technical Advisory Committee**

**PRESENT:** Carter, DiGiacomo, Mandras, Markwardt, Moore, Orr, Roop, Woodhull and Jones

**ABSENT:** Ancel, Davis, Funk, Latham and Ouano

Mr. DiGiacomo stated that during the interim of the Citizens Representative seat being filled comments may be sent to the OPZ. No comments have been received in respect to today's meeting, with the exception of one inquiry pertaining to the Mews of Northeast Creek. Previous comments received pertaining to the Mews of Northeast Creek are on file in the OPZ and were shared with the Planning Commission members. Although public comment is not received at TAC meetings, because no decisions are being made, the public is encouraged to voice their opinions at the Planning Commission meetings, were the decisions are made. Should you be unable to attend the Planning Commission meetings, comments may be faxed, mailed or emailed to the OPZ at which time they will become part of the public record in the file and shared with the Planning Commission members.

**1. Charlie Barnett presented Dublin Woods, Irishtown Road & Old Elk Neck Road, Preliminary/Final Plat, Stephens Environmental Consulting, Inc., Fifth Election District**

Mr. Barnett stated the project received Concept Plat approval in the spring of 2004. The applicant is now seeking Preliminary/Final Plat approval. The site was previously subdivided with a minor subdivision, three lots being taken out of it. The remaining land has been subdivided into five additional lots with a new cul-de-sac which will provide access to the new lots.

Mr. Woodhull of DPW stated that a SWM Plan and a Mass and Final Grading Pan 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW.")

## TECHNICAL ADVISORY COMMITTEE 2004

The CCDPW will recommend to the Planning Commission that they disapprove Final Plat status for this project due to the lacking of required submittals. DPW has not received any SWM submittals for Final Grading and therefore preliminary would be acceptable but final would not be.

Mr. Orr stated all technical approvals, plans for the private mini road and SMW would be required prior to Planning Commission.

Mr. Woodhull stated the Lot Grading Plan must include the standard note addressing the limits of construction. ("No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein.")

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 downstream conveyance of storm water must be analyzed in accordance with Sections 251-9 A. (5) and 251-13 of the County's SWM Ordinance. The Department has concerns regarding the adequacy of the drainage ditch, along Irishtown Road, to accommodate increased flows generated from the site. Therefore, the analysis will be required even if the SWM pond is designed to control the 24-hour ten-year storm. This analysis must address the drainage ditch along Irishtown Road from Old Elk Neck Road along the developments frontage at a minimum.

The offset between the septic reserve area and the SWM pond, which is the septic reserve area for Lot 01, must meet Health department requirements and the consultant must confirm the offset with the Health Department before submitting pond design to DPW.

Mr. Woodhull questioned the source of the site topography indicated on the plat. There appear to be discrepancies between the topography shown here and that shown for this site on the Minor Subdivision plat for Constellation, LLC. The correct topography must be verified and reflected on the Final Plat, Lot Grading Plans, Road & Storm Drain Plans as well as all SWM submittals. Mr. Barnett replied that this topo was the most accurate.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated where determined necessary by the utility companies, the owner, and the designer, or DPW, utilities poles must be relocated at the owner's expense.

While the Department believes that adequate sight distance exist at the proposed access point for Dublin Way on Irishtown Road, sight distance measurements must be provided to DPW in order to establish compliance with the Cecil County Road Code. The intersection centerline must be marked in the field to allow for review.

Section 3.07.15 of the Road Code directs that Irishtown Road must be upgraded to a Minor Collector Standard for a distance of 100' either side of the point of intersection between Irishtown Road and Taurus Lane. Mr. Woodhull asked if "Taurus Lane" was correct. Mr. Barnett replied no, the correct name was Dublin Way.

Mr. Woodhull stated that any proposed private mini-road must meet the requirements spelled out in Section 2.13 of the Road Code.

The driveway location for Lot 01 indicated on this plat does not conform to the location shown on the approved plat for Constellation, LLC minor subdivision nor does it reflect Note 11. The driveway for Lot 01 was required to access Irishtown Road using the Mini-road ROW for this proposed Major Subdivision. The Final Plat submittal must reflect the approved Minor Subdivision driveway location. This lot must be denied access to Irishtown Road and be so noted on the plat.

No Road Code Variance has been requested prior to submittal of the Preliminary Plat. A PWA will be required for the Private Mini Road and storm drains. An I&M Agreement will be required for any SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated, based on the plans, no non-tidal wetlands or streams were located on the property, therefore, Department of Army (DOA) authorization is not required for any work on the property. However, any filling in the isolated wetlands in the common open space requires approval from MDE, but will not require Department of Army (DOA) authorization. A Jurisdictional Determination (JD) has not been issued under the plat name Dublin Woods.

Mr. Markwardt stated bus service would be provided at the entrance of Dublin Way and Irishtown Road. He questioned the size, price range and date of completion. Mr. Barnett replied he did not know what the price range or size would be, but construction would commence in the spring of 2005.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, there was no objection to its approval.

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

Mr. DiGiacomo read the Maryland Department of Environment comments. "A Water Appropriation and Use Permit would not be required for a subdivision of less than 10 lots."

Mr. DiGiacomo stated no comments had been received from the Fire Department.

Mr. DiGiacomo of OPZ stated the zoning was NAR which permits a maximum base density of one (1) dwelling unit per five (5) acres. Bonus density eligibility carries with it a permitted density of 1/3.

The Concept Plat, proposing five (5) lots, common open space, and a mini-road on 25.6652 acres, for a proposed density of 1/5.133, was approved on 4/19/04, conditioned on:

- 1) A boundary line survey being done for the preparation of the preliminary Plat for density calculation purposes.

This Preliminary/Final Plat is generally consistent with the approved Concept Plat.

All the Minor Subdivision lots shown on sheets 1 and 2 refer to a Note # 12. There is no such note. That must be corrected prior to the Planning Commission's review of the Preliminary/Final Plat.

As stated at the Concept Plat review, the Minor Subdivision number (#3497) for proposed Lots 1-3, or 01-03, must appear on the plat when and if approved. Reference must be made to Minor Subdivisions #280 and #3497.

The Site Data column must note that the building setback figures pertain, unless otherwise shown. In this case, per Note #1 in the Schedule of Zone Regulations of the Cecil County Zoning Ordinance, the proposed dwelling location must be shown with a 100' setback, as Irishtown Road is functionally classified as a collector road. These corrections must be made prior to the Planning Commission's review of the Preliminary/Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

This Preliminary/Final Plat notes the fee simple road widening dedication to the Board of County Commissioners in Note # 8.

Note #2 indicates that a boundary line survey has been done.

Per §4.2.13 (b) of the Cecil County Subdivision Regulations, the approval blocks must be provided in the lower left hand corner of the plat. In addition, no approval blocks have been provided on sheet 2.

Per §4.1.22 (r) of the Subdivision Regulations, a row stipulating the number of proposed lots must be added to the Site Data column.

Per §4.1.22 (I), the topographic contour lines shall be indicated 100' beyond the subdivision boundaries.

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.

As stated at Concept Plat reviews, slopes greater than 25% must be shown on the Preliminary Plat. Approved Minor Subdivision #3497 depicts different topographic contour lines than this Preliminary/Final Plat – some of which show steep slopes. One or both must be corrected therefore determining which one is correct. If it is determined that the information on the Preliminary) Plat is correct then a note should be included clarifying the correction of Minor Subdivision #3497.

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

Note # 9 is incomplete and incorrect. If it were addressing the need for an MDE-COE permit rather than a JD, then it would be more accurate.

A JD is required prior to the Planning Commission's review of the Preliminary Plat. However, per Planning Commission policy adopted on 3/20/95 and revised on 1/16/96, if the wetlands have been field-delineated and

## TECHNICAL ADVISORY COMMITTEE 2004

if all such wetlands are within the proposed forest retention areas or common open space, then a JD need not be done. Nevertheless, permits would still be required from the (US Army) Corps of Engineers and MDE for any stream impacts prior to recordation.

No common open space is required, but 1.41 acres are proposed on which to locate a proposed stormwater management facility.

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

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

No sidewalks are recommended.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along both sides of the mini road. 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 10/20/03, and the Forest Conservation Plan (FCP) was approved on 11/20/03.

Although the approved FCP shows proposed clearing on the remaining lands on which this major subdivision is now proposed, the metes and bounds of the forest retention areas shown on the FCP do not match those shown on the Preliminary/Final Plat. In addition, none of the proposed major subdivision lots are depicted on the FCP.

The Preliminary-Final Plat also shows a drainage easement and piping cutting through a forest retention area on proposed Lot 1. That is not permitted. Because of these issues, a revised FCP must be submitted and approved prior to the Planning Commission's review of the Preliminary-Final Plat.

## TECHNICAL ADVISORY COMMITTEE 2004

The 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 Taurus Lane has been approved as has the new proposed mini-road name, Dublin Way, been approved. Should this plat be submitted as a Preliminary Plat with a later changing of the name; that final plat will not come back to TAC for review. Because the plat will not come back to TAC for review EMS will not have the opportunity to approve any subsequent name. Should this happen OPZ will not recommend approval.

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

A mini-road maintenance association must be established with all lot owners accessing the proposed mini-road becoming members, consistent with Note #11. Note #11 basically states that Minor Subdivision Lot 01 will access Dublin Way or Taurus Lane. This is not what is currently depicted on the plats. Both the note and what is depicted must be made consistent.

Note #10 and the lot numbering sequence are confusing. Apparently this plat refers to Minor Subdivision Lots 1-3 as Lots 01, 02 and 03 in order to avoid having duplicate lot numbers 1-3. However, the approved Minor Subdivision #3497 designates those lots as 1, 2 and 3, not 01, 02, and 03. If the proposed numbering system is to be used, then Minor Subdivision #3497 will need to be amended accordingly prior to the Planning Commission's review of the Preliminary/Final Plat, which could be accomplished by a note.

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

Mr. Woodhull referenced the previous discussion of the driveway location of Lot 01; Lot 02 is also shown incorrectly in relation to the minor subdivision plat. The storm drain running between Lots 01 and 1, with a 15' easement must be corrected to a 20' easement which is the minimum requirement. In addition a portion of the easement is located in the forest retention area. This must be removed as easements cannot be located inside of forest retention area.

## TECHNICAL ADVISORY COMMITTEE 2004

### 2. Barry Montgomery and Michael Burcham presented **Pascot (The Lands of), Lot 5, Frenchtown Road & Cokesbury Road, Concept Plat, McCrone, Inc., Seventh Election District**

Mr. Montgomery stated this project is a four lot subdivision off of Frenchtown Road.

Mr. Burcham stated the project was Lot 5 of a previously approved minor subdivision plan. The front setbacks should have been labeled as 30' front and 40' rear under Note #3.

Mr. Woodhull of DPW stated that 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. Any change to the Forest Retention, Forestation, Reforestation will require a consistency review, of the SWM approval, with CCDPW.")

The Lot Grading Plan must include the standard note addressing the limits of construction. ("No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein.")

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.

Mr. Woodhull asked if any consideration been given as to how SWM will be addressed for this site? Mr. Burcham stated they were only looking for comments pertaining to the four lot layout at this time.

Mr. Woodhull stated 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 drainage ditch along the site's Frenchtown Road frontage to determine its ability to adequately convey runoff.

## TECHNICAL ADVISORY COMMITTEE 2004

Please discuss why a private mini-road was not considered for this development. It appears that with a reconfigured lot layout utilizing an internal access for the lots would address not only the Department's concerns but might also address concerns that the Planning Commission will have in regards to how this development meets the requirements of the Subdivision Regulations. DPW's concerns are four or two common driveways as opposed to maybe just one accessing Frenchtown Road.

Mr. Montgomery stated it reflects on some of the previous comments. A mini road would require more grading, cutting and SWM issues. While by doing it this way, it saves on some of these issues. By combining the two entrances together minimizes the local accesses. A mini road causes more complications such as a mini road association.

Mr. Woodhull advised Mr. Montgomery to be prepared to address the Planning Commission with reasons substantiating the fact that a private mini-road was not proposed and that this layout is the best solution to developing this site. DPW has a dilemma with the shared access for Lots 5a and 6, coming out at the intersection of Cokesbury and Frenchtown Roads which is not acceptable as CCDPW's Road Code Standards requires a 75' separation distance between a driveway and an intersection. Discussion between Mr. Woodhull, Mr. Montgomery and Mr. Orr followed concerning possible access changes. Mr. Woodhull stated DPW will need the site distance measurements for the driveways, regardless of where they are located. There is a 35 mph speed limit on Frenchtown/Cokesbury Roads and a 25 mph speed limit Frenchtown from the stop sign up to northwest.

Mr. Burcham asked if this was required prior to Preliminary. Mr. Woodhull replied yes prior to Preliminary and they would also like them marked in the field.

If sufficient justification exists for accessing these lots via separate driveways the Department will require that Lot 5A's access be limited to the northern most 25' of frontage on Frenchtown Road. And that Lots 6 & 7 share a joint access located at their shared property line. Lot 8's access would then be located so as to maximize sight distance in each direction.

Sight distance measurements must be provided for all driveways/access points onto Frenchtown Road and their centerlines marked in the field to allow for review.

An I&M Agreement will be required for any SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated based on the plans there were no non-tidal wetlands or streams on the property; therefore, Department of Army (DOA) authorization is not required for any work on the property. No Jurisdictional Determination (JD) has been issued under the plat name of "Pascot, Inc."

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt stated bus service would be local stops convenient access to everyone. He questioned the size, price range and construction commencement of homes. Mr. Montgomery replied 3-4 bedrooms, price range \$300,000 with construction starting in one year.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval. In addition although the property was adjacent to I-95 there will be no access permitted.

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

Mr. DiGiacomo read MDE comments, "A Water Appropriation Permit would not be required."

Mr. DiGiacomo stated no comments were received from the Fire Department.

Mr. DiGiacomo of OPZ stated the zoning was SR which permits a maximum base density of one (1) dwelling unit per one (1) acre, or 2/1 with community facilities. This Concept Plat proposes four (4) new lots on four (4) acres, for a proposed density of 1/1.

A boundary line survey must be done for the preparation of the Preliminary Plat for density calculation purposes. Minor Sub # 2375 indicates that the acreage is > 4 acres.

All 4 proposed lots exceed the recommended 3:1 length-to-width ratio contained in §7.4.2 of the Subdivision Regulations.

All 4 proposed lots are designed to directly access Frenchtown Road contrary to §'s 7.2.12.B and 7.2.12.F of the Subdivision Regulations.

Mr. DiGiacomo asked if proposed Lot 8, and a portion of proposed Lot 7, actually have road frontage. Mr. Burcham stated the strip was owned by SHA. It is his belief that CCDPW maintains Frenchtown Road in its entirety. Mr. Mandras stated SHA would have no issues with granting access.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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 major subdivisions of fewer than 10 lots.

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

Sidewalks are recommended on at least one side of all internal roads in the SR zone. In this case, no internal roads are proposed.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

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 normal setbacks in the SR zone are 30-10-40. Note #3 must reflect that on any plat submitted for Planning Commission review.

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

### **3. Donald Sutton and David Dodge presented **The Mews at Northeast Creek, Lots 1-205, Route 40 & Mechanics Valley Road, Concept Plat, McCrone, Inc., Fifth Election District****

Mr. Sutton stated this project had been before the Planning Commission several times in the past but had not received approval. The plat has been revised to include access through Ms. Mabel Futty's property. An add-on subdivision plat will be submitted once approval has been granted by the Planning Commission. The applicants now have the second access point which has been a major issue with the Planning Commission. The layout has been revised in the attempt to accommodate some of the other comments that have been made by the Planning Commission; separating a lot of the development from the railroad tracks and eliminating the crossover access to the Tract 2 parcel.

Mr. Dodge stated they have incorporated all of the previous comments and were very pleased to say that Ms. Mabel Futty is working with them in the acquisition of the land to be used for the additional access.

Mr. Burcham stated a new road, Cottage Court, which was a very small cul-de-sac had been added. All of the other roads have been approved by 911. Mr. DiGiacomo stated he would verify that 911 was aware of the

## TECHNICAL ADVISORY COMMITTEE 2004

new road.

Mr. Woodhull of DPW stated that it should be noted for the record that it was the Department understands that the Town of North East will own the water distribution system in this development. The CCDPW recommends that the water distribution system including fire hydrant locations be designed to meet or exceed the County's standards. They also recommend that the Town request the serving fire company review fire hydrant spacing and locations.

The water lines must be reflected on the sanitary sewer plans and as-builds.

A SWM Plan, Road & Storm Drain Plan, Sanitary Sewer Plan and a Mass and Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW.")

The Lot Grading Plan must include the standard note addressing the limits of construction. ("No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of the penalty provisions therein.")

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

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

Sight distance measurements must be provided to the 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

The phasing of this development will significantly impact the competency of the roadways in completed sections because of the potential for large amounts of construction traffic accessing later sections. Subsequently, a phasing plan must be submitted for use in developing a plan for when internal road sections will be accepted by the County and the magnitude of maintenance bonds that will be required as well as the time frame over which they will be held. The second entrance will greatly alleviate these issues but DPW would still like to see a phasing plan. I would be good to incorporate at least one loop for EMS and the fire department's equipment to get in and out.

All lots must front minor roads wherever possible. Lot 86 must be denied access to Vista Creek Drive and all but the eastern most 30' of Valley Vista Drive. Lot 3 must be denied access to Valley Vista Drive except for the eastern most 30' of frontage.

Lot frontage dimensions dictate that a closed section road be 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.

The Department recommends that the TIS be revised to address the existence of a second entrance into the development and how this may impact internal traffic distribution, as well as trip distribution onto Mechanics Valley Road and U. S. Route 40.

A road condition survey will be required for Mechanics Valley Road from 250' north of the entrance to the Maryland SHA owned portion of the intersection with U.S. Route 40.

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) and/or full upgrade of Mechanics Valley Road.

Mr. Woodhull asked how the applicant intended to provide for any required deceleration lane along Mechanics Valley Road. Mr. Burcham replied they would address this issue after the concept stage.

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Woodhull stated 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.

The Route 40 pump station has no more capacity and sewer allocation cannot be made until it is upgraded. Mechanics Valley LLC has executed an agreement with the Board of County Commissioners that, if successfully completed, will provide build-out capacity for the area identified by the Department as the MD Route 40 corridor. The agreement projects completion of the new station by February 2006.

The Department recommends that the Town require a PWA for the water line.

The County will require Paw's for the internal streets & storm drains and sanitary sewer work as well as an I&M Agreement for all SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated, based on the plans, any filling in the North East Creek, Little North East Creek, the intermittent or perennial streams or adjacent wetlands requires Department of Army (DOA) authorization. No Jurisdictional Determination (JD) has been issued under the name of "Mews at Northeast".

Mr. Markwardt stated internal bus service would be provided once a loop access into and through the development was built. A waiver will be required once the number of students increase. The waiver simply states, the buses will not be held responsible for any damage to the road surface caused by the weight of the buses and that someone will maintain the road in the winter. Their intent is to pick up students along Rte 40. Mr. Dodge stated the phasing would start on the Rte 40 section first. Mr. Markwardt stated then they would have to pick up off of Rte 40 but would like to gain access into the development ASAP.

Mr. Markwardt asked assuming approval when would construction commencement. Mr. Dodge replied approximately 15-18 months.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

Mr. Moore read the Health Department comments, a copy attached for reference. In addition Mr. Moore stated generally when you take land away from an existing piece of property it needs to be tested. He will look into this issue. Mr. Sutton stated the applicant would be providing the access to the water and sewer,

## TECHNICAL ADVISORY COMMITTEE 2004

although it was not shown on the plat because it was too early for them to be designed.

Mr. DiGiacomo read, MDE comments, "If public water is available, a Water Appropriation and Use Permit will not be required."

Mr. DiGiacomo read the North East Volunteer Fire Department comments, a copy attached for reference.

Mr. DiGiacomo of OPZ stated the zoning was SR which permits a maximum base density of one (1) dwelling unit per one (1) acre, or two (2) dwelling units per one (1) acre with community facilities. This Concept Plat proposes 205 lots on 171.0 acres, for a proposed density of 1.2/1.

Concept Plats for this property were previously reviewed by the TAC on 8/4/04, when it proposed 170 lots; 7/7/04, also proposing 170 lots; on 4/7/04, when it proposed 216 lots; on 12/3/03, when it proposed only 209 lots; and on 9/5/01 – when it was proposed to be annexed into the Town of North East. Those proposed projects were reviewed under the names "Valley Vista Estates" and "Winnfield," as well as "The Mews at Northeast Creek."

This layout differs from some previous ones in that the proposed Vista Creek and South Falls Drives form an interior loop road and Vista Creek Drive extends to US 40 – creating a second point on ingress and egress in addition to the one proposed on Mechanics Valley Road..

Note #14 indicates that a boundary line survey has already been completed.

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

Slopes greater than 25% must be shown again 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'.

## TECHNICAL ADVISORY COMMITTEE 2004

The Northeast Creek's floodplain and stream buffer boundaries have been poorly labeled.

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

25.65 (not 25.60) acres of common open space are required. The open space notes must be modified accordingly.

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 again be included on the Preliminary Plat.

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 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 found to be feasible.

Mr. DiGiacomo asked how safe access to the forest conservation area to the north of the CSX rail line on Tract 2 would be accomplished. Mr. Sutton replied it would be provided through the adjoining property owners.

Mr. DiGiacomo stated Tracts 2 and 3 are shown as "to be conveyed to adjoiners."

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.

## TECHNICAL ADVISORY COMMITTEE 2004

With respect to the recreation areas, if playground equipment is proposed, then it, too, must be included in the Public Works Agreement.

A notation on the plat indicates that the AT&T easement will be relocated to align with proposed roads.

20% 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 all have been approved.

Mr. DiGiacomo asked how many parking spaces are proposed for each lot. Are they proposed to be off-street? Mr. Sutton replied two lots and they would be off-street.

Mr. DiGiacomo stated Bufferyard Standard C is required, outside the right-of-way, along the frontages on Mechanics Valley Road and the Pulaski Highway. Note #17 indicates that a waiver of the Bufferyard C requirement is being requested. This relates to sight distance issues.

Rows of street trees are required with a 10' planting easement, 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) was approved 12/5/03. The site is not home to any rare, threatened, or endangered species. 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.

## TECHNICAL ADVISORY COMMITTEE 2004

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

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

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

The Master Water & Sewer Plan must be amended to include this site as W1 and S1 areas prior to the Planning Commission's review of the Final Plat.

Verifications of sewer capacity and water allocation must be obtained from the Cecil County DPW and the Town of North East, respectively, prior to Final Plat review by the Planning Commission.

The Final and Record Plats shall contain a statement signed by the Health Department approving authority; to the effect that use of the community water supply and community sewerage system is in conformance with the Master Water and Sewer Plan. The Record Plats shall also contain a statement, signed by the owner, to the effect that such facilities will be available to all lots offered for sale.

The revised TIS must be further revised to account for the subsequent increase in the number of proposed lots (to 205) and the additional access to/from US 40.

Previous comments received from the North East Fire Company expressed concerns about only one access point – now moot. In addition, there was and remains concern regarding the availability of placement of hydrants.

Fire hydrant/standpipe locations must be shown on the Preliminary Plat, and they should be consistent with DPW regulations and recommendations by the North East Volunteer Fire Company.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. Markwardt asked SHA if there would be a cut through turnaround connecting north and south Rte 40 built anywhere close to where the Mews comes back out onto Rte 40. Mr. Mandras replied not to his knowledge. Mr. Markwardt asked if someone wanting to make a turn would have to go North Main Extended. After discussion it was decided that turns could be made at the Chuck Wagon, Rogers Road, and Rte 272.

Mr. Markwardt stated internal bus stops would be placed on typical ¼ mile increment.

#### **4. Mike Estes presented Villages of Elk Neck, Section IIb, (formerly Commercial Parcel §II), Racine School Road, Preliminary/Final Plat, Northern Bay Land Planning Engineering and Surveying Corp., Fifth Election District**

Mr. Estes stated this project consisted of a 5.702 acre parcel in the Villages of Elk Neck. In 1992 §II Villages was approved, reserving a piece of land for the owners as well as the previously zoned commercial parcel. §IIa was generated from the reserved ground across Elk Neck Boulevard. Since this site has been rezoned from BG to SR the owners wish to create three residential lots, thus creating §IIb.

Mr. Woodhull of DPW stated that SWM Plan and a Mass & Final Grading Plan must be approved by the CCDPW prior to submittal for Final Plat Approval. Note 11 must be modified on the plat 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. Any change to the Forest Retention, Forestation, and Reforestation will require a consistency review, of the SWM approval, with CCDPW.”)

No submittals have been received as yet for SWM or site grading. As a result of this the CCDPW will recommend to the Planning Commission that they disapprove Final Plat status for this project due to the lacking of required submittals let alone their approval. All SWM plan approvals granted prior to the February 19, 2002 effective date of the current SWM Ordinance expire December 31, 2004. This requires that this project be designed to meet the current SWM Ordinance. The CCDPW will entertain a SWM Plan that incorporates the use of the existing SWM pond however,  $WQ_v$ ,  $Re_v$ , &  $Cp_v$  must also be addressed for this site.

The Lot Grading Plan must include the standard note addressing the limits of construction. (“No clearing or grading is permitted beyond the limits of disturbance show hereon. Any expanded clearing and/or grading in the absence of an approved revised lot grading plan may be considered non-compliance with Chapter 251 of the Cecil County Code and either or both the developer and/or builder may be subject to the enforcement of

## TECHNICAL ADVISORY COMMITTEE 2004

the penalty provisions therein.”)

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

If stormwater discharge is directed off of the site on to adjacent property it is the responsibility of the developer to obtain appropriate easements from the affected property owners per Section 251-13 of the Cecil County SWM Ordinance.

The grading for Lot 108 must address limiting runoff from this site onto the Board of Education of Cecil County's property. The SWM Plan must also reflect this requirement. Lot 108 must be denied access to Elkneck Boulevard except for the driveway access location indicated on the plat. This must be so noted on the plat and the Lot grading Plan.

An I&M Agreement will be required for any SWM facilities.

Mr. Roop of the (US Army) Corps of Engineers stated, based on the plans, there were no non-tidal wetlands or streams on the property; therefore Department of Army (DOA) authorization was not required for any work on the property. No Jurisdictional Determination (JD) has been issued under the plat name of “The Villages of Elk Neck, §IIb” or the former commercial parcel for §II. A JD for the north end of the property was issued in November 1999.

Mr. Markwardt stated students would be within walking distance of Elk Neck Elementary School. Bus service for North East Middle and High Schools would be provided at the corner of Elkneck Boulevard and Racine School Road. He questioned the size, price range and construction commencement of homes. Mr. Estes replied the price range was unknown and the size would be in keeping with the §II. Project would start in spring of 2005.

Mr. Mandras, State Highway Administration, stated the project was not on a state highway therefore, they had no objection to its approval.

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

## TECHNICAL ADVISORY COMMITTEE 2004

Mr. DiGiacomo, in behalf of the absence of a Citizen's Representative stated he had received no comments pertaining to citizens' concerns.

Mr. DiGiacomo read, MDE comments, "The existing Water Appropriation and Use Permit, CE1990G082(04) covers these lots."

Mr. DiGiacomo stated no comments were received from the Fire Department.

Mr. DiGiacomo of OPZ stated the zoning was SR which permits a maximum base density of one (1) dwelling unit per one (1) acre, or 2/1 with community facilities – which are not proposed.

§2.0 of the Cecil County Subdivision Regulations allows for a combined Preliminary/Final Plat for subdivision proposals consisting of from 1 to 5 proposed lots.

§4.0.1 provides for the elimination of a Concept Plat for projects involving fewer than 10 lots and 25 acres.

This property was recently rezoned (Case #2004-08) from BG to SR. Therefore, its acreage was not included in the SR density calculations of the Villages of Elk Neck Concept Plats, and the possible approval of these proposed lots would have no impact on the approved density of the 11/15/99 Concept Plat approval.

This Preliminary-Final Plat proposes 3 lots on 14.660 acres, for a proposed density of 1/4.89.

Mr. DiGiacomo asked if a boundary line survey been done? Mr. Estes replied yes.

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

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

## TECHNICAL ADVISORY COMMITTEE 2004

maximum distance of 160'.

A 25' buffer is required around all non-tidal wetlands and intermittent streams present. Permits are required from the (US Army) Corps of Engineers and MDE for all non-tidal wetland and stream impacts prior to recordation. 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 because fewer than 10 lots are being proposed. In addition, the 11/15/99 Concept Plat approval for the balance of the property included 20.5 acres of common open space in excess of what was required.

Note # 10 in the Data Column should refer to individual septic areas rather than sewer.

Note # 7 in the Notes table should have the "s" deleted from the word "lots."

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

Sidewalks are recommended on at least one side of Elkneck Boulevard.

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

Rows of street trees with 10' planting easements are required, outside the right-of-way, along Elkneck Boulevard. Where feasible, the natural vegetative equivalent may be used to satisfy the bufferyard and street tree requirements.

The FSD & PFCP were previous approved in conjunction with the approvals of other sections of the Villages of Elk Neck. The FCP was approved on 2/13/04 and subsequently revised on 4/8/04 – as has been noted in Note # 8 of the Notes table.

## TECHNICAL ADVISORY COMMITTEE 2004

A Landscape Plan must be approved prior to Planning Commission's review of the Preliminary-Final Plat. A Landscape Agreement must be executed prior to recordation.

1.14 acres of offsite afforestation was provided for through the inclusion of 1.14 acres of retention on Lot 7 of Racine Estates, Section 2.

The name "Elkneck Boulevard" was previously approved.

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

The owners of these proposed lots must become members of the Homeowners' Association that was established for maintenance of common open space, with \$50 per recorded lot being 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 where no further comments.

Respectfully submitted,

Lisa A. Jones

Administrative Assistant